

Appendix: Letters

Human Rights Watch Letter to the Taliban, November 7, 2021

To: Abdul Wahid Rayan:

[Adviser & Spokesperson for the Ministry of Information and Culture]

Human Rights Watch is preparing a report on detentions, alleged killings, and disappearances of former ANSF personnel since August 15. We have conducted dozens of interviews, including with some Taliban commanders and fighters, in Ghazni, Helmand, Kandahar, Kunduz, and Nangarhar, among other provinces.

We had contacted Mr. Zabihullah Mujahid, Mr. Zakir Jalali, and Mr. Sohail Shaheen about our findings but have not received a response. In this regard, I would be grateful if you could provide answers to the following questions as soon as possible (by November 22) so that we might include your responses in our report (you can send it in Pashto):

On September 21, your government announced the formation of a commission to remove from the security forces people identified as “having personal enmity, being involved in corruption, immorality, violation of people's rights, harassment, theft and robbery, or other wrongdoings.”

- Can you provide us with information on how many fighters have been disciplined by this commission and for what offenses?
- What is the procedure for investigating allegations of serious crimes, including killings, torture, and unlawful detentions?
- Is there a judicial process for determining the punishment for such crimes and if so, what is it?
- What procedure is available for people to register complaints of abusive behavior?

We are particularly concerned about reports of killings of groups of former ANP and uprising forces from Andar district, Maqur district, Gilan district, and Ab Band district of Ghazni province. Some were apparently killed in the villages of Nowghi and Isfanda on the Kandahar-Kabul highway.

Human Rights Watch is also aware of cases of detention in which the families have been unable to find their relative who has been arrested. For example:

- Ahmadullah, from Arghandab district of Kandahar province, served as one of the commanders in check posts across Kandahar city. We have received information that your forces took him into custody on October 21. As of now, no further information was available about his whereabouts.

We saw reports of the releases of a number of detained commanders from Kandahar, including Ayub Kakai, Syed Sharif Sartib, Sardar Khan, Maiwand police chief Haji Lala, Mahmood Aka, Attaullah Mama, and Haji Sab Jan. Were there any judicial proceedings held in these cases?

Abdul Raziq was an ANSF commanders fighting in Gereshk and then in Shorab. After August 15, he reportedly surrendered and was allowed to go to his home in Gereshk. We have been informed that after a few days, intelligence officials arrested him. As of now, no further information was available about his whereabouts.

We are aware that the ISKP has also continued to carry out assassinations, as have criminal, groups and possibly others with a motive against former government personnel. However, in the cases included in our report, those killed or disappeared had been first taken into custody during search operations or at checkpoints.

With regard to ISKP (also known as Daesh) could you comment on this statement by a fighter interviewed by the Washington Post: “We conduct night raids and whenever we find a Daesh member, we just kill them,” he said. “Eventually, they will be defeated.”
<https://www.washingtonpost.com/world/2021/11/02/afghanistan-kabul-attack-hospital/>

We would appreciate your response as soon as possible, but by November 22, in order to be included in the report.

Official Response from the Taliban to Human Rights Watch, November 21, 2021

Not all information in this report is accurate, the Islamic Emirate does not punish anyone without a judicial process.

Some cases of chasing or detention of some people you mentioned in your report are not based on these people's past deeds, but they are engaged in new criminal activities. Our intelligence information about these figures show that they try to create problems and plots against the new administration, they keep contacts with notorious individuals who fled the country and continue their struggles for destroying this country. Their relationships are based on a plan to ruin the new administration and the country, they are engaged in destructive activities; So, the IE [Islamic Emirate] as a responsible system must chase and arrest such individuals, take them to justice and put them in jail.

About ISKP, I can say that the threat from this group is not serious compared to the group's extensive coverage by the media.

ISKP members who are arrested [are] taken to justice and sentenced for their rebellion from the government. So, we can say that no one is punished without a court.

The views of an ordinary individual cannot represent the whole position of the IE [Islamic Emirate], so if you take comments of a person as the general position of a government, it seems illogical.

About the Cleansing Commission, the commission has great achievements, and so far, removed or arrested 755 individuals.

The Islamic Emirate's Cleansing Commission has a special procedure comprised of 12 articles which has been previously announced and shared with the media. So, the ranks cleansing process is ongoing based on the mentioned procedure.

A special court has been set up for the detainees by the cleansing commission and their cases will be investigated.

Human Rights Watch Translation of Supplemental Response from the Ranks Clearance Commission (Tasfiya Commission), November 21, 2021

The Ranks Clearance Commission (*Tasfiya* Commission) also provided the following information:

When the commission was established by the Islamic Emirate on September 21, titled “Commission on Clearing from the Ranks”, we have since started taking actions against these people in the capital and provinces and we have activated our units in the provinces and their work is going on.

The number of people who would have been removed from the list was more than 750 and those who have been reported to the list are being worked on. The procedure is that we in the provinces have set up commissions. They go into each and every district. They have created tables in units and at the centers. The units fill in the tables. They record those who acted against the rules. Then they [the commissions] investigate. After a comprehensive investigation, they included the identified persons in the lists and reported them to the center. In addition to the information collected by those commissions, we also investigate and collect information about those persons and then we send letters to the concerned commissions to remove those persons from the ranks/lines.

And for those accused of murder, torture, and illegal detention, a military court has been established by the Islamic Emirate, which has now begun its work.

And for the public, if any problem happens to them, we have numbers (hotlines) in the capital and in the provinces to report on those who go to search people’s houses, carry out raids and operations, or enter houses for any other immoral purpose, or any evil deed. We have established points of contacts for the public to easily contact us in the capital which has other branches. As well as in the provinces, we have numbers to be contacted at any time, and we hope and plan that our work will get organized with each passing day so that we can solve the problems of the people one hundred percent, God willing.

In the case of ISIS, it is the policy of the Islamic Emirate to counter those who are in a state of war or when the Mujahideen are operating and confronting them and they might be killed during the armed clash, and when a person is captured, no one is allowed to kill him

under any circumstances and such incidents will not happen. If such incidents happen, we will take the case to the Sharia court and the court will decide. We have many individuals imprisoned as people affiliated to ISIS, ours is not to kill anyone without the court's order once arrested whether they belong to ISIS or any other group.

Original Supplemental Response from the Ranks Clearance Commission (Tasfiya Commission) to Human Rights Watch, November 21, 2021

د صفونو د تصفیې د کمیسیون له لوری دا معلومات هم رالل

کله چې په یوویستم د سپتمبر باندي د اسلامي امارت لخوا د تصفیې د صفوفو په نامه باندي کوم کمیسیون جوړ شو، د یادو کسانو په وړاندې نو مور په مرکز او ولایاتو کې خپل کارونه شروع کړي دي او په ډیرو

. ولایتونو کې مور خپل تشکیل فعاله کړی ده د هغوی کارونه روان دي

هغه کسان په دغو اوصافو باندي متصف وو چې تقریباً دوی به له صغه ایستلي ول تعداد یې له اوونیم سوو 750 نه واوښت او هغه کسان چې غه لیست ته قلمداد سوي دي په هغوی باندي کار روان ده، طرزالعمل زموږ دغه ده چې مور په ولایاتو کې دغه کمیسیونونه جوړ کړي دي هغوی په ولسوالیو باندي گرځي په ډلگيو باندي او په مرکزونو باندي جدولونه مو ورته جوړ کړي هغوی جدولونه ډکوي دوی هغه کسان چې د طرزالعمل خلاف وي هغه ثبتوي بیا وروسته تحقیق کوي هر اړخیزه تحقیق نه وروسته به دوی هغه جدول کې شاملوي مرکز ته اطلاع راکوي مور د دوی د معلوماتو سره سره >نور معلومات هم کوو وروسته له هغه معلوماتو مور مکتوب ورلپرو او هغوی له صف نه خارجو

او هغه کسان چې په وژنو، شکنجو، او غیر قانوني توقیف خانو باندي متهم دي د دغو کسانو لپاره د اسلامي امارت لخوا > نظامي محکمه جوړه شوي ده چې اوس یې په کار باندي شروع کړي ده

او د خلکو لپاره که کله کوم مشکل ورته پېښیږي د هغو لپاره مور په مرکز او ولایاتو کې شمیرې لرو که څوک د چا کور ته د تلاشي لپاره ورځي یا هم د چاپي او عملیاتو او یا هم کوم بل غیر اخلاقي هدف او یا کوم ناوړه کار لپاره ورځي نو له مور سره د اړیکې لپاره ډېره اسانه لاره هم په مرکز کې چې نور ځایونه لري او هم په ولایاتو کې شمیرې لرو چې په هر وخت کې ورسره رابطه کیږي، او مور امید او پلان لرو چې زموږ کارونه منظم او ورځ په ورځ په مخ لاړ شي ترڅو چې د خلکو مشکلات سل په سل کې حل شي ان شاءالله

د داعش ډلې په مورد کې هم د اسلامي امارت دا پالیسي ده کوم کسان چې په جنګي حالاتو کې یا په داسې وخت کې چې مجاهدین عملیات کوي او دوی مقابله وکړي هغه وخت کې د دوی وژل طبیعي ده او کله چې یو کس نیول کیږي نو دوی ته په هیڅ صورت د مرګ اجازه نسته او داسې پېښې به هم نه وي شوې هغه مور شرعي محکمې ته وړاندي کوو او محکمه به خپله پریکړه کوي له مور سره ډیر کسان د داعش په نامه بنديان دي نو زموږ دا پالیسي نسته چې له محکمې نه بغیر یو څوک له نیول کېدا وروسته ووژني که هغه داعش وي او یا د بلې ډلې څخه وي