



Social Liability in Post-Regime-Change Afghanistan: The Taliban and Former Regime Supporters

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Abstract: Since the Taliban's return to power in August 2021, the movement has publicly maintained a blanket amnesty for members of the former Islamic Republic's government, armed forces, and civil service. In practice, United Nations, treaty-body, and non-governmental monitors have documented a persistent pattern of extrajudicial killing, enforced disappearance, arbitrary arrest, and torture directed at this population through 2025. This paper develops the concept of social liability, the extension of that risk to relatives, associates, witnesses, and communities connected to a targeted individual, and situates it against four adjacent bodies of thought: the law-of-armed-conflict doctrine of collective punishment, constitutional guilt-by-association jurisprudence, the comparative-historical literature on kin punishment, and the imputed-political-opinion doctrine of refugee law. It sets explicit scope conditions distinguishing centrally ordered policy from tolerated systemic practice and decentralized opportunism, tests whether the concept generalizes through comparison with post-2003 Iraq and post-2024 Syria, and closes with testable propositions for future monitoring and with implications for asylum adjudication and international accountability efforts.

Keywords: social liability, collective punishment, Afghanistan, Taliban, forced return, asylum law

INTRODUCTION

When the Taliban entered Kabul on 15 August 2021, the movement's spokesmen moved quickly to announce a general amnesty covering everyone who had served the fallen Islamic Republic, including soldiers, police, intelligence officers, judges, prosecutors, and civil servants. The amnesty was framed as a break from the reprisal killings that followed earlier changes of power in Afghanistan and as a signal to the international community that the new administration intended to govern rather than avenge. Four years on, that framing sits uneasily alongside the documented record. UN and independent monitors have continued to log killings, disappearances, detentions, and torture of people whose only apparent offense was prior service to, or association with, the previous government.

This paper uses the term social liability to describe a pattern that recurs across the reporting: risk that attaches to a person's family, sponsors, employers, or home community simply because of a relationship to someone who served the former government. A wife, brother, or adult child can face arrest, harassment, or worse because a relative served in the police, worked with international forces, or fled the country. This is a form of collective or associative punishment that sits outside, and in some ways contradicts, the individualized amnesty the Taliban announced. Understanding it matters for three audiences: humanitarian and protection actors triaging risk inside Afghanistan; asylum adjudicators and legal practitioners assessing claims from Afghans abroad; and policymakers weighing engagement with the de facto authorities. The paper proceeds in three movements. Section

2 defines social liability against four existing bodies of thought and sets out the scope conditions under which the concept is meant to apply. Sections 3 through 6 lay out the Afghan evidence in detail, covering the erosion of the 2021 amnesty, the mechanisms and forms of social liability documented inside Afghanistan, differentiated risk by prior role, and the newer risk pathway created by forced returns from Pakistan and Iran. Section 7 tests whether the concept generalizes by comparing Afghanistan to post-2003 Iraq and post-2024 Syria. The remaining sections turn to accountability, legal implications, and future research.

SOCIAL LIABILITY IN THE EXISTING LITERATURE

The term social liability is not coined by this paper. It is adopted from Shaul Gabbay's applied use of the concept across a series of studies of authoritarian and post-conflict settings, including earlier work connecting social capital and social liability specifically to Pakistan's security establishment and the Taliban, and to family and kin ties in Afghanistan and Pakistan. This paper's own topic and title extend a 2025 study Gabbay published under the same title, alongside a companion 2025 study tracing the broader transfer, absorption, and displacement of social capital in post-2021 Afghanistan. What this paper adds to that applied lineage is a formal conceptual apparatus: situating the term against four existing bodies of scholarship and doctrine that describe adjacent phenomena, and setting explicit scope conditions for when it does and does not apply. The four adjacent bodies of scholarship and doctrine are addressed in turn below.

Four Adjacent Concepts

Collective punishment is the oldest and most codified of the four. It is a prohibited practice under the law of armed conflict, specifically Article 33 of the Fourth Geneva Convention and Article 50 of the Hague Regulations, which bar sanctioning a protected population for acts it did not commit. The doctrine was built for occupying powers acting against a subjugated population during armed conflict, a field of application that sits awkwardly over a victorious domestic insurgency that has become the *de facto* government of the same territory it once fought in. Afghanistan's Taliban authorities are not an occupying power in the treaty sense, which limits how directly the collective-punishment framework can be applied to their conduct even where the underlying behavior looks similar.

Guilt by association comes from a different tradition, developed mainly in comparative constitutional law and, in the United States, First Amendment jurisprudence beginning with cases such as *De Jonge v. Oregon* [1]. It describes a state penalizing an individual for membership in a disfavored group rather than for that individual's own conduct. The doctrine is normative rather than descriptive: it identifies a category of state action as constitutionally impermissible. It offers a useful vocabulary but was not built to characterize the operational logic of a governing authority that faces no domestic judicial check of the kind the doctrine presumes.

Kin punishment is the closest historical analog. Comparative-historical scholarship on kin punishment, including Cambridge-published research on Stalinist practice [2], documents family members being detained, exiled, or executed as hostages to compel a wanted relative's surrender or to deter defection, alongside older precedents from Imperial Chinese lineage-extermination law and the Greek practice of *kataskaphê* against a traitor's

household. This scholarship shows kin punishment functioning as a deliberate instrument of state coercion, not an incidental byproduct of a manhunt, which is precisely the pattern this paper documents in Afghanistan. The classical concept is narrower than what is needed here in one respect: scope. It is defined around family members specifically, while the Afghan evidence extends to unrelated associates, employers, witnesses, and entire communities. Imputed political opinion is a doctrine of refugee and asylum law rather than a description of persecutory conduct. Since the Board of Immigration Appeals (BIA) issued its 1996 decision in *Matter of S-P-* [3], US asylum law has recognized that persecution inflicted because an authority mistakenly or reflexively attributes a political stance to someone can satisfy the refugee definition even where the person held no such opinion. A parallel line of cases treats the nuclear family itself as a particular social group; the First Circuit in *Gebremichael v. INS* [4] and the Ninth Circuit in *Sanchez-Trujillo v. INS* [5] both described family membership as among the clearest examples of a cognizable social group. This doctrine captures the legal consequence of social liability once a claim reaches an adjudicator. It does not, however, describe the mechanism by which a persecuting authority identifies and pressures relatives in the first place, which is the gap this paper's concept is meant to fill.

What Social Liability Adds

Social liability, as formalized here, denotes a condition in which a person's exposure to violence or coercion from a governing or de facto authority is a function of a documented or assumed relationship to another individual's status or conduct, made operationally possible by administrative or informational infrastructure that renders relational ties legible to the authority, and reinforced by the coercive use of relatives, associates, and witnesses as instruments of control. This definition sharpens Gabbay's earlier application of the concept to the same Afghanistan-Pakistan security context: a 2014 study examined social capital and social liability within Pakistan's Inter-Services Intelligence directorate and the Taliban's war-making network [6], a theme Gabbay revisited in a 2025 study of Pakistan's counter-terrorism posture more broadly [7], and a 2008 study examined the strength of family ties as a variable in Afghanistan and Pakistan specifically. The formal definition differs from the four concepts above in three respects. First, unlike collective punishment, it is not confined to the law of occupation and can describe informal, undeclared pressure alongside formal sanction. Second, unlike guilt by association, it is offered as an empirical description of a persecuting authority's operational logic rather than a normative claim about a constitutional violation. Third, unlike kin punishment as classically defined, it extends beyond the family to associates, employers, and communities, and unlike imputed political opinion, it describes the persecutor's mechanism rather than the adjudicator's legal category. The concept is best understood as sitting upstream of imputed-political-opinion doctrine: it is the empirical phenomenon that family-based asylum claims are built to respond to after the fact.

Scope Conditions

A concept this broad needs boundaries, because not every act of violence against a relative of a former official reflects the same underlying process. This paper distinguishes three tiers, and situates its central claim at the second.

- Tier 1, centrally ordered policy: an explicit, leadership-issued directive to target relatives as such. The available evidence does not support placing Taliban conduct at this tier; the movement's repeated public amnesty commitments point the other way, and no monitoring body reviewed for this paper has documented an internal Taliban order instructing units to target family members specifically.
- Tier 2, tolerated systemic practice: a pattern that is not formally ordered but recurs across provinces and years, is enabled by shared administrative tools such as the inherited biometric and payroll databases, and persists because the leadership has taken no visible disciplinary or investigative action against it. This is where the bulk of the evidence assembled in Sections 3 through 6 sits: repeated, multi-source documentation of family and community targeting, combined with an absence of accountability, over a period long enough to rule out a one-off aberration.
- Tier 3, decentralized or opportunistic conduct: violence, extortion, or harassment carried out by local commanders, individual intelligence officers, or unrelated criminal actors who invoke a target's former affiliation as pretext for personal, financial, or factional motives unconnected to any Taliban policy, tolerated or otherwise. Several sources reviewed here, including ACLED's own data and the UN Special Rapporteur's noted overlap between Taliban-attributed killings and attacks by the Islamic State-Khorasan Province, flag attribution problems consistent with a meaningful Tier 3 component that should not be folded into a claim about tolerated Taliban practice.

The empirical claim advanced in this paper is a Tier 2 claim: that social liability functions as a tolerated, structurally enabled pattern rather than a declared policy, and that the evidence for tolerance rests on recurrence, administrative enablement, and the absence of internal accountability rather than on any documented order. Future data collection on this subject would benefit from coding incidents by tier where the evidence allows, rather than aggregating centrally directed, tolerated, and opportunistic violence into a single undifferentiated count.

THE 2021 AMNESTY AND ITS EROSION

The Taliban's amnesty commitment was reiterated multiple times after the takeover, including in statements addressed specifically to former security force members. Successive reports to the UN Human Rights Council have noted that the Taliban has not generally publicized any effort to investigate or discipline their own personnel for violations of that commitment, even as evidence of killings and disappearances of former officials accumulated.

UNAMA's first comprehensive accounting [8], covering the takeover through 30 June 2023, documented more than 800 cases of arbitrary killing, arrest, detention, torture, and enforced disappearance of former government and security officials, including over 200 extrajudicial killings, more than 424 arbitrary arrests and detentions, and more than 144 instances of torture or ill-treatment [9]. UNAMA characterized accountability efforts for these violations as extremely limited and described impunity as prevailing across the country. Human Rights Watch's parallel research on the same period found that several hundred members of the former government's security forces had been victims of

extrajudicial killing or enforced disappearance, with the toll continuing to rise through 2023 [10]. The pattern did not stop once the initial post-takeover period passed. UNAMA's quarterly monitoring for the first half of 2024 recorded 98 cases of arbitrary arrest or detention and 20 instances of torture or ill-treatment of former government officials or security personnel, alongside 9 killings of former security force members. Independent monitoring by the Afghan human rights organization Rawadari, drawing on interviews and documentary evidence gathered across some 30 provinces, recorded 83 former officials killed or wounded in targeted or extrajudicial attacks in 2023 and 91 in 2024, figures broadly consistent with the UNAMA trend [11, 12]. The UN Special Rapporteur on the situation of human rights in Afghanistan, Richard Bennett, reported to the General Assembly in late 2025 that ill-treatment and disappearances of former government and security force members were continuing alongside a documented rise in corporal punishment more broadly, and warned against treating the situation as having normalized [13].

Independent conflict-monitoring data corroborates the UN and Rawadari figures and frames the violence in explicitly collective terms. The Armed Conflict Location and Event Data Project (ACLED) found that former government and security officials were the most targeted civilian category tracked in Afghanistan in the two years following the takeover, recording more than 400 acts of violence against this group between August 2021 and June 2023, of which 290 were directly attributed to the Taliban [14]. ACLED's analysis explicitly characterizes part of this campaign as collective punishment, noting that the Taliban has also targeted entire communities in areas where armed resistance has emerged, independent of whether individual residents had any personal role in that resistance.

FROM INDIVIDUAL TARGETING TO SOCIAL LIABILITY IN AFGHANISTAN

The evidence reviewed above shows that former officials themselves remain at risk years after the amnesty was declared. A distinct and, for protection purposes, equally important finding running through the same body of reporting is that risk is not confined to the individual who served the former government. Relatives, witnesses, and even entire communities can be drawn into the consequences of someone else's prior affiliation. This section treats that dynamic, social liability, as the paper's central concern, and examines the mechanisms that produce it, the forms it takes, and the evidence that it functions as a deliberate instrument of control rather than an incidental byproduct of individual targeting.

Data and Surveillance Infrastructure as an Enabler

The Taliban inherited an unusually rich set of digital identity systems built over two decades of international support to the Afghan state [15, 16]. The Afghan Personnel and Pay System, created to curb payroll fraud in the army and police, held records on hundreds of thousands of security personnel going back decades, including birth dates, phone numbers, home addresses, and the names of relatives. A separate biometric database built to vet recruits and screen for insurgents grew to hold millions of records covering both security personnel and ordinary civilians. Human Rights Watch's 2022 investigation found credible indications that the Taliban had already drawn on these systems in specific cases, including the arrest of a judge identified through fingerprint data while he was trying to renew his passport [17].

Analysts who have examined the security implications of this inherited infrastructure conclude that it gives the Taliban a durable tool for locating not just former officials but their extended networks [18], since the payroll and biometric systems recorded family relationships as a matter of course. Field reporting from country-of-origin researchers describes house-to-house searches, passport-office arrests, and the targeting of children of former officials and civil society figures at their schools [19], patterns consistent with an apparatus that can move from an individual record to that person's household. This data infrastructure functions as a force multiplier for social liability: it converts a single administrative record into a map of an entire family or network.

Family Members as Substitute Targets

A dedicated review of country-of-origin evidence found that family members of former government officials can face harassment, arrest, and in some documented instances killing [19], extending to wives, children, and siblings of former security officials as well as siblings of former civilian employees. The same review identified cases in which relatives were detained or killed together with a former official, and noted that this targeting has often intensified specifically once the primary target had already left the country or gone into hiding, indicating that family members can become a substitute object of pressure once the person the Taliban is seeking is out of reach.

This pattern was visible from the earliest weeks of Taliban rule. In September 2021, the then UN High Commissioner for Human Rights told the Human Rights Council that her office had received credible allegations of reprisal killings of former Afghan security personnel [20] together with reports of former officials and their relatives being arbitrarily detained, with some later found dead, and described house-to-house searches for former officials and people who had cooperated with international forces occurring in at least half a dozen cities. UNAMA's 2023 reporting reflected the same dynamic on a larger scale [8]: it recorded accounts from family members whose relatives had been arrested or gone missing, with bodies in some cases recovered days or months later, and other individuals never found. The 2023 and 2025 situation reports published by Rawadari [11] add a more coercive layer to the picture: family members are targeted alongside a wanted relative, and they are also used to suppress reporting of abuses that have already occurred. Rawadari documented that Taliban authorities have directly threatened victims' family members, relatives, and eyewitnesses to prevent them from sharing information about torture, enforced disappearance, and extrajudicial killings with media or human rights organizations, and in some cases pressured families to give false or misleading accounts of a relative's death to conceal Taliban responsibility. Family members become instruments of the Taliban's own impunity, in addition to being collateral victims of a search for someone else.

Gendered Social Liability: Male Relatives Held Responsible for Women

A distinct strand of social liability runs through gender policy. The US State Department's 2024 human rights report on Afghanistan documented that the Taliban has held male family members responsible for the actions of female relatives [21], including for criticism of the group, effectively making a woman's male guardians answerable for conduct that is itself criminalized only because of her gender. Human Rights Watch's reporting on the 2023

women's protest movement documented a parallel pattern in the opposite direction [10]: when Taliban security forces detained female protesters, including well-known activists such as Neda Parwani and Zholia Parsi, family members of the detained women were in some cases also detained, and both the women and their relatives were subjected to torture while in custody. Security analysts examining the Taliban's inherited biometric systems have separately noted that records showing a woman's marital status and family ties could reinforce this dynamic [18] by giving the Taliban a ready-made list of male relatives to pressure. Together, these findings show social liability operating bidirectionally within the same family unit, with risk flowing from women to men and from men to women depending on who the primary target is.

Community-Level Collective Punishment

Social liability is not confined to nuclear families. ACLED's mapping of Taliban violence found that in provinces where armed resistance groups such as the National Resistance Front have operated [14], the Taliban has at times responded with punitive measures directed at local communities as a whole rather than at identified fighters, a pattern its analysts categorize explicitly as collective punishment. This community-level dimension suggests that the logic of social liability documented within families, that proximity or relationship to a targeted person or group can itself generate risk, extends upward to the level of villages and districts perceived as sympathetic to resistance activity or to the former government more broadly.

DIFFERENTIATED RISK BY PRIOR ROLE

Not all former affiliations carry equal risk, and the reporting distinguishes several overlapping groups.

- Military, police, and intelligence personnel of the former Afghan National Defense and Security Forces (ANDSF), including the National Directorate of Security (NDS), appear most frequently in killing and disappearance statistics.
- Judges and prosecutors, particularly those who handled cases against Taliban members, have been tracked down using occupational and biometric data even years after the takeover.
- Interpreters and contractors who worked directly with international military forces are described in the literature as facing particular danger, reflecting a view within the Taliban that cooperation with foreign forces was a serious betrayal.
- Journalists and civil society figures, including human rights defenders, have faced arbitrary detention, interrogation, and physical abuse for reporting or advocacy seen as critical of the Taliban.
- Women who served in the former government or security forces face a compounded risk that layers the general restrictions on women with reprisal for their prior public role.
- Ethnic and religious minorities, particularly Hazara communities, face targeted violence that the record treats as a partly distinct but overlapping problem from the treatment of former officials specifically.

The UN Special Rapporteur on the situation of human rights in Afghanistan has attributed a broader pattern of killings, spanning human rights defenders, lawyers, prosecutors, judges, students, teachers, and police officers, to a combination of Taliban institutional practice and attacks by the Islamic State-Khorasan Province [13], complicating efforts to attribute every incident to a single actor even as the cumulative toll on this population has been severe.

FORCED RETURNEES: A NEWER RISK PATHWAY

Since 2023, Pakistan and Iran have carried out large-scale forced returns of Afghans, a policy that has intersected directly with the social-liability dynamic. A joint 2025 report by UNAMA and the UN Human Rights Office documented [22] that people involuntarily returned to Afghanistan who were affiliated with the former government or its security forces, along with women and girls, media workers, and civil society figures, faced a distinctly elevated risk of torture, arbitrary arrest, and threats to personal safety upon return. Interviewees described going into hiding immediately after crossing back into Afghanistan, despite the Taliban's public amnesty commitment, because they judged the declared policy to be unreliable protection against local reprisal. Rawadari's 2025 situation report [11] separately recorded a sharp rise in arbitrary detentions nationally, to at least 2,559 cases, nearly triple the 2024 figure, and at least 66 enforced disappearances, more than double the number recorded in 2023, cautioning that growing restrictions on independent information-gathering may mean the true scale of both trends is understated. A related, non-violent version of returnee vulnerability has been documented just across the region: Gabbay's 2025 study of Jordan found [23] that the patronage networks meant to protect returning migrants during crises frequently failed to do so, leaving returnees exposed in ways structurally similar to the forced-return risk documented here for Afghanistan even without the same pattern of political reprisal.

COMPARATIVE CASES: DOES THE CONCEPT TRAVEL?

A concept advanced from a single case risks being a description rather than a contribution. This section tests whether social liability, as defined in Section 2, illuminates two other post-regime-change settings: Iraq after 2003 and Syria after the fall of the Assad government in December 2024. Table 1 summarizes the comparison before the case-by-case discussion that follows.

Table 1: Social liability across three post-regime-change transitions

Dimension	Afghanistan, 2021 to present	Iraq, 2003 to present	Syria, 2024 to 2025
Trigger event	Taliban takeover, 15 Aug. 2021	Coalition invasion and CPA Order 1, May 2003	Collapse of the Assad government, Dec. 2024
Declared central policy	General amnesty for former officials	Formal vetting process with a stated legal basis	Transitional justice authority; public pledge to punish perpetrators
Primary individual targets	Former ANDSF, NDS, judges, prosecutors	Baath Party members in public employment	Former military/security personnel of the Assad government

Dominant mechanism	Extrajudicial killing, disappearance, arrest, torture	Administrative dismissal and occupational exclusion	Extrajudicial and sectarian killings
Extension beyond the individual	Family members, witnesses, local communities	Families and dependents losing livelihood and status	Alawite community treated as collectively responsible
Documented gap vs. declared policy	Yes. UNAMA, Rawadari, and ACLED data through 2025.	Yes. ICTJ and MEI research finds due-process failures.	Yes. HRW and Amnesty research finds practice outran stated policy.
Scope tier (Section 2.3)	Tier 2 (tolerated systemic practice)	Tier 1/2 mixed (formal policy, applied without due process)	Tier 2/3 mixed (tolerated plus opportunistic sectarian violence)

Iraq: De-Baathification as Institutional Social Liability

The Coalition Provisional Authority (CPA) issued a de-Baathification order in May 2003 that excluded senior members of Saddam Hussein's Baath Party from public employment. Analysis by the International Center for Transitional Justice (ICTJ) found [24] that the process operated on a presumption of guilt that was collective in nature, and that its effects reverberated beyond the dismissed individuals to their families, friends, and communities, who lost livelihoods and status as a result of a relative's or associate's party membership rather than their own conduct. Research from the Project on Middle East Political Science (POMEPS) on the province of Salah ad-Din found [25] that by 2006 the policy had idled hundreds of teachers, health professionals, judges, and police officers in a single province, and analysis from the Middle East Institute (MEI) linked this scale of economic exclusion to the deepening of Sunni-Shia cleavages that helped feed the insurgency that followed [26]. Iraq is a useful comparator precisely because its version of social liability operated mainly through administrative and economic channels rather than physical violence, showing that the concept need not be limited to killing or detention: an occupational or economic sanction applied to an entire ascriptive category, and felt by dependents who had no personal involvement in the sanctioned conduct, fits the same underlying structure. Iraq is also the one country in this comparison where Gabbay had already applied the social-liability concept directly, in a 2023 study of social capital and social liability in Iraq, making this section as much a return to an earlier case as an extension into a new one.

Syria: Violent Social Liability After the Assad Collapse

Syria offers a closer and contemporaneous analog to the Afghan case. Following the Assad government's collapse in early December 2024, the Syrian Justice and Accountability Center (SJAC) documented [27] a pattern of revenge killings targeting men affiliated with the former government's military or security forces across the country, even as the new interim authorities announced a transitional justice process. That individual-level targeting escalated in March 2025 into a much larger campaign of violence against the Alawite minority as a whole, the sect to which the Assad family belonged. Human Rights Watch's investigation into the coastal killings [28] and a corroborating Amnesty International inquiry [29] both documented mass killings of Alawite civilians in Latakia, Tartus, and surrounding areas, with independent estimates of the death toll ranging into the thousands. Commentary on the killings has described Alawites as being treated as a pre-accused collective bearing responsibility for a regime that claimed to rule in their name, language that maps closely

onto this paper's definition of social liability extended from the family level to an entire confessional community. As in Afghanistan, Syria's interim president publicly committed [30] to punishing perpetrators and stood up a transitional justice body, yet the ground-level pattern diverged sharply from that declared policy, a gap consistent with the Tier 2 scope condition set out in Section 2.3 rather than a centrally ordered campaign.

What the Comparison Shows

Across three transitions that differ in geography, ideology, and the identity of the incoming authority, a common structure recurs: a change of power generates punitive measures that expand outward from individually targeted former officials to their families, occupational categories, or ascriptive communities, and in each case the incoming authority's declared policy of restraint or due process diverges from a documented pattern of practice on the ground. This supports treating social liability as a general feature of post-conflict and regime-change environments rather than a feature specific to Taliban governance, while the Iraq case in particular shows that the same underlying structure can be implemented through administrative exclusion as readily as through violence.

INTERNATIONAL RESPONSE AND ACCOUNTABILITY

Formal accountability mechanisms have moved slowly relative to the pace of documented abuse, though 2025 brought a significant development. On 8 July 2025, Pre-Trial Chamber II of the International Criminal Court issued arrest warrants [31] for Taliban Supreme Leader Haibatullah Akhundzada and Chief Justice Abdul Hakim Haqqani, finding reasonable grounds to believe both men bore responsibility for the crime against humanity of persecution on gender grounds against women and girls and on political grounds against those perceived as allies of women and girls. The warrants, sought by the Office of the Prosecutor in January 2025, cover conduct from the takeover through at least January 2025 and mark the first ICC arrest warrants issued in the Afghanistan situation. The Taliban rejected the court's jurisdiction and announced its withdrawal from engagement with the Rome Statute process. The ICC warrants are oriented specifically toward the gender-persecution case, which has clearer international legal traction than the broader pattern of killing and torture of former officials and their relatives. They have not produced a dedicated accountability track for the narrower question addressed in this paper: whether harassment, detention, or violence against relatives of former officials constitutes a distinct and prosecutable pattern of collective punishment. Building that evidentiary record would require the kind of family-level case tracking that Rawadari and ACLED have already begun, but which UN monitoring bodies have applied inconsistently across reporting periods.

IMPLICATIONS FOR PROTECTION AND ASYLUM LAW

The social-liability pattern documented here matters directly to refugee status determination. International refugee law protects people who face persecution on account of specific grounds, including membership in a particular social group, and family units connected to a targeted individual have long been recognized in some jurisdictions as capable of constituting such a group. The evidence reviewed in this paper, showing that

Taliban authorities and their informal networks have detained, harassed, or killed relatives of former officials independent of those relatives' own conduct, supports assessing derivative or associational risk as a genuine and documented protection concern rather than a speculative one. This framing follows a line of applied asylum scholarship Gabbay has developed with David M. Gillespie, which argued in 2022 for treating interfaith couples in Iraq as a persecuted particular social group and, in a companion paper the same year, examined the U.S. asylum and deportation questions facing stateless Palestinians; both illustrate the same social-group and imputed-characteristic reasoning applied here to relatives of former Afghan officials.

For adjudicators, three practical implications follow. First, the existence of the 2021 amnesty should not be treated as dispositive evidence of safety, given the sustained UNAMA record of violations against the very population it was meant to cover. Second, risk assessments for family members of former officials should be conducted independently of the primary claimant's own risk profile, since the record shows family members can be targeted as a substitute once the primary target is unreachable. Third, the forced-return context adds urgency: people removed to Afghanistan from Pakistan or Iran who fall into any of the risk categories described in Section 5, or who are relatives of someone who does, face a materially elevated and well-documented risk on return.

PROPOSITIONS FOR FUTURE RESEARCH AND MONITORING

If social liability functions as described in Sections 2 and 4, several specific and checkable patterns should show up in future case data. These are offered as propositions rather than settled findings.

- P1: Relatives of a former official should face measurably higher rates of arrest, harassment, or violence in cases where the primary target has fled, gone into hiding, or died, compared to cases where the primary target remains locally present or in custody, consistent with a substitution logic rather than random reprisal.
- P2: Provinces and periods with more consolidated Taliban administrative control should show comparatively more restrained treatment of mere relatives, while contested or under-governed areas should show higher rates of family and community targeting, a testable way to separate Tier 2 tolerated practice from Tier 3 opportunistic conduct.
- P3: Expansions in the use of the inherited biometric and payroll databases, such as new checkpoints or renewed passport and ID processing, should be followed by measurable spikes in arrests of individuals whose family record is flagged, mirroring the passport-office pattern already documented.
- P4: Pressure on families to stay silent or misrepresent a relative's fate should be more frequent in cases attracting international media or human-rights attention, consistent with family coercion being used strategically to manage reputational exposure rather than incidentally.
- P5: Following the structural pattern identified in the Iraq and Syria comparisons, communities perceived as demographically or historically aligned with the former government should show elevated collective-level restriction or violence

independent of the individual conduct of their members, a pattern the ACLED data already suggests at the district level and that further disaggregation could confirm or disconfirm.

None of these propositions can be fully tested on the data assembled for this paper, which is aggregated at the national or provincial level in most sources. Testing them would require case-level datasets that record, for each incident, the status of any related primary target, the administrative process that generated the encounter, and the geographic control context, a level of disaggregation that monitoring organizations have not consistently published to date.

A NOTE ON METHOD AND SOURCING

One clarification belongs here before the rest of this note. The term social liability itself is not new to this paper; it is adopted from Shaul Gabbay's applied use of the concept in earlier peer-reviewed and conference-presented work, including studies specific to Pakistan, the Taliban, family ties in Afghanistan and Pakistan, Iraq, and Jordanian returnees, cited throughout this paper. This paper's contribution is the formal conceptual apparatus built around that applied usage, not the coinage of the term, and the reference list distinguishes that applied scholarly lineage from the monitoring-body sources described below.

Most of the empirical material in this paper comes from United Nations monitoring bodies, human rights organizations such as Human Rights Watch, Amnesty International, Rawadari, and the Syrian Justice and Accountability Center, the conflict-event dataset maintained by ACLED, and government human rights reporting, rather than from peer-reviewed academic studies. This reflects the current state of the field rather than a choice to prefer non-scholarly sources: independent academic fieldwork inside Afghanistan and, more recently, Syria has been severely constrained by access restrictions since each government fell, and the most systematically coded, multi-source-corroborated data currently available on these patterns comes from conflict-monitoring and human-rights documentation organizations whose methodologies, structured interviews, multiple independent sourcing, and standardized incident coding, approximate scholarly standards even without formal peer review. Where the paper's conceptual apparatus could draw on peer-reviewed or citable legal scholarship, it has done so: the kin-punishment literature in Section 2.1 comes from a peer-reviewed comparative-historical journal, and the imputed-political-opinion discussion rests on published appellate case law rather than advocacy summaries. The Afghanistan-specific empirical claims in Sections 3 through 6, however, should be read as resting on the best currently available monitoring data rather than on peer-reviewed field research, and the propositions in Section 10 are offered partly in the hope of prompting the kind of disaggregated, replicable data collection that would let future scholarship test them more rigorously.

CONCLUSION

Four years after the Taliban's declared general amnesty, the population it was meant to protect, former officials, judges, security personnel, and their families, continues to appear in UN, ACLED, and Rawadari casualty and detention statistics through 2025. The persistence of this pattern, combined with the Taliban's inherited capacity to trace family and

associational networks through biometric and payroll data, has produced a protection risk that extends well beyond the individual who served the former government. The evidence reviewed here indicates that social liability is not incidental: family members are targeted as substitutes when a primary target is unreachable, pressured into silence as witnesses, held responsible across gender lines for a relative's conduct, and in some documented instances subjected to community-level collective punishment.

Placed against collective punishment, guilt by association, kin punishment, and imputed political opinion, social liability contributes a description of the persecutor's operational logic that none of the four existing concepts fully supplies on its own, while the Tier 1 through Tier 3 scope conditions set out in Section 2.3 keep that description from overreaching into an unsupported claim of centrally ordered policy. The Iraq and Syria comparisons suggest the pattern is not idiosyncratic to Taliban rule but a recurring feature of post-regime-change environments, taking administrative form in one case and violent form in the other two. Addressing the underlying problem will require sustained, disaggregated monitoring that tracks family-level and community-level cases as consistently as it tracks individual ones and that is granular enough to test the propositions in Section 10, and it will require asylum systems and international accountability mechanisms to treat associational, collective-punishment-style risk as a distinct category deserving of its own evidentiary attention rather than an afterthought to the individual case.

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Note: This paper draws on secondary compilations of UNAMA, OHCHR, HRW, ACLED, Rawadari, SJAC, US State Department, ICC, EUAA, and appellate case-law reporting, limited to data and sources through calendar year 2025. Casualty and case figures reflect what monitoring bodies were able to document and verify; underreporting is likely given restrictions on independent monitoring inside Afghanistan and Syria alike. Gabbay's own reference entries above are limited to his peer-reviewed journal publications; his conference presentations and other works listed in his CV are cited in-text where relevant but are not separately listed here.