



***The American War in Afghanistan Concluded
Precisely as it had begun, but the Outcome
was War Crime***

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ABSTRACT

War crimes are described as acts that gravely violate the Geneva Conventions, Additional Protocol I, and Additional Protocol II, as well as the rules and conventions of war established by the Hague Conventions of 1899 and 1907. Although the occupying power should be bound by several provisions of the 1949 Fourth Geneva Convention as long as "such Power exercises the functions of government in such territory," the protection of civilians and prisoners of war during military occupation is extended for a year after the end of hostilities, even in the case where there is no armed resistance. This article includes a concise overview of incidents where war crimes are alleged to have taken place, including the summary execution of enemy combatants who have been captured, abuse of detainees during interrogation, the use of torture, violence against civilians and non-combatants, and the needless destruction of civilian property.

Keywords. War Crime, Afghanistan war, US withdrawal, NATO and the UN Security Council

PROLOGUE

From 2001 until 2021, there was a military struggle called the War in Afghanistan.¹ After the

Taliban-run Islamic Emirate was overthrown and the internationally recognised Islamic Republic was established three years later, it all started when an international military coalition led by the United States invaded Afghanistan.² The Taliban offensive in 2021,³ which destroyed the Islamic Republic and reinstated the Islamic Emirate, marked the end of the conflict. It was the war that lasted the longest in American military history, beating even the Vietnam War (1955– 1975) by almost six months.⁴ The humanitarian catastrophe affecting the people of Afghanistan is getting worse due to the effects of sanctions and the suspension of governmental assets. Which is great violation of human rights,⁵ approximately 20 million people are currently suffering from severe hunger, according to the UN Office for the Coordination of Humanitarian Affairs,⁶ and more than half of the population requires humanitarian assistance.⁷

The natural environments of Afghanistan have been severely impacted by the wars in. Military vehicles consume petroleum-based fuels at a very high rate, and in addition to carbon dioxide, they also emit large quantities of sulphur dioxide, nitrogen oxides, hydrocarbons, and carbon monoxide in the conflict zones. The public health of US service members and civilians living in conflict zones has been negatively impacted by the air pollution produced by military equipment and vehicles. Particularly in Afghanistan, heavy military vehicles have generated more dust than usual, and service members' exposure to the airborne toxins from that dust have been linked to respiratory conditions that frequently prevent

¹ Sayed Qudrat Hashimy, 'War Crimes in Afghanistan' (1 September 2022) <<https://papers.ssrn.com/abstract=4344441>> accessed 7 February 2023.

² Sayed Qudrat Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (2022) 3 Indian Journal of Law and Legal Research 1.

³ Sayed Qudrat Hashimy, 'The Recognition and Legitimacy of the Taliban Government: A Conundrum in International Law' (2022) 26 World Affairs 40.

⁴ Hashimy, 'War Crimes in Afghanistan' (n 1).

⁵ Mohammad Rasikh Wasiq, 'The United Nation Mechanism for the Enforcement of Human Rights: An Exploration' (16 September 2022) <<https://papers.ssrn.com/abstract=4221083>> accessed 7 February 2023.

⁶ Sayed Qudrat Hashimy, 'War Crimes in Afghanistan' (2022) 26 World Affairs 24.

⁷ Mohammad Rasikh Wasiq, 'Dynamic Role of the United Nations Security Council to Maintain Peace and Security in Asia Especially in Afghanistan' (1 January 2023) 35 <<https://papers.ssrn.com/abstract=4345061>> accessed 7 February 2023.

them from serving and engaging in regular activities like exercise.⁸ Depleted uranium from bullets and oil from military vehicles have contaminated the water supply in the conflict zones. The animal and bird populations in these nations have also suffered from the deterioration of their natural resources and the drastic destruction of their forest cover.⁹

No doubt that war is destructive in nature, and the existing studies found that the following are the main target of war.

- Human
- Economic
- Social and Political
- Global Expansion of
- Human Rights and Civil Liberties
- Corporate Power, Profiteering, and the "Camo Economy"
- Environmental Costs
- Higher Education
- Soldiers and residents have been exposed to harmful quantities of pollution from military operations and burn pits used to destroy waste from bases.
- Wildlife habitat has been devastated in Afghanistan as a result of illicit logging, especially by warlords.
- Increases in cancer, birth abnormalities, and other illnesses have been linked to environmental harm and toxic substances brought on by the war in Afghanistan.

Both thousands of civilian contractors and thousands of American service members have lost their lives in battle. Many people have later passed away from diseases and injuries they contracted in combat zones. Many troops and contractors have war-related illnesses and impairments, and there are hundreds of thousands of them. Both the opposition fighters

and the allied security forces have sustained heavy losses.¹⁰

DISCOURSE

The United States had a number of non-military options in addition to bringing those responsible for the 9/11 attacks held accountable.¹¹ These solutions would have cost significantly fewer lives overall.¹² For instance, the U.S. invasion of Iraq transformed the nation into a testing ground where extremist organisations like the Islamic State were able to perfect their methods of brutality and recruitment. Islamist extremist groups are emerging and expanding throughout the region.¹³

As a result of the wars, more than 1.8 million veterans have some sort of officially recognised impairment; veterans of the most recent conflicts make up more than half of the severely disabled veteran population.¹⁴ Even though they don't have disability status or unpaid claims, many more veterans still struggle with physical and psychological wounds.¹⁵

Due to more frequent deployments and shorter stays at home, the Afghanistan conflicts have been worse for military families than in previous wars.¹⁶ Veterans of the wars in Iraq and Afghanistan experience higher rates of suicide, mental illness, drug and alcohol abuse, auto accidents,¹⁷ and homelessness than civilians

⁸ Mohammad Rasikh Wasiq, 'The Role of the UN Security Council in Its Peripheral Outlook in Maintaining Peace in Afghanistan' (16 January 2023) <<https://papers.ssrn.com/abstract=4221077>> accessed 7 February 2023.

⁹ Sayed Qudrat Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' [2021] Available at SSRN 4138859.

¹⁰ Sayed Qudrat Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (17 December 2021)

<<https://papers.ssrn.com/abstract=4138859>> accessed 7 February 2023.

¹¹ Mohammad Rasikh Wasiq, 'Conceivable Commission of War Crime in Afghanistan' (15 January 2023) 12

<<https://papers.ssrn.com/abstract=4137609>> accessed 7 February 2023.

¹² Andrew Dickson, 'International Criminal Court Criticized For Investigation Of War Crimes In Afghanistan' (*The Organization for World Peace*, 8 November 2022) <<https://theowp.org/reports/international-criminal-court-criticized-for-investigation-of-war-crimes-in-afghanistan/>> accessed 7 February 2023.

¹³ Hashimy, 'War Crimes in Afghanistan' (n 1) 11.

¹⁴ Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (n 9).

¹⁵ Mohammad Rasikh Wasiq, 'International Enforcement of Human Rights: Potency and Strategies' (6 January 2023)

<<https://papers.ssrn.com/abstract=4221073>> accessed 7 February 2023.

¹⁶ *ibid.*

¹⁷ 'Report Decries "war Crimes" during Fall of Afghanistan – DW – 12/15/2021' <<https://www.dw.com/en/report-calls-out-war-crimes-committed-during-collapse-of-afghanistan/a-60124372>> accessed 7 February 2023.



do.¹⁸ In addition, both parents who stay behind and returning veterans have greater rates of divorce, homicide, child abuse, and child neglect than do they and their families.¹⁹ Even though veterans are confined in military hospitals, their families frequently offer care when service men return home hurt. The cost of war should include the burden placed on families and local organisations to care for the war injured, which has been a deliberate component of military planning.²⁰ People who live in conflict areas have been killed in their homes, markets, and on public streets. They have perished as a result of explosives, gunfire, improvised explosive devices (IEDs), drones, and fire. Civilians lose their lives at checkpoints, when military vehicles run them off the road, when they tread on mines or cluster bombs, while gathering wood or tending to their crops,²¹ or when they are abducted and killed as a form of intimidation or retaliation. In the civil wars brought on by the invasions, they are slaughtered by the United States,²² its allies, insurgents, and sectarians.²³

THE US TWILIGHT

Death can result from war weeks or months after a combat. The infrastructure destruction and bad health conditions brought on by the wars have killed many times more people in the war zones than the violence itself. For instance, war refugees frequently lose access to a reliable food source²⁴ or their occupations, which increases malnutrition and disease

susceptibility.²⁵ The collapse of the economy,²⁶ international trade,²⁷ intellectual property,²⁸ public health,²⁹ security, and infrastructure brought on by the war in Afghanistan means that lives are still being lost.³¹ The fighting has had a significant positive impact on Afghans. Acute malnutrition threatens 3 million children, and 92% of the population has some kind of food insecurity. Currently, there is starvation in some areas. Living on less than \$1.90 a day, at least half of the population.³²

For airstrikes in Afghanistan in 2017,³³ the US military loosened its rules of engagement, which sharply increased the number of civilian casualties.³⁴ The number of civilians killed by American-led airstrikes in Afghanistan surged by 330 per cent between the final year of the Obama administration and the final full year of data collection under the Trump administration.³⁵ Unexploded munitions from this war and landmines from earlier wars continue to kill, wound, and maim civilians even when there is no combat.³⁶ Ordnance contamination in fields, streets, and educational facilities frequently cause injury to children when they perform household tasks like gathering wood.³⁷

¹⁸ Sayed Qudrat Hashimy, *Protecting Geographical Indications in Afghanistan* (Eliva Press 2022)

<https://scholar.google.com/citations?view_op=view_citation&hl=en&user=_XhWcpEAAAAJ&citation_for_view=_XhWcpEAAAAJ:4TOpqqG69KYC> accessed 7 February 2023.

¹⁹ Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (n 10).

²⁰ Sayed Qudrat Hashimy, Jackson Simango Magoge and Ahsnat Mokarim, 'Relentless Violation of International Humanitarian Law During the Ongoing Conflicts in Afghanistan' (18 January 2022)

<<https://papers.ssrn.com/abstract=4011585>> accessed 7 February 2023.

²¹ Sayed Qudrat Hashimy, 'Protecting Geographical Indications in Afghanistan' (10 November 2022)

<<https://papers.ssrn.com/abstract=4324242>> accessed 7 February 2023.

²² Wasiq, 'Dynamic Role of the United Nations Security Council to Maintain Peace and Security in Asia Especially in Afghanistan' (n 7).

²³ 'Timeline: The U.S. War in Afghanistan'

<<https://www.cfr.org/timeline/us-war-afghanistan>> accessed 7 February 2023.

²⁴ Hashimy, 'Protecting Geographical Indications in Afghanistan' (n 21).

²⁵ Hashimy, Magoge and Mokarim (n 20).

²⁶ Sayed Qudrat Hashimy, 'China's Belt-Road Initiative and Investment Strategies: A Two Pillar Approach to Afghanistan' (18 January 2023)

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²⁷ Sayed Qudrat Hashimy and Jackson Simango Magoge, 'Role of WTO in the Promotion of Trade and IPR in Afghanistan' [2022] *Journal of Economics and Finance* (DRJ-JEF).

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³⁰ Sayed Qudrat Hashimy, 'Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse' [2022] *International Journal of Law Management & Humanities*.

³¹ Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (n 2).

³² Wasiq, 'Conceivable Commission of War Crime in Afghanistan' (n 11).

³³ 'Afghan Civilians | Costs of War' (*The Costs of War*)

<<https://watson.brown.edu/costsofwar/costs/human/civilians/afghan>> accessed 7 February 2023.

³⁴ Wasiq, 'International Enforcement of Human Rights' (n 15).

³⁵ Mohammad Rasikh Wasiq, 'Responsibility to Protect (R2P) and Its Implementation: A Glance on Kosovo, Chechnia, Libya, and Syria' (29 December 2022) 13 <<https://papers.ssrn.com/abstract=4314789>> accessed 7 February 2023.

³⁶ Mohammad Rasikh Wasiq, 'United Nations Security Council Powers, Practice, and Effectiveness Of Security Council' (19 January 2023)

<<https://papers.ssrn.com/abstract=4344596>> accessed 7 February 2023.

³⁷ Hashimy, 'War Crimes in Afghanistan' (n 6).



Moreover, the battle has left behind invisible wounds. According to a 2009 report from the Afghan Ministry of Public Health, more than two-thirds of Afghans experience mental health issues.³⁸

Afghan society is especially vulnerable to the consequences of the U.S. post-9/11 war due to previous conflicts and civil turmoil in the nation.³⁹ These negative repercussions of war include increased disease rates brought on by starvation, a shortage of safe drinking water, and restricted access to medical care.⁴⁰ The ongoing war exacerbates nearly every factor linked to early death, including poverty, malnutrition, inadequate sanitation, lack of access to health care,⁴¹ and environmental degradation.⁴² There is much more than just the gunfire and explosions of conflict that refugees and internally displaced people (IDPs) must deal with when feeling unsafe.⁴³ In addition to losing a sense of community and a home, it also entails not having access to housing, job,⁴⁴ clean water, or health care.⁴⁵ The main cause of Afghans' forced population movements has been violence. 5.9 million Afghans have either been internally displaced since 2001 or have fled the country, mostly to Pakistan and Iran, where they are confronted with an unstable political environment.⁴⁶ For instance, Iranian authorities deport tens of thousands of illegal Afghans without giving them the chance to

prove they have a legitimate reason to be in Iran or to apply for asylum.⁴⁷

When Afghan refugees do return home, they do so to a nation that is still wracked by conflict, extreme poverty, and anarchy. According to a December 2020 UN report, "almost half of Afghan youngsters risk acute malnutrition." A significant segment of the population still has very limited access to even the most fundamental healthcare services, and China is trying to put finance in Afghanistan. The future is not clear what would be the destiny Afghanistan-Sino.⁴⁸ China and USA have an interest in Afghanistan.⁴⁹

WAR CRIME AND JUSTICE

The Geneva Conventions and the Hague Conventions of 1899 and 1907 do not apply to violations of the law of war committed by members of the United States Armed Forces.⁵⁰ The 1996 War Crimes Act and provisions of the Uniform Code of Military Justice are used in American prosecutions of offenders (UCMJ). The International Criminal Court (ICC) lacks essential checks and balances, according to the United States, which signed the Rome Statute in 1999 but never ratified the instrument. Further limiting US participation in the ICC was the American Service-Members' Protection Act of 2002. The ICC was designed as a body to try war crimes when states lack efficient or trustworthy procedures to conduct their own investigations.⁵¹

According to Jordan J. Paust, a law professor and former member of the faculty at the Judge Advocate General's School, "violations of the

³⁸ Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (n 2).

³⁹ Hashimy, 'War Crimes in Afghanistan' (n 6).

⁴⁰ Hashimy, 'Menstrual Leave Dissent and Stigma Labelling' (n 30).

⁴¹ *ibid.*

⁴² 'Afghanistan: Immediate Investigation Needed on Allegations of War Crimes by UK Special Forces' (*Amnesty International*, 12 July 2022) <<https://www.amnesty.org/en/latest/news/2022/07/afghanistan-immediate-investigation-needed-on-allegations-of-war-crimes-by-uk-special-forces/>> accessed 7 February 2023.

⁴³ 'Alleged UK War Crimes in Afghanistan - Lieber Institute West Point' <<https://lieber.westpoint.edu/alleged-uk-war-crimes-afghanistan/>> accessed 7 February 2023.

⁴⁴ 'War Crimes in Afghanistan' <https://scholar.google.com/citations?view_op=view_citation&hl=en&user=XhWcpEAAAAJ&citation_for_view=XhWcpEAAAAJ:mVmsd5A6BfQC> accessed 7 February 2023.

⁴⁵ Sayed Qudrat Hashimy, 'Menstrual Leave Dissent and Stigma Labelling: A Comparative Legal Discourse' (2022) 5 *International Journal of Management and Humanities* 1270.

⁴⁶ 'How US Evades Responsibility for War Crimes in Afghanistan - Global Times' <<https://www.globaltimes.cn/page/202109/1235240.shtml>> accessed 7 February 2023.

⁴⁷ Sayed Qudrat Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' [2021] *SSRN Electronic Journal*.

⁴⁸ Sayed Qudrat Hashimy, 'China's Belt-Road Initiative and Investment Strategies: A Two Pillar Approach to Afghanistan' (2023) 12 *International Journal of Science and Research (IJSR)* 449.

⁴⁹ Hashimy, 'China's Belt-Road Initiative and Investment Strategies' (n 26).

⁵⁰ Sayed Qudrat Hashimy, Jackson Magoge and Ahsnat Mokarim, 'Relentless Violation of International Humanitarian Law During the Ongoing Conflict in Afghanistan' (2022) 9 *SSRN Electronic Journal* 12.

⁵¹ Hashimy, 'Analysis of the United States' Liability for War Crime in Afghanistan' (n 47).



Geneva Conventions, which are war crimes, were necessary authorised and ordered" by a presidential memorandum issued on February 7, 2002, to U.S. interrogators of prisoners captured during the War in Afghanistan.⁵² Professor Paust claims that because U.S. forces treated captured enemy fighters cruelly and inhumanely as a result of the president's memorandum, the president's memo must have been a plan to break the Geneva Convention.⁵³ The killings of two innocent civilian Afghan prisoners by American military personnel in December 2002 at the Bagram Theater Internment Facility (also known as Bagram Collection Point or B.C.P.) in Bagram, Afghanistan, and general treatment of prisoners were the subject of a 2,000-page United States Army investigation report that The New York Times obtained in 2005.⁵⁴ Habibullah and Dilawar, the two inmates, died as a result of beatings and being repeatedly tied to the ceiling. The deaths of the two convicts were determined to be homicides by military coroners. Both convicts' legs had suffered serious injuries during autopsies, which was likened to being driven over by a bus. 2005 saw charges against seven troops. Three Afghan citizens were killed by a group of soldiers between June 2009 and June 2010 as part of the Maywand District Murders. The soldiers, who belonged to the 2nd Battalion, 1st Infantry Regiment, and the 5th Brigade, 2nd Infantry Division, referred to their unit as the "Kill Team."⁵⁵ They came from the Afghan province of Kandahar and were stationed at FOB Ramrod in Maiwand.⁵⁶ The military accused five members of the unit of killing three Afghan civilians in Kandahar Province and taking their body parts as souvenirs in the summer of 2010.⁵⁷

The Kandahar Massacre was a mass murder that took place in the early hours of March 11, 2012, in the Panjwayi District of Kandahar Province,⁵⁸ Afghanistan. Staff Sergeant Robert Bales killed 16 Afghan civilians and injured six more. Children made up nine of the victims, while one family accounted for eleven of the dead. Later that morning, after confessing to having perpetrated the killings, Bales was apprehended.⁵⁹ First Lieutenant Clint Lorance led an infantry unit for the 82nd Airborne Division's 4th Brigade Combat Team. In 2012, after ordering his soldiers to open fire on three Afghan men riding a motorcycle, Lorance was charged with two counts of premeditated murder. In 2013, a court-martial convicted him guilty, and he was given a 20-year prison term (later reduced to 19 years by the reviewing commanding general). He spent six years incarcerated in the US Disciplinary Barracks at Fort Leavenworth, Kansas. On November 15, 2019, President Donald Trump finally granted Lorance a pardon. After Osama bin Laden was killed in May 2011, NATO officials started preparing a departure strategy thanks to a clandestine operation carried out by the United States using bases in Afghanistan. NATO formally halted ISAF combat operations in Afghanistan on December 28, 2014, and handed full security control to the Afghan government.⁶⁰ Coalition forces (and separately, the Afghan government under Ashraf Ghani) turned to diplomacy to resolve the fight after failing to defeat the Taliban militarily.⁶¹ The US-Taliban agreement, which was the culmination of these efforts, called for the removal of all American forces from Afghanistan by the year 2021.

In return, the Taliban promised to stop any militant group from planning strikes against the United States and its allies from Afghan territory.

⁵² 'War Crimes in Afghanistan' (n 44).

⁵³ Wasiq, 'The Role of the UN Security Council in Its Peripheral Outlook in Maintaining Peace in Afghanistan' (n 8).

⁵⁴ Wasiq, 'United Nations Security Council Powers, Practice, and Effectiveness Of Security Council' (n 36).

⁵⁵ 'BBC Probe Suggests Afghanistan War Crimes by UK Special Forces | News | Al Jazeera' <<https://www.aljazeera.com/news/2022/7/12/bbc-probe-suggests-afghanistan-war-crimes-by-uk-special-forces>> accessed 7 February 2023.

⁵⁶ 'Afghanistan: Immediate Investigation Needed on Allegations of War Crimes by UK Special Forces' (n 42).

⁵⁷ 'Timeline: The U.S. War in Afghanistan' (n 23).

⁵⁸ Patrick Keller, 'Arguing Afghanistan: What the Detractors of NATO'S Mission Get Wrong' (NATO Defense College 2009)

<<https://www.jstor.org/stable/resrep10259>> accessed 7 February 2023.

⁵⁹ 'NATO PA' (NATO P.A, 20 January 2023) <<https://www.nato-pa.int/content/afghanistan>> accessed 7 February 2023.

⁶⁰ 'NATO - Topic: NATO and Afghanistan'

<https://www.nato.int/cps/en/natohq/topics_8189.htm> accessed 7 February 2023.

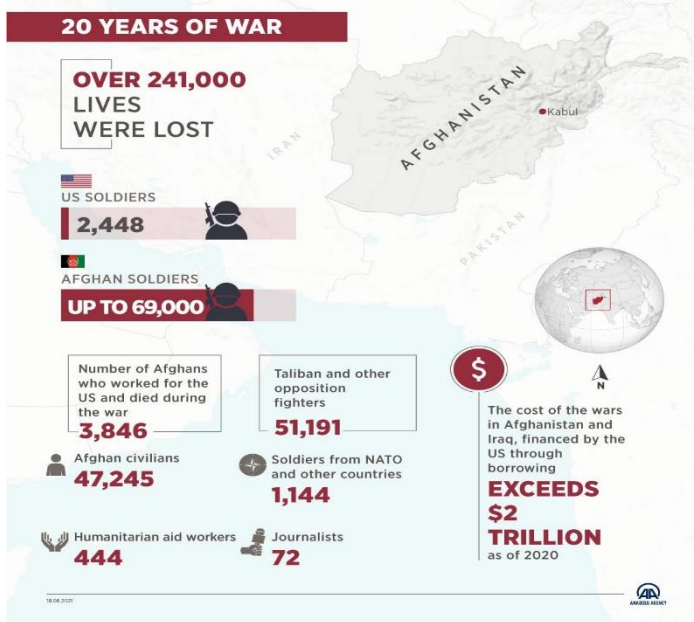
⁶¹ *ibid.*

The Afghan government, who was not a party to the agreement, disapproved of its conditions. The Taliban began a massive onslaught throughout the summer of 2021, coinciding with the evacuation of forces, and on August 15th, they effectively re-established control over Afghanistan, including the capital city of Kabul.⁶² The battle in Afghanistan has lasted since 1979, during which time there have been war crimes. Various forms of civil violence have ravaged Afghanistan for 40 years, beginning with the Soviet invasion in 1979. All sides have committed war crimes.⁶³

allied armed groups, as well as war crimes committed by the Afghan National Security Forces, the United States Armed Forces, and the Central Intelligence Agency (CIA) in Afghanistan, Poland, Romania, and Lithuania.⁶⁵

Cost of US' 20-year war in Afghanistan

Entry of the US into Afghanistan after the terrorist attacks of Sept. 11, 2001 resulted in heavy casualties in both countries

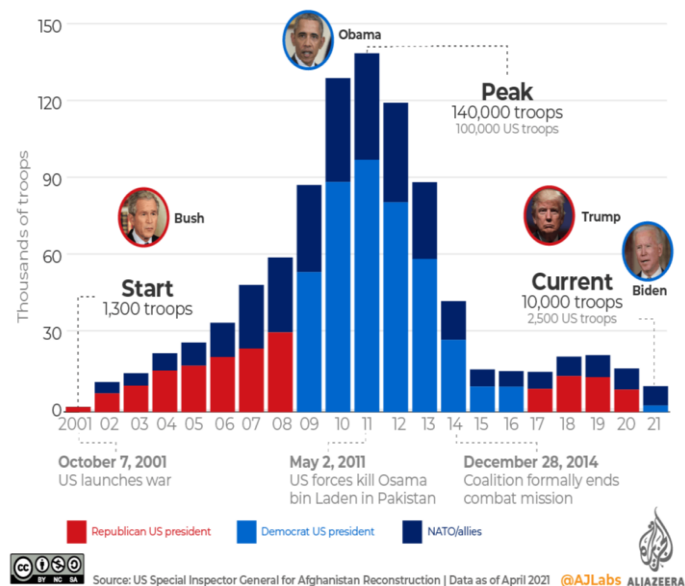


Following the gathering of victim testimony in 2017 and 2018, a request to launch an investigation in 2019, the request's denial in 2020, and the overturning of the request's denial in 2019, an International Criminal Court (ICC) inquiry in Afghanistan was authorised to move forward. The investigation focuses on war crimes and crimes against humanity committed since May 1, 2003, in the context of the Afghan War, ⁶⁴by the Taliban and other

AFGHANISTAN

The US and NATO's longest war

The war in Afghanistan spanned nearly 20 years and four US presidents.



Investigations into potential atrocity crimes committed by Afghan national security forces, US forces, and the CIA should be stopped, according to the ICC Chief Prosecutor. Regardless of the status, citizenship, or allegiance of the alleged culprit, the international community should continue to seek justice for war crimes perpetrated in Afghanistan.⁶⁶

EPILOGUE

The Taliban are obligated to uphold all current international human rights responsibilities outlined in the treaties to which Afghanistan is a party as the de facto authorities.⁶⁷ They must

⁶² Hashimy, Magoge and Mokarim (n 20).

⁶³ Hashimy, 'War Crimes in Afghanistan' (n 6).

⁶⁴ 'BBC Probe Suggests Afghanistan War Crimes by UK Special Forces | News | Al Jazeera' (n 55).

⁶⁵ 'War Crimes in Afghanistan' (n 44).

⁶⁶ *ibid.*

⁶⁷ Hashimy, 'The Recognition and Legitimacy of the Taliban Government' (n 3).

respect these commitments, which include stopping all wrongdoings and abuses committed by their officials and ensuring that everyone in Afghanistan is equally protected and encouraged to exercise their human rights, regardless of gender, ethnicity, religion, or political affiliation. The Taliban must look into the patterns of human rights abuses that UNAMA⁶⁸ and the Special Rapporteur have identified,⁶⁹ and they must act right away to stop similar abuses in the future, including by holding offenders accountable.⁷⁰ The Taliban should permit help from the international community to fulfil these obligations. The Taliban must collaborate with the UN and make access easier for them.⁷¹

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⁶⁸ Wasiq, 'The United Nation Mechanism for the Enforcement of Human Rights' (n 5).

⁶⁹ Hashimy, 'The Recognition and Legitimacy of the Taliban Government' (n 3).

⁷⁰ *ibid.*

⁷¹ Sayed Quadrat Hashimy, 'Recognition And Legitimacy of the Taliban Government: A Conundrum in International Law' (6 January 2023) <<https://papers.ssrn.com/abstract=4150964>> accessed 7 February 2023.

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