

Afghanistan:
Human Rights and Security Situation
Report by Dr. Antonio Giustozzi



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1. INTRODUCTION

This report aims at providing a concise picture of the human rights situation in the context of the ongoing Afghan conflict. It also provides a short assessment of the conflict from a military-political point of view, for the purpose of clarifying the wider environment affecting human rights in Afghanistan. In order to facilitate the navigation to the users, the report is structured in sections dedicated to the different parts of Afghanistan affected by the conflict and to the different actors in the conflict.

This report is based on public domain information and on research carried out previously; no additional research work has been carried out specifically for the purpose of writing it. As a result, there are some parts of the report where the information available was insufficient for a thorough assessment. What is happening in remote areas of the country, particularly those under the control of the insurgents, is difficult to assess. Similarly NDS (Security Services) activities are often beyond scrutiny. More in general, the very fact that a conflict is ongoing in Afghanistan and that European countries are involved in it makes it difficult to have unlimited access to all parties in conflict; much of the information utilised might therefore be partial, even if the author has tried to be as balanced as possible and has cast a critical eye on all sources utilised.

Over the years the author has carried out (and still carries out) extensive research on insurgent movements, police, army, militias and illegal armed groups in Afghanistan; some of the output of this research has been published and some has not. All of it has been taken into consideration for the preparation of this report.

2. SHORT MILITARY-POLITICAL ASSESSMENT OF THE CONFLICT AS OF SUMMER 2011

As of summer 2011 the Afghan conflict was continuing to expand geographically and to intensify in terms of violence. With just one province out of 34 still (almost) unaffected by violence (Panjshir), 2011 saw an intensification of violence in eastern, western and north-western Afghanistan. The fact that the Taliban has suffered setbacks in the north-east and has been under great pressure in the south does not detract from the fact that the number of insurgent-initiated incidents has been climbing faster than ever in 2010 and 2011 (see table Annex 1). ISAF claims that this is due to the insurgents being challenged within their turf; arguably the ever stronger shift towards asymmetric tactics also means more and smaller violent incidents. Still, ISAF did not deploy further in 2011, but the violence still continued to rise, and the number of large scale incidents has always been small in the Afghan insurgency, so even a reduction cannot account for the huge increase in violence. Some increase in violence might be the result of newer and more radical or committed commanders taking over from those killed or arrested by ISAF, but it is also clear that the ranks of the insurgents continue to expand.

The combination of a greater commitment of forces and of greatly intensified targeting of field commanders has undoubtedly put pressure on the insurgents; the strains have at time been visible. However, there is little indication that such pressure is making the insurgency crack. Efforts to adapt are clearly going on, while even where the insurgency seemed affected by divisions in late 2010 the leadership has stepped in with Pakistani support and engineered massive terroristic campaigns against the supporters of the Afghan government: this occurred in particular in Kandahar and the north-east. It is also clear that the Afghan armed forces, which are supposed to be gradually taking the leadership in the conflict, are still far from being ready to take over.

Despite all this, some movement towards political talks was being recorded in early 2011. The Pakistani and President Karzai in particular seemed to be improving their often rocky relationship; there were some mutual concessions and a shared interest in quickly starting a negotiating process. However, it is not clear how deeply interested the Taliban in particular is in negotiations, at least in the terms proposed by Pakistanis and Karzai. The assassination of Karzai's brother Ahmad Wali in July 2011 seemed to indicate little appetite for a deal, even if the Taliban had been flirting with Education Minister Wardak over a detente on schools earlier in the year.

The main question mark facing Afghanistan in 2011 was the relationship with Washington, as Congress appeared increasingly wary of maintaining high levels of spending around the country and distrust between Karzai and Washington only seemed to be increasing. Combined with the announcement of de-surgung by President Obama, this created a sense of uncertainty over the future within the ranks of the pro-government side, while boosting the Taliban's confidence in ultimate victory.¹

3. GENERAL CONSIDERATIONS ON THE CHARACTER OF THE CONFLICT AND THE ATTITUDE TOWARDS CIVILIANS OF THE PARTIES IN THE CONFLICT

In comparative terms, the ongoing Afghan conflict has not been particularly bitterly targeted at civilians. Although civilian casualties have gradually increased year after year, they have done so less than proportionally with the increase in the number of violent incidents from 2008 onwards. This suggests that the parties in the conflict have been trying to restrain themselves and contain civilian casualties. In fact in the case of ISAF data provided by UNAMA shows a net decline in the number of civilians killed from 2009 onwards. In the case of the insurgents, they have killed more civilians, but not as many as they should have based on the increase in number of acts of violence. Similarly, episodes of targeting of civilians because of their

¹ On these aspects see A Giustozzi, Towards negotiations with the Taliban?, *CEMISS Quarterly*, 2/2011; Sami Yousufzai and Ron Moreau, Obama's Afghan Pullout, *The Daily Beast*, 23 June 2011; ANSO Quarterly, 1/2011; Adam Mausner and Anthony Cordesman, The war in Afghanistan: a trip report, Washington : CSIS, 2011; Gilles Dorronsoro, Afghanistan: the impossible transition, Washington : Carnegie, 2011.

association with one of the parties in the conflict have been rare. The main exception is represented by government officials, whom the insurgents have been proactively targeting and increasingly so. A few cases of deliberate massacres of civilians have occurred from time to time at the hands of the insurgents, but the circumstances suggest that they were due to field commanders not playing by the rules. Individual executions of alleged spies without proper trial are more frequent, despite attempts by the Taliban leadership to prevent them. Ethnic and religious minorities have not been targeted; contrary to neighbouring Pakistan, the Afghan Taliban has been careful to avoid getting involved in sectarian conflict. Episodes of body mutilation, particularly of corpses, have occurred relatively frequently, although they have by no means been the rule.²

Both sides in the conflict claim the moral high ground for themselves and to represent the interest of the Afghan population as a whole (exception made for small extremist or collaborationist minorities) and therefore have been trying to avoid extreme forms of violence. In practice, field commanders/officers on both sides have proved difficult to control by the respective leaderships. ISAF officers have often called in air strikes, despite not being sure of the absence from the scene of civilians as dictated by the rules of engagement; even more often Taliban commanders have chosen to increase their tactical advantage rather than reducing the risk to civilians.³

The lack of sophistication in the anti-insurgency operations of the Afghan government is another factor compounding the plight of civilians: unable to accurately narrow down the range of suspects, they have been arresting growing numbers of individuals on the basis of often flimsy evidence. The Afghan security organisations continue rounding up suspected insurgents in the thousands; the Afghan Ministry of the Interior alone claimed to have arrested 5,596 in 2010. In Afghan year 1388 (March 2009-March 2010), they had arrested 2,956.

One of the main complaints heard among civilians has long been the banning of state schools by the insurgents, who considered them symbols of government presence and of pro-government proselytism. Attacks on schools spread with the insurgency, costing over the years hundreds of lives of teachers, school administrative staff and students. Moreover, hundred of thousands of students were deprived of education altogether, or forced to attend private schools⁴ at a significant cost to their families.⁵

Forced recruitment has not been a salient characteristic of this conflict. The insurgents have made recourse to it only very marginally, mainly forcing male villagers in areas under their control and not sympathetic to the insurgents' cause to serve as porters. In interviews carried out in several provinces during 2011 with

² Human Rights Watch, *The human cost: the consequences of insurgent attacks in Afghanistan*, New York, 2007; UNAMA, annual report, *Afghanistan: protection of civilians in armed conflict*, Kabul: 2007-2011.

³ Kate Clark, *the Layha*, Berlin : AAN, 2011; Thoman Johnson and Matthew C. DuPée, *Analyzing the New Taliban Code of Conduct (Layeha): An Assessment of Changing Perspectives and Strategies of the Afghan Taliban*, Central Asian Survey, forthcoming.

⁴ Private schools are defined here as non-religious schools using either the government curriculum (necessary to be registered with the Ministry of Education) or the Taliban's curriculum of the 1990s, which reduced secular education in favour of more hours of religious subjects. In madrasas, the curriculum is either entirely religious in character, or mixed with a majority of religious subjects and a varying number of hours of secular subjects. The main difference between private schools and madrasas is that the former do not grant religious diplomas and therefore do not lead to a career as a mullah.

⁵ A. Giustozzi and C. Franco, *The battle for education*, Berlin : AAN, 2011 (forthcoming).

elders and other members of the population, nobody mentioned forced recruitment as an issue, while complaining about Taliban taxation and violence. In some cases of community mobilisation on the Taliban side, community elders might have forced some reluctant families to contribute a male to the *lashkar*⁶ as stipulated by the traditions. On the government side, both police and army have always been relying on volunteers since 2001, but some communities have put pressure on their youth to join the armed forces for economic reasons, or as a way to purge undesirable elements from the villages.⁷

The treatment of prisoners has often been controversial. In general, most ISAF prisoners have been treated well, but there have been episodes of mistreatment in Bagram. Conditions in government prisons are quite poor; access to NDS prisons in particular is limited even for organisations such as the ICRC, UNAMA and the AIHRC. The Taliban, the police and the Afghan army often execute prisoners; the former in fact most of the time. Beatings of prisoners are also common, as is the use of torture during interrogation.⁸

The Taliban also forbid any kind of collaboration with the government and particularly with the foreign troops, including of an economic nature. Since contracting for ISAF or for western aid agencies is one of the main sources of employment in Afghanistan, the ban has a major impact on the ability of household to earn a livelihood. Unsurprisingly, most Afghans ignore it, at their risk and peril. Executions of contractors do occur. Usually the Taliban follow a procedure, which includes warning the collaborationists that they are going to be punished if they persist.

4. CHANGES IN THE ATTITUDE OF THE PARTIES IN THE CONFLICT OVER THE COURSE OF THE CONFLICT

Certain characteristics that the conflict has been taking on have affected civilians in a number of ways. The reliance on technology and indirect fire on ISAF's side pushed the insurgents to use asymmetric tactics more and more, in particular artisanal mines (IEDs). This has turned into one of the main sources of death and injury among civilians; although in principle techniques to use IEDs in a discriminatory way exist, they are tactically demanding and are used relatively rarely. The insurgents in many cases have been informing the civilians of the location of IEDs, but after some civilians started cooperating with ISAF and Afghan security forces by pointing out the locations of the mines, the insurgents have suspended their collaboration. This has resulted in higher civilian casualties.⁹

⁶ Form of tribal mobilisation for war, where every household has to contribute a male of fighting age.

⁷ Personal communication with AIHRC official, Kabul, April 2011.

⁸ The execution of prisoners by police and army is often reported in accounts by journalists and ISAF officers; Human Rights First, *Undue Process: An Examination of Detention and Trials of Bagram Detainees in Afghanistan in April 2009*, New York, 2009.

⁹ Personal communication with NATO officials, 2010; S. Rayment, *The bomb hunters*, London: Collins, 2011.

Similarly the insurgents started using suicide bombings on a large scale from 2006 onwards, after ISAF deployed to the south in strength and put them under military pressure. Contrary to the contemporary conflict in Iraq, suicide bombing was mainly used as a military-tactical tool in Afghanistan, and not as an ideological instrument of terror. Having said that, the suicide bombers were mostly oblivious to the presence of civilians when carrying out their attacks. Similarly, the Taliban has been quite ruthless in the recruitment of suicide bombers, taking in young males aged 12-17 as well as adults; from 2010-11 even female suicide bombers made their appearance. Although the evidence does not suggest the forceful recruitment of suicide bombers, it seems clear that young boys, even below puberty, are taken into training/indoctrination course and may spend there even years, before graduating as proficient suicide bombers. Others seem to be recruited and deployed after relatively short (a few months) training and indoctrination; the large majority of suicide bombers appears to be recruited in Pakistan among Afghans and non-Afghans alike. Often recruits are *madrassa* students, sometimes families linked to the insurgency might volunteer some of their youth for suicide bombing in order to gain status within the organisation.¹⁰

At the same time it is also true that both insurgents and ISAF have been tightening their rules of engagement gradually, particularly after 2008. From 2007 there were signs that the insurgents were trying to find a way out of the blind alley they had entered with their ban on state schools; they were coming under strong community pressure to reopen schools. Eventually they started negotiating local deals for the re-opening, after having imposed their conditions (such as the adoption of the Taliban curriculum of the 1990s, the adoption of old Taliban or mujahidin textbooks and the hiring of some teachers linked to the Taliban) and by 2011 were agreeing for the general re-opening of schools. A large portion of the boys' schools that had been closed had been officially reopened by spring 2011, although attendance was often low in many of them. At the same time girl schools were only beginning to reopen in a few provinces (Logar, Paktika) and an announcement concerning the conditions attached to the reopening of girls' schools was still being waited as of July 2011. Some Taliban commanders still implement the behaviour codes decreed by Mullah Omar in the 1990s, even if in 2007 Mullah Omar issued a decree stating that their implementation was no longer compulsory. The large majority of commanders does not implement them anymore, but some radical ones still do.

5. GOVERNMENT CONTROLLED AREAS

5.1 CITIES

The Afghan government, supported by ISAF, still has a hold over most Afghan cities; the only real exception is Kandahar, which has been slipping out of control

¹⁰ Personal communication with Taliban commanders over the years; UNAMA, *Suicide Attacks in Afghanistan (2001-2007)*, Kabul, 9 September, 2007; Afghan suicide bombings, *Jane's Terrorism and Security Monitor*, May 08, 2009.

gradually from 2006 onwards. In the cities some greater scrutiny of government actions exist; the media sector is quite active, even if not completely free, and some civil society organisations are active, even if they do not enjoy a mass following. Tribal and community structures also operate in the cities, playing sometime the role of a civil society. This has not completely avoided arbitrary arrests in the past, or harassment of the media, or abuse of power by government officials, or the rigging of elections, but has probably reduced the incidence of violent abuse. Some deaths in custody have occurred, while riots and civil disturbances are routinely repressed violently, with frequent loss of life, but the extremes of violence that occurred sometimes in Afghanistan in the 1980s have not been repeated. The practice of arresting relatives in order to force fugitives to hand themselves over or prisoners to confess is also reportedly widespread. Torture and beatings are also commonly used, as the police believe that this is the only way to extract a confession.¹¹ Although the law prohibits arbitrary arrest and detention, all sources reckon that both remain a 'serious problem'. Access to legal counsel, use of warrants and bail are 'inconsistently applied'. Pre-trial detention well beyond the limits established by the law remains common and there are also reports of police continuing to detain prisoners even after they were found innocent. The police are widely reported to extract bribes from individuals in exchange for their release or for avoiding arrest.¹²

In sum, for the Afghan urban dweller, there are two main sources of risk: one, quite small, is to get caught in a terrorist attack, usually taking place in the city centres. The other is to get caught in the repression, which is only likely for those of recent immigration into the city from a village or from the refugee camps in Pakistan. Particularly those not connected to the government or coming from areas where the insurgency is known to have deep roots can be at risk of arbitrary arrest. Certain tribes are believed to be largely mobilised on the insurgent's side: most of the Ghilzais, the Noorzais, the Ishaqzais, etc.. A number of refugee camps in Pakistan are also known to be a recruitment ground for the insurgents, of which Shamsatoo is the most notorious.

5.2 RURAL AREAS – PASHTUN BELT

As of mid-2011, there were only few areas controlled by the government in the Pashtun belt. Some pockets existed around Kandahar and Lashkargah, as well in Paktia, Paktika and Khost provinces. In Nangarhar, some districts in the north and north-east of the province could still be considered as government controlled, as did Mehterlam in Laghman. In some areas of Wardak pro-government militias held sway. In the rural areas of the south, south-east and east the scrutiny of the mass media and of whatever civil society may exist is much more limited; here is where most extra-judiciary executions occur, as well as other forms of abuse. Because most of the violence is concentrated here, most of the collateral casualties among civilians also occur here.

¹¹ Elizabeth Rubin, 'Taking the Fight to the Taliban', *New York Times Magazine*, 29 October 2006; Interview with Afghan Independent Human Rights Commission officer, Kabul, 7 Nov 2010.

¹² US Department of State, 'Country Reports on Human Rights Practices - 2005: Afghanistan', Released by the Bureau of Democracy, Human Rights, and Labor, Washington, March 8, 2006, section d. Arbitrary Arrest or Detention; personal communication with Mohammad Farid Hamidi, Commissioner of the Afghan Independent Human Rights Commission, Kabul, 3 November 2010.

Local conflicts, which are particularly common within the fragmented Pashtun society, are often the cause of collateral civilian casualties. 'Bad tips' are often used in Afghanistan to eliminate personal rivals by people close to the Americans or to the security agencies; these consist in informers passing on misleading or faked information about personal rivals.¹³ The infiltration, or even seizure, of portions of the security apparatus of Kabul compounds the problem, as it enables specific communities better connected with the government to use the state machinery to attack their local rivals. Apart from anecdotal evidence, it is difficult to monitor developments in the south because of the sheer number of incidents. Some sources even attribute a number of murders and IED attacks to feuds between rival contracting companies, anxious to win the profitable contracts with ISAF and the development agencies.¹⁴

Ethnic conflict is rare in the Pashtun belt, even where minorities exist. Tajiks and Pashtuns seem mostly well integrated, certainly in Ghazni and Logar, and many Tajiks fight alongside Pashtun in the insurgency. Some tension surfaces from time to time between Hazaras and Pashtuns, particularly in Wardak where strong conflicts over land exist. Weak recruitment into the Afghan security forces in the south brings a disproportionate number of Hazaras and Tajiks to serve in the south; this cause some ethnic friction, which may have had negative repercussions particularly among isolated Hazara communities in Helmand, for example. To the extent that the problem exists, however, it is marginal.¹⁵

To the Pashtun villager there are therefore multiple sources of risk in this conflict. The threat of IEDs is a constant one, to which we should add the threat of unexploded ordnance. He is under pressure from both sides in the conflict to collaborate with the right party; he would in most cases like to stay as aloof as possible, but it is not always possible. For economic reasons, he might be forced to collaborate with the ISAF/government side, which spend billions on projects of various kinds and extensively use contractors. For security reasons, however, he might have to collaborate with the Taliban, almost the only force to maintain a stable presence in the villages. His access not just to employment, but also to education for his children is likely to be severely hampered, or even completely denied. He might not be too concerned with civil liberties, but he is likely to have to pay illegal taxes to either Taliban or police/militias, sometimes to both: even where government control is strongest, the Taliban often manage to collect their taxes. Taliban taxation is more regulated and predictable, but still a significant burden for most villagers, who are then often asked to provide food for the fighters from time to time. Only areas thoroughly controlled by pro-government militias (Local Police and others) or in close proximity of ISAF/Afghan government bases are immune from Taliban taxation. Even if the villager is careful not to get compromised with either side, he could still end up being accused of spying for ISAF or facilitating the Taliban.

¹³ D. Rohde, 'G.I.'s in Afghanistan on Hunt, but Now for Hearts and Minds', *New York Times*, 30 March 2004; Carsten Stormer, 'Winning hearts, minds and firefights in Uruzgan', *Asia Times*, 6 August 2004; Sara Daniel, 'Afghanistan : «Résister aux talibans ? A quoi bon !»', *Le Nouvel Observateur*, 10 August 2006.

¹⁴ Personal communication with expatriates based in Kandahar, 2010; A. Giustozzi and M. Ishaqzada, book on Afghanistan's police, forthcoming.

¹⁵ A. Giustozzi, the Afghan National Army: unwarranted hope?, *RUSI Journal*, December 2009; A. Giustozzi, *The Taliban beyond the Pashtuns*, Waterloo : CIGI, 2010.

5.3 RURAL AREAS - NORTH, WEST AND HAZARAJAT

The level of violence is not as high in areas predominantly populated by the Tajik, Uzbek and Hazara minorities. Particularly the latter very rarely have any sympathy for the Taliban and violence rarely exceeds occasional forays by external groups of Taliban. The Hazara Taliban commanders are probably fewer than 10 countrywide. Some of them are former collaborators of the Taliban Emirate, who escaped retribution in 2001 (typically in Daikundi, Ghazni); others have been mobilised thanks to local conflicts against rival communities, for example in Dara-ye Suf of Samangan province. From 2008 the Taliban has had some success in penetrating Uzbek areas and recruiting Uzbeks, who apart from northern Pashtuns are now the main source of recruits to the insurgency in the north. Some Tajiks also join, but in smaller numbers. On both the government's and the insurgents' side ethnic tension is very strong in the north; Tajiks in particular regularly accuse Pashtun government officials of favouring their fellow Pashtuns, even when they are linked to the insurgency. The proliferation of pro-government militias, mostly staffed by Tajiks, has led to a wave of harassment and abuse at the expense of Pashtun communities; when the Taliban were in the ascendance in the north-east and were entering Tajiks, Uzbek and Turkmen communities abuses were also reported. In areas of mixed ethnic population, therefore, the tendency is now of ethnic polarisation, with Pashtuns being drawn towards the Taliban and Tajiks towards pro-government forces. Where ethnic issues are not as important, like in the north-west, the insurgents are better able to recruit among the minorities.¹⁶

In the west recruitment into the insurgency seems to be motivated by economic factors to a greater extent than in the country as a whole; this is particularly the case of much of Herat province. As a result the insurgency here seems to have the character of banditry, with arbitrary depredation of the population. It is not always easy to distinguish, however, between genuine insurgents and self-proclaimed ones.¹⁷

Compared to the Pashtun belt, the 'minorities' belt is characterised by a much stronger presence of illegal armed groups not linked to the insurgency, not so much in terms of sheer number of armed men, but in terms of organizational consolidation around local strongmen. These illegal armed groups, now increasingly trying to legitimise themselves as Local Police, have to fund themselves and therefore are involved in illegal activities, including extortion, and attract the loosest elements of society, generating a background noise of assaults, murders, sexual exploitation and rapes which has a major impact on the life of civilians.¹⁸

¹⁶ A. Giustozzi and C. Reuter, *Insurgents of the Afghan North*, Berlin : AAN, 2011.

¹⁷ Personal communication with M.Ishaqzada, American University (Kabul), April 2011.

¹⁸ See note 15 above.

6. INSURGENT CONTROLLED AREAS

6.1 SOUTH

Insurgent control has since the beginning of the conflict been more diffuse in the south, where several communities have sided with the insurgents. Here the Taliban has initially rolled out their shadow government, including their judiciary, which is particularly popular in the south. The Taliban also use their judges to decide the fate of alleged spies, government collaborators, etc. In some areas the Taliban has their own prisons, but by and large their justice is swift and the death sentence is widely used. Tens of executions occur every year and the number is limited by the fact that few government collaborators hang around in areas of heavy Taliban presence. The awareness that the Taliban has an effective system of information gathering and is constantly on the look-out for spies and collaborators has created a significant population displacement, with everybody who fears being pointed at by the Taliban opting to move to a city, initially Kandahar, but increasingly even Kabul, as the Taliban's presence in Kandahar city has strengthened over time.

In areas where the Taliban has a firm presence, the presence of prisons is reported. The targeting of relatives in order to put pressure on government collaborators is occurring, although the scale of it is difficult to assess. There is evidence that the Taliban at least in Ghazni threaten or kidnap family members of government officials to force them to quit their job.¹⁹ There is also abundant evidence that the families of ANA soldiers also receive threats. One of the recently leaked Wikileaks cables indicates this:

19 February 2008, Afghan army commander threatened: "Commander Jamaladin received a call from Taliban Commander Mullah Ezat. Mullah Ezat told him surrender and offered him US\$100,000 to quit working for the Afghan army. Ezat also stated that he knows where the ANA commander is from and knows his family." ²⁰

More in general relatives of individuals opposed to the Taliban, whether government employees or village elders, are known to have executed in retaliation.²¹

The Taliban tax the population and does not admit exemption, except for those households contributing at least one man to the jihad. Taxation is not popular, but the fact that the police and the government administration are corrupt makes it more acceptable to the population and there is no report of significant flight motivated by tax collection. Sanctions for those refusing to pay are not known, but presumably would include at least harassment and confiscation of goods. The closure of state schools was almost complete at one point in the rural areas of the south; now they

¹⁹ Christoph Reuter and Borhan Younus, *The Return Of The Taliban In Andar District Ghazni*, in A.Giustozzi(ed.), *Decoding the New Taliban*, London : Hurst, 2009.

²⁰ 'Excerpts: Leaked US Afghan war records', BBC News, 26 July 10.

²¹ Ben Farmer, 'Life under the Taliban: how a boy of seven was hanged to punish his family', Daily Telegraph, 12 June 2010.

have started slowly re-opening, but with Taliban curriculum, textbooks and at least in part teachers.²²

6.2 EAST

In the east the insurgents control mostly sparsely populated areas of Nuristan, Kunar and to a lesser extent Laghman. Despite their enhanced presence in Nangarhar, they still do not firmly control any significant portion of territory there. The insurgency in the east is also more diverse than in the south or south-east: the Taliban's Peshawar Shura competes with Hizb-i Islami, some Salafi groups and various Pakistani jihadist organisations, chiefly Pakistani Taliban, Lashkar-e Taiba and Jaish-e Mohammed. The shadow government and the judiciary, therefore, are not as effective. Community support for the insurgents is rare and recruitment is mostly on an individual basis. The presence of foreign fighters (including Pakistanis) here is also much more common than in the south.

The difficult geography of the east is a major factor of strength of the insurgency, which is less dependent on community support here. The insurgents as a result tend to be somewhat more radical than in the south, certainly more ideological; however on certain issues they are also more flexible than the southern Taliban, for example the targeting of state schools has not been as widespread here. In part this is due to the strong Islamist presence within the insurgency (Islamist do not oppose state schools) and in part to the higher level of education of these provinces.²³

In terms of taxation and attitudes towards collaborators there is little difference between east and south; the insurgency however tends to operate farther from urban areas and there is less friction with portions of the population of more progressive outlooks. The residents of remote, mountain villages tend to be closer to the Taliban's view of things; they are also unlikely to be involved with the government at all. By contrast, in villages close to major population centres, many work for the government or for government/ISAF contractors and are likely to be targeted by Taliban sanctions, creating friction.

6.3 SOUTH EAST

By 2011 the insurgency of the south-east was quite homogeneous in its composition. Within the Taliban the Haqqani network had almost monopolised the loyalty of the field commanders in Loya Paktia²⁴, either by expanding operations or by buying existing commanders. The main rival network, centred on the Mansur family in Zurmat, has largely been marginalised. Some commanders remain loyal to the Quetta Shura, but by and large the Haqqanis run the show. In some areas there is a significant Hizb-I Islami presence as well. In Ghazni, the Quetta Shura is predominant; this is also the only province of the south-east where the Taliban has extensive territorial control.²⁵

²² See note 4 above; personal communication with analyst D. Mansfield, 2010; interviews with Taliban and elders in south Afghanistan, 2011.

²³ See note 4 above.

²⁴ Loya Paktia includes the provinces of Paktia, Khost and Paktika.

²⁵ T. Ruttig in A. Giustozzi (ed.), *Decoding the new Taliban*, London: Hurst, 2009; interviews with Taliban and elders in Ghazni, 2010-11.

In general, the Haqqani network seems to have maintained good relations with the tribes which dominate the region. It has not tried to challenge their territorial control and has sought to negotiate access, with growing success over time. This has translated in little territorial control by the Haqqani network, which mostly carries out hit and run raids coming from the border. It is mostly in tribally mixed areas that the insurgents have been able to establish themselves more permanently, although there are also exceptions as in the case of the Sabari tribe, which closely linked to Hizb-i Islami.

Because territorial control is limited, trials of spies and collaborators are not very frequent in the south-east. Foreign fighters, mostly Pakistanis, are often seen in the south-east. However, they rarely interact with the civilian population and mostly are brought in for specific operations.

6.4 OTHER AREAS

Pockets of Taliban control exist throughout the west and the north, although they tend to be remote and sparsely populated mountain areas. The main exception are northern Baghlan and eastern Badghis, while another major insurgent pocket in Kunduz has been crushed last winter by the American Special Forces and the pro-government militias.

In these areas the insurgents appear to have been particularly careful in their approaches to the population, probably as a result of their isolation from the main bulk of the insurgency and their still precarious foothold. At the same time, the insurgents seem determined to destabilise these regions and have been targeting NGO workers and foreign aid workers. The Taliban judiciary has made their appearance in these regions too, but it is not as popular as alternatives exist, such as independent religious judges.²⁶

Throughout the areas controlled by the insurgents, an outflow of civilians escaping from them can be noted. This is not a massive flow; most internally displaced people seem to have fled large scale military operations. However, there are thousands of individuals and families who have clashed with the Taliban, mostly for having been suspected of collaborating with the government. There are also government officials fleeing from their job towards Kabul or the cities in general. The Taliban has increasingly developed an ability to strike at will almost anywhere; harassment and targeting of 'collaborators' now occurs even in the cities, even if on a small scale in Kabul and in the north and west. Those who fled and have given up their jobs, as well as their family members, do not appear to have been actively targeted in the cities. The Taliban potentially has the resources and skills to track down people, particularly if these are not in hiding but have to work; extensive infiltration of the police also helps the Taliban's information gathering efforts. However, these escapees who no longer collaborate for the government are a low priority target to the Taliban, whose assets in the cities are limited and usually devoted to high profile targets, ranking from serving government officials upwards. In Kabul, for example, colonels of the police and army have been targeted, as well as commanding officers of the security services. In the provinces, particularly in the south, government officials of any rank, even low ones, have been targeted. The Taliban do not seem to

²⁶ Interviews with Taliban and elders, 2011.

systematically transfer information about targeted individuals from one area to the other; they maintain no databases. What typically happens is that the Taliban operating in a specific area will request information from other Taliban about a suspect individual, whenever needed. The flow of information therefore depends on the intensity of Taliban operations: the greater the presence, the greater the request of information. Often individuals apprehended by the Taliban as suspect spies are asked to provide references in order to verify their identity and activities. The risk to the escapees from Taliban-controlled areas seems to derive mainly from chance contact with the Taliban, who may consider them an opportunity target. Usually the poorest and the Pashtun-populated areas of the big cities are the places where most Taliban infiltration of the cities occurs; in Kabul these are Bagrami suburb, south-eastern Kabul, Southern Kabul and parts of western Kabul. In central Kabul, the Taliban are known to have developed a network of informers, among else buying shops in strategic locations and staffing them with members and sympathisers, the purpose being to observe embassies and government buildings. Such effort is clearly geared towards high value targets and collaborators.

7. CONTESTED AREAS

7.1 SOUTH

Most of the violence against civilians takes place in contested areas. In areas under solid Taliban or government control, the opposition is usually well underground. Some preventive repression takes place, but on a relatively small scale. Indeed in southern Afghanistan violence has increased in 2010-11 after ISAF and the Afghan security forces set out to contest Taliban control over large portions of Helmand and Kandahar. The Taliban has intensified their targeting of government officials, while the greater presence of pro-government forces has encouraged some anti-Taliban elements to emerge in the open, creating new targets for the Taliban hit squads. Many of these anti-Taliban elements organise themselves in militias, whether called Local Police or not, and may well reproduce the pattern discussed above for the north: taxation, harassment, etc.²⁷

Civilians living in contested areas tend to be the unhappiest; neither side is trying to establish security, quite the contrary the two opposing sides try actively to destabilise each other. This means a lot of uncertainty for the civilians and increased risk of being caught in violence. In these areas is also the greatest concentration of IEDs, which represent a major risk to civilians. In 2010, about half of UNAMA-reported civilian casualties took place in this region.

²⁷ Joshua Foust, 'The Unforgivable Horror of Village Razing', available at <http://www.registan.net/index.php/2011/01/13/the-unforgivable-horror-of-village-razing/>, 1/13/2011; 'A battalion commander responds to a blogger on how to operate in Afghanistan', available at http://ricks.foreignpolicy.com/posts/2011/01/20/a_battalion_commander_responds_to_a_blogger_on_how_to_operate_in_afghanistan, January 20, 2011.

7.2 SOUTH-EAST

Most of the south-east is a contested area, particularly Loya Paktia. In this case, because of the strength of tribal structure in this area, the fact that neither side is in control has played to the advantage of the civilian population, which through the tribes has managed to extract a more respectful behaviour from the insurgents in particular. Civilian victimisation still occurs, but not proportionally to the level of violence registered in this region. In the past, insurgent behaviour antagonistic towards civilians was mainly recorded in Ghazni, where tribal structures are not as strong.²⁸ The 513 civilians killed in the south-east in 2010 place it only after the south in terms of casualties, but at a long distance.

Air strikes also mainly occur in contested areas, as do most arrests. In the south-east and particularly Khost province the role of *madrastas* in the insurgency has been the source of many controversies. The Afghan security services have maintained that the *madrastas* often collaborated with the insurgents and the US Special Forces have sometimes raided them, creating much resentment among the local clergy.²⁹

7.3 EAST

With the redeployment of US forces in 2010, all of Nuristan and much of Kunar have in fact been conceded to the insurgents. The rest of Kunar, most of Nangarhar and almost all of Laghman are now contested areas. In some areas, particularly Nangarhar, the tribes were strong enough to negotiate with the insurgents and limit their encroachments as desired. Some areas, tribally more mixed, have seen greater insurgent penetration. In 2010-11 even the most resilient tribes seem to have conceded access to the insurgents.³⁰

Reporting from the east, especially from Kunar and Nuristan, is rare and it is quite possible that episodes of abuses and violations of human rights are under-reported for this region. With 243 UNAMA-confirmed civilian deaths in 2010, the East not only lagged behind south and south-east, but was also barely ahead of the Central Region.

7.4 NORTH

Despite the fact that the level of violence was in 2010 still a fraction of that encountered in the Pashtun belt, civilian casualties in the north were no longer negligible. The 308 civilians killed in the 9 provinces of the north indicate a clumsy attitude of local ISAF units towards engaging insurgents in the presence of civilians. Much of the north is a contested area now and ISAF is thinly spread here, a fact resulting also in poor intelligence and sometimes in over-reliance on close air support. The Afghan army too has only modest resources here, a fact which contributed to over-reliance on militias, with their often abusive approach. Much of the north is still not affected by the conflict in a direct way, but virtually all the main roads are, so that travel is no longer safe.³¹

²⁸ See C. Reuter in A. Giustozzi (ed.), *Decoding the new Taliban*, London : Hurst, 2009.

²⁹ Personal communication with UN staff, Khost and Gardez, 2008-9.

³⁰ G. Dorransoro, cit.; personal communication with analyst D. Mansfield, 2011.

³¹ See note 15 above.

7.5 WEST

Apart from a couple of districts of Badghis, almost all of the west is now a contested area. Complicities between police and insurgents or criminal gangs were in the past particularly frequently reported in this region, to the benefit of the criminal industry. Cross border smuggling is also widespread. Some early intervention of the Special Forces created complex situations in some areas, due to the collateral killing of many civilians (particularly Shindand). The weakness of Taliban shadow administration creates a situation of greater fluidity, but not to the benefit of the general population.³²

7.6 CENTRE

While Parwan only recently has seen serious insurgent penetration, in Logar, much of Kapisa, two thirds of Wardak and much of Kabul province itself only a strong ISAF presence prevents the insurgents from openly claiming control. Support for the government seems to be particularly weak in Logar, while in areas like the southern districts of Kapisa and the Pashtun districts of Wardak local conflicts play an important role in dragging civilians into the conflict. Tribal segments align themselves with different factions in the conflict (in Kapisa, for example, Taliban, Hizb-i Islami and the government-aligned Jamiat-i Islami), bringing their feuds with them. Like in the south, 'bad tips' are an issue.³³

8. CONCLUSION - MAIN FACTORS AFFECTING THE SECURITY AND HUMAN RIGHTS OF AFGHAN CIVILIANS

Targeted violence in Afghanistan takes the lives of a few hundreds of civilians, a modest number compared to Iraq at the peak of the violence (or even today), but still a significant one. The targeted killing of civilians is mostly an activity of the insurgents, although political assassinations by other factions linked to the government also occur on a small scale. It is usually difficult to attribute political murders, because of the complex, multi-factional political environment.

The indiscriminate killing of civilians occurs on a large scale (several hundreds a year) and derives mostly from the use of mines by the insurgents, which are necessarily indiscriminate. However, suicide bombings, conventional attacks by the insurgents and air strikes by ISAF forces, while potentially more discriminate, also cause significant numbers of civilian casualties because of the unwillingness of participants in the conflict to sacrifice a tactical advantage (such as the possibility of surprising the enemy).

Collateral damage, that is the sometimes inevitable civilian casualties deriving from armed conflict, also accounts for a few hundreds civilian casualties each year: crossfire, use of artillery, etc.

³² Interviews with UN officials, MPs, members of the provincial council and police officers, 2007-10.

³³ Dorronsoro, cit (note 1); MATT DUPEE, Kapisa province: The Taliban's gateway to Kabul, *The Long War Journal*, April 29, 2008; Guillaume Lasconjarias, Kapisa, kalachnikovs et korrigan, Paris : IRSEM, 2011.

The loss of human life (and the significantly larger number of injuries also inflicted) is not the only form of damage inflicted to human rights in a conflict. Compared to other conflicts, discrimination and forced recruitment have not been major issues so far in Afghanistan. Sometimes government or armed opposition will intervene in a local conflict and take sides, but rarely this can be described as 'discrimination'. The suppression of civil liberties occurs instead on a significant scale; rarely on the government side the exercise of the right to manifest one's opinion has been prevented, although massive vote rigging and attempts to limit the freedom of the media have both occurred and inevitably affect civil liberties. In Taliban held territory, unsurprisingly, there are no civil liberties. Although the imposition of behaviour codes also occurs in government-held territory, it tends to be more common in Taliban territory, particularly where radical commanders still try to implement Mullah Omar's social decrees. Perhaps the biggest imposition of the Taliban on the civilian population was, at least until recently, the closure of state schools. Even if now state schools seem to have started re-opening, the compromises made with the Taliban arguably limits the choice of families living in areas affected by the insurgency.

The Taliban have been constantly expanding their information gathering operations; some parts of the country, in particular the south but also the south-east, the east and the provinces south and west of Kabul (Wardak, Logar) are thoroughly covered and there is little that the Taliban do not know, not least because they have extensively infiltrated the police and the state administration. In other parts of the country, like most of Kabul, most of the west and most of the north, the Taliban's presence on the ground is more modest and their ability to collect information more limited. More importantly, the Taliban's ability to auction off the information collected is more limited in these areas, where they have to rely on a few hit teams in order to carry out their strategy of targeted killing. As a result, while the Taliban target even low level collaborators in the areas where they are present in force, they limit themselves to high profile targets elsewhere. Killings of low profile collaborators of the government is not being reported in these areas. We can expect they policy of targeted intimidation and killing to continue expanding, but the rate of expansion will depend on the ability of the Taliban to establish a strong presence in ever newer areas. There are already some areas of the regions less affected by the insurgency, where the Taliban are able to extensively target collaborators: a few suburbs of Kabul, Pashtun-populated areas of the north, etc.

9. ANNEXES

1.

Table: Civilian killings. Source: UNAMA, ANSO

	2006	2007	2008	2009	2010	2011 (first half)
ISAF and Afghan						
Government forces	230	629	828	596	440	207
Taliban and other						
insurgents	699	700	1160	1630	2080	1167
<i>of which IED and</i>						
<i>suicide attacks</i>			725	1054	1141	720
<i>of which IEDs</i>				773	904	444
<i>of which suicide attacks</i>				281	237	276
<i>of which targeted assassinations</i>			271	225	462	190
<i>of which other</i>			164	351	205	257
Unknown cause and						
Crossfire		194	130	180	257	88
TOTAL	929	1523	2118	2406	2777	1462
<i>% increase</i>						
<i>on previous year</i>		63,9%	39,1%	13,6%	15,4%	15%
<i>number of insurgent</i>						
<i>initiated violent incidents</i>						
<i>% increase on previous</i>						
<i>year</i>		48%	53%	42%	64%	

