AFGHANISTAN ASSESSMENT

April 2001

Country Information and Policy Unit

CONTENTS

I SCOPE OF DOCUMENT

1.1 This assessment has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information obtained from a variety of sources.

1.2 The assessment has been prepared for background purposes for those involved in the asylum determination process. The information it contains is not exhaustive, nor is it intended to catalogue all human rights violations. It concentrates on the issues most commonly raised in asylum claims made in the United Kingdom.

1.3 The assessment is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 It is intended to revise the assessment on a six-monthly basis while the country remains within the top 35 asylum producing countries in the United Kingdom.

1.5 The assessment has been placed on the Internet (http://www.ind.homeoffice.gov.uk). An electronic copy of the assessment has been made available to the following organizations:

- Amnesty International UK
- Immigration Advisory Service
- Immigration Appellate Authority
- Immigration Law Practitioners' Association
- Joint Council for the Welfare of Immigrants
- JUSTICE
- Medical Foundation for the Care of Victims of Torture
- Refugee Council
- Refugee Legal Centre
- UN High Commissioner for Refugees

II GEOGRAPHY

General

2.1 The Islamic State of Afghanistan - or the 'Islamic Emirate of Afghanistan' as it was unilaterally renamed in October 1997 by the Taliban - is a land-locked country in Southwest Asia. Its neighbours are Turkmenistan, Uzbekistan and Tajikistan to the north, Iran to the west, China to the Northeast, and Pakistan to the east and south. **[1]** Covering an area of some 251,773 square miles, there are 31 provinces. The five largest towns are Kabul (the capital), Kandahar, Herat, Mazar-i-Sharif and Jalalabad. **[1]** Population movements across the border and internal displacements make it difficult to obtain reliable population figures, **[11b]** although a July 1999 estimate of the population was 25,824,822. **[23]**

Languages

2.2 There are a variety of languages spoken in Afghanistan, the principal two being Pashtu and Dari. **[1]** These have been the official languages of the country since 1936, using an augmented Arabic script. Pashtu (spoken by the Pashtun ethnic group) is an Indo-European language, and Dari is a dialect of Farsi/Persian (spoken mainly by the Tajiks, Farsis, Hazaras and Aimaq). **[11a]**

2.3 Some 50% of the population are able to speak Pashtu, which is one of the two official languages taught in schools. **[16]** Pashtu is spoken by the Pashtuns living in Afghanistan and Pakistan. The Pashtu speaking area is defined as the south-eastern third of Afghanistan and the area of Pakistan between the Afghan border and the Indus. The language is equally understandable on both sides of the border. It is noted that within Pashtu there are dialectical variations in pronunciation, spelling, grammar and vocabulary. Using the test of pronunciation, the two principal dialects identified are western/Kandahari and eastern/Peshwarin; this division approximates to a division along the border. **[15c]**

2.4 Dari, which itself contains dialectical variations, is the Afghan variant of Farsi and differs from the national standard dialect of Iran. There are however Farsi dialects within Iran that have much in common with Dari. Dari speakers may not therefore be able to communicate easily in standard Farsi. Because of its literary and commercial importance, Dari generally serves as the means of communication between speakers of different languages rather than Pashtu. **[15c]** The formal style of Dari is closer to Tehrani Persian (Farsi), and the informal style in some parts of Afghanistan is closer to Tajiki of Tajikistan. Phonological and lexical differences between Iran and Afghanistan cause little difficulty in comprehension. **[16]**

2.5 Since 1978 a multitude of languages used by ethnic minorities such as the Uzbeks, Turkomans, Baluchis, Nuristanis and Pashai were officially recognized. **[11a]** Afghan Sikhs retain the use of Punjabi amongst themselves, given their involvement in trade. Dari/Farsi is probably the most important additional language for them. **[15c]**

See also Sikhs and Hindus*: paragraphs 5.3.11 - 5.3.13*

Economy

2.6 Afghanistan continues to be an extremely poor country. Economic considerations have been overshadowed by political and military upheavals following two decades of war. **[23]** Agriculture (including high levels of opium poppy cultivation) has been the mainstay of the economy. Afghanistan continued to be the world's biggest opium producer **[2b]**, although in July 2000 Mullah Omar (the Taliban Supreme leader) banned poppy cultivation from the coming Lunar Hijri year. **[22b]**

2.7 The country's worst drought for thirty years may affect over half the population, with 3-4 million severely affected. Lack of resources and the civil war have impeded reconstruction of irrigation systems, repair of market roads and the replanting of orchards in some areas. The presence of land mines has restricted areas for cultivation, and has slowed the return of refugees who are needed to rebuild the economy. Formal economic activity remains minimal, especially in rural areas and is inhibited by recurrent fighting and roads blocked by local commanders in non-Taliban controlled areas. The country is dependent on international assistance. Per capita income is about US$280 a year based on World Bank figures. **[2b]**

2.8 On 14th November 1999 the UN imposed sanctions on Afghanistan in response to the Taliban's refusal to the USA's demand for Islamist fugitive Osama Bin Laden, currently in hiding in Afghanistan. The sanctions are limited in scope, and officially are restricted to the freezing of the Taliban's overseas bank accounts and also the blocking of Afghan Ariana international flights. The sanctions however have had an adverse affect on aid agencies attempting to bring food and medicine into the country. To surrender Bin Laden is somewhat of a political impossibility for the Taliban. Officially he is a guest in Afghanistan, and to hand him over would violate traditions of hospitality. The Taliban itself is also comprised of Islamist ideologues, guerrilla commanders, tribal chieftains and even former communists. The cohesion they share in terms of a vision of uncompromising Islam makes it difficult to foresee them surrendering one of their own warriors. Public opinion also tends to rally round the Taliban on the issue, with Afghans blaming the US and the UN for forcing their rulers into an impossible situation. **[18c]**

III HISTORY

1973 Coup d'État

3.1 At the initial phase of the Cold War, King Zahir Shah of Afghanistan and his Prime Minister, Lieutenant General Mohammad Daoud, chose to be willing beneficiaries from both East and West. The Soviet Union built an international airport in Kabul; the US did the same in Kandahar. Until mid-**1970**, the US and USSR competed for influence over a regime they both supported, rather than backing the political factions seeking to replace it. **[11a]**

3.2 In **1973** Prime Minister Daoud overthrew his cousin, King Zahir Shah, in a coup d'état. He abolished the monarchy and proclaimed himself president. Both superpowers and regional states feared that the abolition of the monarchy, without the institutionalization of an alternative political system, could provoke a future succession crisis. The tension between the US and the USSR over Afghanistan increased, affecting foreign powers' attitudes to domestic political forces

inside Afghanistan. Both the USSR and Pakistan (the latter with US support) increased their aid to Communist and Islamic movements challenging the Afghan regime. **[11a]**

1978 - 1992

3.3 Political opposition to the government of Daoud culminated in leftist anti-Government demonstrations in Kabul in April **1978**. In response President Daoud arrested seven leaders of the People's Democratic Party of Afghanistan (PDPA). On 27 April 1978, the commanders of military and air force units in Kabul staged a coup d'état (the 'Great Saur Revolution'). President Daoud and his family were killed. **[11a]**

3.4 After the Revolution the Republic of Afghanistan was renamed the Democratic Republic of Afghanistan (DRA), and power was vested in a Revolutionary Council with the PDPA allowed as the only political party. Nur Mohammed Taraki became president of the Revolutionary Council and Prime Minister. The DRA government proclaimed socialist reform in favour of landless peasants, but these policies failed. The opposition caused an armed insurrection in almost all provinces. In **1979** President Taraki was overthrown and subsequently murdered by Hafizullah Amin, his Deputy Prime Minister and Minister of Foreign Affairs whose power had steadily increased. **[11a]**

3.5 Amin's government accused Pakistan, Iran, the US, Egypt, China and other countries of aiding the opposition. The Soviet Union had continued to pressure for the adoption of more moderate policies and the formation of a broad-based government in Afghanistan. They invaded in December 1979 and Amin was subsequently overthrown and killed. Amin had been leader of the Khalqi faction. The Soviet Union installed the leader of the opposing Parcham faction, Babrak Karmal, as President of the country and General Secretary of the PDPA. Karmal's disciple, Mohammad Najibullah, became Director-General of the secret police, the KHAD. **[11a]**

3.6 The major problem for Karmal's regime was the continuing civil war. The anti-Government guerrilla forces, the mujahidin, despite being fragmented among local groups and organizations operating from Afghan refugee communities in Pakistan and Iran, deprived the Government of authority over large areas of the countryside. The guerrilla groups were poorly armed at first, but in **1984-85** they began to receive increased support from outside. Significant financial and military supplies came primarily from Pakistan, Saudi Arabia, the US and China. The mujahidin called upon people to wage 'jihad' (holy war) against "unbelieving" rulers. **[11a]**

3.7 In May **1986**, Najibullah was appointed General Secretary of the PDPA, in place of Karmal. In November 1986, Najibullah was elected President and a new constitution was adopted. Some of the innovations incorporated into the constitution were a multi-party political system, freedom of expression and an Islamic legal system presided over by an independent judiciary. However, all of these measures were largely outweighed by the broad powers of the president who commanded a military and police apparatus under the control of the Homeland Party (Hizb-i Watan, as the PDPA became known in **1988**). **[11a]**

3.8 Following an agreement on 14 April 1988 between Afghanistan, Pakistan, the USSR and the US, the departure of Soviet forces commenced in mid-1988 and was completed in **1989**. The supply of arms to both nonetheless sides continued (the US and Pakistan to the mujahidin, and the Soviet Union to the regime in power) and the violent conflict resumed. **[11a]**

3.9 Under pressure from their US, Pakistani and Saudi Arabian supporters, the Sunni groups chose an Afghanistan Interim Government-in-Exile at a council held in Pakistan in 1989 as the last Soviet troops were departing. With the help of the US Central Intelligence Agency and the Pakistani military intelligence, the mujahidin in the latter half of 1990 launched new military campaigns. **[11a]**

3.10 As the civil war continued ethnic divisions prevailed, not only amongst the army and groups of the mujahidin but also between the majority Pashtuns and minority ethnic groups such as the Uzbeks and the Tajiks. **[11a]** Following a mutiny staged by Uzbek militia forces in the Afghan army under the command of General Abdul Dostum, the northern town of Mazar-i-Sharif was captured by the mujahidin in March **1992**. On 16 April 1992 Najibullah was forced to resign by his own ruling party, following the capture of the strategically important Bagram air-base and the nearby town of Charikar by the Jamiat-i Islami guerrilla group under the command of the Tajik general, Ahmad Shah Masoud. Najibullah went into hiding in Kabul under UN protection, while one of the vice-presidents assumed the post of acting president. **[1]**

3.11 Throughout the Soviet occupation, residents of Kabul thrived on the money the Soviets had poured in. The jihad against the Soviets had taken place amongst the distant mountains and deserts, but in comparison Kabul had acquired new buildings, parks and roads. University lecturers' pay had trebled and there were cinemas, cafes and libraries full of Marxist tracts. Many from Kabul fought with the Communists against the Mujahidin, therefore when the Mujahidin fought their way into Kabul (soon to fragment into their own fighting factions) its residents suffered their resentment. Thousands were killed and injured, and many fled. **[28]**

1992 - 1994: Mujahidin Government

3.12 Within a few days of Najibullah's downfall, every major town in Afghanistan was under the control of different coalitions of mujahidin groups, co-operating with disaffected army commanders. Masoud received orders by the guerrilla leaders in Peshawar to secure Kabul. On 25 April 1992 the forces of both Masoud and Gulbuddin Hekmatyar (leader of the rival Pashtun dominated Hizb-i Islami guerrilla group) entered Kabul. The army surrendered its key positions, and the city immediately witnessed mujahidin faction fighting. **[1]**

3.13 The military council that had only a few days earlier replaced the Government handed over power to the mujahidin. Having discarded the UN's proposal to form a neutral body, the guerrilla leaders in Peshawar agreed to establish a 51-member interim Islamic Jihad Council, composed of military and religious leaders which was to assume power in Kabul. Sibghat-ullah Mojaddedi was the leader of the small moderate Jebha-i-Nejat-i-Melli (National Liberation Front). He was to chair the Islamic Jihad Council for two months, after which period a ten-member Leadership Council, comprising mujahidin chiefs would be set up for a period of four months, to be presided over by the head of the Jamiat-i-Islami, Burhanuddin Rabbani. Within six months a special council was to meet to designate an interim administration which was to hold power for up to a year pending elections. **[1]**

3.14 Mojaddedi arrived in Kabul on 28 April 1992 as the President of the new interim administration. The Islamic Jihad Council was not however supported by Hekmatyar, whose radical stance differed substantially from Mojaddedi's more tolerant outlook. At the end of the month, Hekmatyar's forces lost control of their last stronghold in the centre of Kabul. **[1]**

3.15 Within a few weeks, the Government of the newly proclaimed Islamic State of Afghanistan had won almost universal diplomatic recognition, and by early May 1992 about one-half of the Islamic Jihad Council had arrived in the capital. An acting Council of Ministers was formed, in which Masoud was given the post of Minister of Defence and the premiership was set aside for Ustad Abdol Sabur Farid, a Tajik commander from Hizb-i Islami (Hekmatyar declined to accept the post). **[1]**

3.16 Despite Mojaddedi's repeated pleas to Hekmatyar and his followers to lay down their arms, Hekmatyar (who was particularly angered by the presence of Dostum's Uzbek forces in the capital) continued to bombard Kabul with artillery and indiscriminate rocket launches from various strongholds around the city. Scores of citizens were killed and wounded. **[1]** On 28 June 1992 Mojaddedi surrendered power to the Leadership Council, which immediately offered Rabbani the presidency of the country and the simultaneous responsibility of the Interim Council of Ministers for four months. Following the Islamabad Accord of March **1993,** Afghanistan was formally ruled by President Rabbani. The post of Prime Minister was given to Hekmatyar. **[11a]**

3.17 Renewed intense fighting broke out on 1 January **1994**, when Prime Minister Hekmatyar formed a new alliance with Uzbek General Dostum, and attempted to force President Rabbani from office. The fighting over control of territory and political authority in Afghanistan intensified between the Jamiat-i Islami (led by President Rabbani and his commander, Masoud) and the alliance between the northern General Dostum and Hekmatyar (referred to as the Supreme Co-ordination Council, with the backing of the Hizb-i Wahdat). **[11a]** Dostum's militia reportedly oppressed the civilian population of Kabul, as the bitter fighting by the Mujahideen factions ensued amongst looting and lawlessness. **[25l]**

Emergence of the Taliban

3.18 United Nations efforts to promote a broad-based government acceptable to the various factions continued. A plan for the transfer of power to a broad-based interim administration was postponed due to the absence of political will amongst the major powers and new political developments. Notably there was the emergence of a new political grouping **[11a]** in the latter half of 1994 **[1]**, the (mainly Pashtun) Taliban. **[11a]** The Taliban were hitherto unknown - Taliban being the plural of 'Talib', meaning 'seeker of religious knowledge'. They were reportedly young Pashtun graduates, emanating from fundamentalist Islamic schools established by Afghan refugees in Pakistan. **[1]**

3.19 In Kabul the dominant language and ethnicity is Persian, with a broadly literate and moderate cultural base. Two hundred miles south of Kabul is the desert-city of Kandahar, the home of the Pashtun tribes with their own code of honour, duty and justice. Many had fought against the Russians, and some began to meet regularly in the early 1990s in a village just outside the city. They were devout Muslims and had studied in Pakistan's religious schools. Their home was being destroyed and looted by rival warlords. They took no action until mid 1994 when a local girl was gang-raped and killed by a local warlord and his men. The Taliban's first decisive move in their rise to power was to kill those responsible. **[28]**

3.20 The Taliban were appointed by Islamabad to protect a convoy attempting to open up a trade route between Pakistan and Central Asia. The group comprised Afghans trained in religious schools in Pakistan and former mujahidin. The latter proved to be effective bodyguards as they drove away other mujahidin groups who attacked the convoy. **[25a]** In November 1994 the

Taliban captured Kandahar from the mujahidin, and moved north-eastwards. The term of office of President Rabbani came to an end on 28 December 1994 but he remained President, pending the outcome of the UN sponsored peace negotiations. **[11a]**

3.21 The Taliban's popularity initially surprised the warring mujahidin factions. As ethnic Pashtuns themselves, a large part of the Taliban's support came from the Pashtun community who were disillusioned with existing Tajik and Uzbek leaders. Other Afghans also often welcomed Taliban successes in stamping out corruption, restoring peace and allowing commerce to flourish again. The Taliban's refusal to negotiate with existing warlords who had caused immense destruction and killing also earned them respect. **[25a]**

February 1995 - June 1996

3.22 On 14 February **1995** the Taliban captured the headquarters of Hekmatyar's Hizb-i Islami in Charasyab, south of Kabul. They took control of nine of the country's provinces. In early March 1995 the Taliban entered the Karte Seh district in western Kabul and disarmed Hizb-i Wahdat militia who had been in control of the area. The Taliban's presence there brought them face to face with President Rabbani's government forces, and the Taliban were subsequently pushed out of the area to Charasyab, withdrawing further south to Maidan Shahr. Heavy fighting continued between government and Taliban forces over control of the city. **[11a]**

3.23 On 5 September 1995 the Taliban captured the city of Herat from the forces of the governor, Ismail Khan, who was allied to the government of Rabbani. **[11a]** In October 1995 the Taliban launched a massive ground and air assault on Kabul, but by early January **1996** had failed to breach the capital's defences. Despite the holding of exploratory negotiations between the Rabbani government and major opposition parties in the first quarter of 1996, the fighting in and around Kabul intensified. The President's attempts at conciliation finally proved successful in late May 1996 in a critical development (the 'Mahipar Agreement'), when he persuaded Hekmatyar to rejoin the Government. **[1]** As Hekmatyar resumed the post of Prime Minister, fighting in Kabul broke out and the city became a target of indiscriminate bombing. Daily rocket attacks on Kabul peaked in June 1996. **[11a]**

September 1996 - June 1997

3.24 On 11 September 1996 the Taliban captured Jalalabad, the eastern city bordering Pakistan. They went on to capture Kabul on 27 September 1996. Their first act was to publicly hang former President Najibullah, who since the fall of his government in April 1992 had sought shelter in a UN compound. The capture of Kabul quickly realigned political forces within Afghanistan and the region. The non-Pashtun forces allied again as they did in the North Alliance of 1992. **[11a]** The country was effectively partitioned between areas controlled by Pashtun and non-Pashtun forces, as the Taliban now controlled all the predominantly Pashtun areas of the country (as well as Herat and Kabul). Meanwhile, non-Pashtun organizations controlled the areas bordering on the central Asian republics. **[11a]**

See also Ethnic Groups*: paragraphs 5.3.14 - 5.3.34.*

3.25 To the north of Kabul, the forces of the ousted government were pushed out of the towns of Charikar and Jebul Siraj, and the front line reached the village of Gulbahar at the mouth of the Panjshir Valley: the stronghold of Commander Masoud. In the week of 14-20 October 1996 the

forces of General Dostum joined Commander Masoud's front line and fought their way to Kabul in a counter-attack. As a result the Taliban lost their strategic military airbase at Bagram. A second front line was opened in the north-west, where the Taliban held territory bordering the area controlled by General Dostum. **[11a]**

3.26 By late October 1996 the anti-Taliban forces had launched a concerted offensive against Kabul in the hope of ousting the Islamic militia. Their leaders were now collectively known as the Supreme Council for the Defence of Afghanistan (SCDA). Their headquarters were situated in General Dostum's stronghold of Mazar-i-Sharif. Despite repeated calls for a cease-fire from various foreign governments and the UN, the fighting between the Taliban and the allied opposition continued into January **1997**. **[1]**

3.27 Heavy fighting between Taliban and anti-Taliban alliance forces resulted in thousands fleeing south toward Kabul. **[3a]** They pushed further north, capturing three districts in Kapisa province in north-eastern Afghanistan (previously under the control of Commander Masoud's troops), progressing toward the Salang Pass to within 20 kilometres of the Soviet-built tunnel that leads through the Hindu Kush mountain range into provinces held by General Dostum. The opposition reportedly surrendered much of the territory without fighting. **[11a]**

3.28 On 23 January 1997 the Taliban captured Jebul Siraj and Gulbahar, both former Masoud strongholds. **[3a]** In the North, residents of Mazar-i-Sharif (the northern Afghan capital controlled by General Dostum) were threatened in January 1997 when the Taliban opened its offensive north of Kabul. Forces loyal to General Dostum destroyed parts of the Salang highway (the Salang tunnel north of Kabul, nearly three kilometres long, is the main route to the northern provinces and beyond to Central Asia), blocking direct access north of Kabul. Dostum's Shia Muslim allies managed to block a Taliban attempt to bypass the crucial road link. **[11a]**

3.29 In May 1997 the Taliban were reportedly pushed out of Jebul Siraj, a strategic town north of Kabul by forces of Commander Masoud. In late May the situation swiftly changed as the fragile coalition linking General Dostum with former government forces of President Rabbani, Hekmatyar's Hizb-i-Islam and the mainly Shia Hizb-i-Wahdat fell apart following the defection on 19 May 1997 of General Dostum's senior commander, Abdul Malik. On 24 May 1997, fighters loyal to Malik captured Mazar-i-Sharif, which became under the full control of ethnic Uzbek fighters who had until a week before been part of the Northern Alliance opposing the Taliban. Meanwhile the towns of Kunduz, Baghlan and Samangan east of Mazar were announced as under Taliban control. General Dostum fled to Turkey **[11a]**, and General Malik assumed his position as leader of the National Islamic Movement. **[1]**

See also Mazar-i-Sharif Massacres*: paragraphs 5.2.8 - 5.2.9; and* Hazaras*: paragraphs 5.3.24 - 5.3.29.*

3.30 The Taliban's control of the north swiftly ended on 28 May 1997, when they were defeated in Mazar-i-Sharif through an eighteen-hour battle, by Uzbek soldiers who broke the new alliance with the Taliban. Commander Masoud's resistance continued in the north-east as he launched a surprise attack on the Taliban on 25 May 1997 after one of his senior commanders, General Bashir Salangi, defected to the Taliban and gave its troops permission to move up the mountain road. Commander Masoud, who was fighting from north-eastern strongholds in Takhar and Badakshan provinces, moved reinforcements into the area the same day. **[11a]**

3.31 The anti-Taliban alliance expanded and strengthened in early June 1997 by the inclusion of forces of Hekmatyar and of the Mahaz-i-Melli-Islami, led by Pir Sayed Ahmad Gailani. This new coalition, which superseded the SCDA, was known as the United Islamic Front for the Salvation of Afghanistan (UIFSA) [often referred to as the Northern Alliance]. **[1]** At the beginning of June 1997, the Taliban effectively controlled two-thirds of the country. **[11a]**

August 1997 - September 1998

3.32 In mid-August 1997 it was reported that the UIFSA had appointed a new government based in Mazar-i-Sharif with Rabbani continuing as President, Abdorrahim Ghafurzai as Prime Minister, Ahmad Shah Masoud as Minister of Defence and General Adbul Malik as Minister of Foreign Affairs. However the former Prime Minister in the anti-Taliban administration, Hekmatyar, refused to recognize the new government. Within a few days of its appointments seven members of the new Government, including Prime Minister Ghafurzai, were killed in an aeroplane crash. In late August 1997 the anti-Taliban opposition alliance appointed Abdolghaffar Rawanfarhadi as the new Prime Minister. **[1]**

3.33 In September 1997 the main battlefront moved northwards from Kabul when the Taliban launched an offensive in an attempt to recapture Mazar-i-Sharif. Following fierce fighting the Taliban were forced to lift the siege and retreat in early October 1997. Meanwhile, in mid-September 1997 General Dostum was reported to have returned to Mazar-i-Sharif from Turkey, and in the following month the member parties of the UIFSA re-elected him as commander of the forces of the alliance. They also appointed him as Vice-President of the anti-Taliban administration. **[1]**

3.34 There were however reports of a bitter rivalry between General Dostum and General Abdul Malik, with skirmishes between their respective forces. Dostum's battle for supremacy with his rival led him to make overtures to the Taliban, including offers of exchanges of prisoners of war. By late November 1997 General Dostum reassumed leadership of the National Islamic Movement, ousting General Malik. **[1]**

3.35 Despite renewed peace efforts, fighting between the Taliban and UIFSA forces continued throughout January **[5a]** and February **1998**, although military operations by both sides appeared to be restricted by severe weather conditions. Despite the declaration of a unilateral three-day cease-fire by the Taliban on 6 February 1998, heavy fighting was reported in Takhar province. Both sides accused their opponents of instigating the fighting. **[5b]**

3.36 On 14-15 March 1998 fighting broke out again in Mazar-i-Sharif between the allied forces of the ethnic Uzbek leader, General Dostum and the Shia faction, Hizb-i Wahdat. The fighting, blamed on ethnic and religious differences between the two factions, began in Hairaton, 120km north of Mazar-i-Sharif on the border with Uzbekistan, but quickly spread southwards. **[5c]**

See also Religious Minorities*: paragraphs 5.3.3 - 5.3.13; and* Ethnic Groups*: paragraphs 5.3.14 - 5.3.34.*

3.37 On 27 April 1998 UIFSA officials and representatives of the Taliban met in Islamabad to hold formal peace talks. **[5d]** However, the talks collapsed on 3 May 1998, after which fighting between UIFSA and the Taliban resumed throughout the country (some of the heaviest fighting occurring close to Kabul). **[5e]** This continued throughout June **[5f]** and July 1998. **[5g]**

3.38 Taliban forces made key gains in mid-July when they captured Meymaneh, the capital city of the north-western Fariab province. **[5g]** When the Taliban failed in its efforts to control the north, they were able to establish a long-term presence in the area, gaining the support of many Pashtuns there. Despite intermittent activity, the lines of control remained relatively stable until the Taliban's new offensive in July 1998. Pakistan was reportedly again instrumental in supporting the Taliban offensive that began in July 1998. As the Taliban neared Mazar-i-Sharif a number of opposition commanders reportedly abandoned the city, with some Jamiat fighters even looting their own offices. These defectors together with Pashtun militia commanders from Balkh, disillusioned with Hekmatyar, agreed to join forces with the Taliban and move in behind Hizb-i-Wahdat stationed at Qala Zaini. Trapped in the position, nearly the entire Hizb-i-Wahdat force was killed (some 3,000 men) opening the way for the Taliban into Mazar-i-Sharif. **[11b]**

See also Mazar-i-Sharif Massacres: *paragraphs 5.2.8 - 5.2.9*

3.39 Fighting intensified during August 1998. On 3 August 1998 the Taliban captured the headquarters of the ethnic Uzbek leader General Dostum in Sheberghan, some 120km west of Mazar-i-Sharif. Dostum reportedly fled to neighbouring Uzbekistan. The fall of Sheberghan left the road to Mazar-i-Sharif undefended, and a massive assault by the Taliban on Mazar-i-Sharif on 8 August 1998 quickly overcame the city's defences. **[5h]** On that date the Taliban killed nine Iranian diplomats who had been stationed at Iran's consulate in Mazar-i-Sharif. According to a senior Taliban spokesman, renegade Taliban units without orders had carried out the killings. **[5i]**

3.40 On 10 August 1998 UIFSA sources confirmed that Mazar-i-Sharif had fallen to the Taliban. Also on that date Taliban forces defending Kabul advanced northwards towards the Panjshir Valley. Their gains in north and north-western Afghanistan meant that by the end of August 1998 the Taliban controlled about 90% of the country. **[5h]**

September 1998 - December 1999

3.41 On 12-13 September 1998 the Taliban captured Bamian, the last major town outside its control. The fall of Bamian and the surrounding province meant that substantial military opposition to the Taliban was restricted to the Panjshir valley, the stronghold of former defence minister Ahmed Shah Masoud. Throughout September 1998 a series of rocket attacks by UIFSA forces under the command of Masoud against Kabul caused substantial civilian casualties. **[5i]**

3.42 In late October 1998 the Taliban suffered a military defeat at the hands of the UIFSA, commanded by Ahmed Masoud. Masoud's troops captured the strategically important town of Taloqan on Afghanistan's north-eastern border with Tajikistan. The town was an important link in Masoud's supply to his headquarters in the Panjsher valley. **[5j]**

3.43 On 5 December 1998 senior commanders of some Afghan groups reached an agreement at a meeting in the Panjsher valley to the north of Kabul to overcome their differences and to fight together against the Taliban. At this meeting the leader of the Hizb-i-Wahdat, Karim Khalili, the former commander of Hekmatyar's Hizb-i-Islami, Ubaydollah Sabohum, and the leader of the Hezb-i-Ettehad, Abdorrasul Sayyuf, approved Ahmad Shah Masoud as the military commander. **[10c]**

3.44 Fighting between the Taliban and the UIFSA ensued throughout January **[5m]** and February 1999. **[5n]** Masoud's forces claimed a significant victory on 25 January 1999 when they captured territory in Fariab province. **[5m]** Following talks in Ashkhabad in March 1999 (capital of Turkmenistan), representatives of the Taliban and the Northern Alliance agreed to form a joint executive, legislature and judiciary and also to release twenty prisoners. A cease-fire was not agreed although the warring factions reportedly agreed to work towards a permanent cease-fire. **[19]** However the improved weather in late March 1999 saw a resumption of heavy fighting between the Taliban and UIFSA **[5p]**, and UN officials admitted on 12 April 1999 that peace negotiations between the Taliban and the UIFSA had collapsed. **[5q]**

3.45 On 23 April 1999 the UIFSA were reportedly in control of Bamian town, some 100 km west of Kabul. Bamian had been a stronghold of the Shia Hezb-i-Wahdat faction of the UIFSA before its capture by the Taliban in September 1998. Bamian's location close to Kabul and its proximity to supply lines made its capture the first significant gain by UIFSA forces in many months. **[5q]** The Hazaras regained control of Bamian in April 1999, although it was the recaptured by the Taliban in May 1999, when a number of Shia residents were reportedly killed.**[2b]**

3.46 The Taliban summer offensive pushed Masoud's forces out of the Shomali plain north of Kabul. Amnesty International reported that dozens of noncombatants were systematically killed by Taliban forces when they captured most of the Shomali valley in late July 1999. **[2b]**

3.47 On 14 November 1999, the UN imposed sanctions on Afghanistan in response to the Taliban's refusal to hand over Islamist fugitive Osama Bin laden. **[18c]**

January 2000 - September 2000

3.48 By April 2000 low rainfall and extremely high temperatures had resulted in crops being burned in the fields. By May 2000 it became apparent that a drought in the country was more widespread that was originally thought. Three to four million people - about a fifth of the population - were severely affected. **[25c]**

3.49 In May there was reportedly a massacre by the Taliban near the Robatak pass on the border between Baghlan and Samangan provinces in the north central area. A Human Rights Watch report stated that all of those killed had been detained for four months, many of whom had been tortured. Thirty-one bodies were found at the site, twenty-six being identified as Ismaili Hazara civilians from the Baghlan province, although the true figure of the dead may be much higher. There were also reported to be as many as three other gravesites along the same road northwards. **[17]** Uzbek prisoners were also amongst those executed in Samangan. **[11d]**

See also Hazaras: *Paragraphs 5.3.24 - 5.3.29.*

3.50 In August the UN began distributing food in the north, where people had reportedly been eating plants and roots to survive. A World Food Programme official described the situation as desperate. **[25d]** The drought began to reduce a significant amount of the population to a marginal level of survival. The situation was particularly bleak in the West of the country, although there were also reports that the water table in the South had fallen significantly. Mullah Omar reportedly issued a statement in response to the drought, saying that it represented a

punishment by God for discontent with Taliban rule among the population, and neglect of religious duties. It is believed that this was the first time that the Taliban leader acknowledged that some elements of Afghan society were unhappy with the Taliban. **[22c]**

3.51 In early September the Taliban secured the key northern town of Taloqan, following a month long assault. **[25e]** Amnesty International reported that during the fighting houses were burned and villagers were killed. It was also reported that the Taliban cut the throat of one man in front of his relatives. There were also unconfirmed reports that Taliban soldiers (some foreign) abducted women and girls from villages in the area. **[2b]** The town lies 160 miles north of Kabul and is close to the Tajikistan border. It acted as the main supply route to the opposition and therefore represented a significant victory for the Taliban, who after capturing the town previously were unable to hold onto it. International aid agency Medicins Sans Frontieres expressed concern at the amount of displaced people in a region already suffering from severe drought and food shortages. **[25e]**

3.52 Up to 150,000 people reportedly headed for the Tajikistan border to flee the advancing Taliban following their Taloqan offensive. This resulted in a desperate situation according to European aid workers due to lack of food, shelter or medicines. The refugees were closely linked to the Northern Alliance, and therefore feared Taliban reprisals. **[25f]**

October 2000 - April 2001

3.53 Amnesty International reported that the Northern Alliance executed six prisoners on 6th December following their arrest two days previously; signs of torture were also reported. The arrests followed the ambush and shooting of Alliance members. A spokesman insisted that some sort of trial took place, despite their execution only forty hours after their arrest. This action was indicative of a political motive behind the executions. **[7s]**

See also Judicial System: *Paragraphs 4.2.1 - 4.2.9*

3.54 In January 2001 concern was growing for the safety of around 10,000 displaced persons living in makeshift camps along the Tajikistan border. The refugees living on the banks and islands of the River Pyandi faced food shortages and security problems, and some were reportedly wounded by shellfire. Lack of adequate facilities was also causing dysentery and other illnesses. The Tajikistan government did not responded to UNHCR calls to let them enter the country. **[25g]**

3.55 Yakawlang in central Afghanistan was taken by the opposition Hizb-i-Wahdat on 30th December 2000 following the return of their leader, Karim Khalili, from a lengthy period in Iran. The area changed hands again however, with the Hizb-i-Wahdat retaking Yakawlang on 22nd January. There were allegations that the Taliban were responsible for the execution of more than 100 civilians. Similarly there were also allegations that the Hizb-i-Wahdat treated with brutality those they considered had collaborated with the Taliban. **[22d]** The Taliban once again captured Yakawlang on 17th February **[22e]** and massive internal displacement ensued. **[17]**

3.56 A subsequent Human Rights Watch report highlighted eyewitness accounts of killings between 8-12 January, whereby the Taliban allegedly detained 300 civilian adult males in this Hazara-based party district, who were then herded to an assembly point and shot by firing squad in public view. About 170 were confirmed dead, reportedly as a punishment and future deterrent

for co-operation with the Northern Alliance. Hazara elders who had attempted to intercede with the Taliban were also reportedly killed. **[17]**

See also Hazaras: *Paragraphs 5.3.24 - 5.3.29.*

3.57 On 7th February 2001 the World Bank Country Director for Pakistan and Afghanistan commented that the humanitarian situation in Afghanistan was one which had all the ingredients of a famine. The UN Under Secretary-General for Humanitarian Affairs also began a visit to Kabul, Faizabad and Herat on 12th February and echoed these observations, stating that one million were at risk of famine. **[22e]** In the same month there were reports that over 500 people had died in refugee camps in the western city of Herat as a result of extreme cold weather and a lack of shelter and fuel. Herat's population had swelled by 80,000 with refugees pouring in at a rate of over 300 a day. **[25i]**

3.58 In March the Taliban ordered the destruction of two 1,500-year-old historic Buddha statues in Bamian province, claiming that these and other non-Islamic statues were "shrines of infidels". Pre-Islamic artefacts in the Kabul museum were also destroyed. The destruction of the statues came amid widespread international condemnation, illustrating the Taliban regime's increasing distance from the outside world. Some analysts believed that the destruction was also aimed at punishing Bamian's mainly Shia Hazara inhabitants. Following BBC reports that some Afghans disapproved of the demolition, the Taliban subsequently took action and expelled the organisation's correspondent. **[30b]**

See also Government: *paragraphs 4.1.2 -4.1.5*

3.59 At the end of March Russian border guards accused the Taliban of opening fire on the refugees stranded on the Tajikistan border. UNHCR states that some anti-Taliban fighters were amongst the refugees. Tajikistan continued to refuse to give entry to the 10,000 camped in the border zone. **[20b]**

3.60 In April General Dostum returned to Afghanistan after a three-year exile, and reportedly met Ahmed Masoud in the Panjshir Valley. Moral amongst anti-Taliban forces was reported to have risen following Dostum's return, who still had the support of many fighters. **[25]**

IV INSTRUMENTS OF THE STATE

4.1 POLITICAL SYSTEM

Constitution

4.1.1 There is currently no functioning constitution. **[2b]** The Taliban supreme leader, Mullah Mohammad Omar, reportedly issued an order on 1 July 1998 to revise the country's constitution to provide for the enforcement of Sharia law. **[4a]** The Taliban leaders are determined to create what they perceive to be a pure Islamic society that answers only to unyielding religious dictates. **[30b]**

Government

4.1.2 At present there is no functioning central government in Afghanistan. **[2b]** On assuming power, the Taliban declared Afghanistan a "complete" Islamic state and appointed an interim Council of Ministers to administer the country. **[1]** The Taliban's restrictions regarding the social behavior of men and women have been communicated by edicts and enforced mainly by the Religious Police. The edicts are enforced with varying degrees of rigor throughout the country. **[2b]** They have given priority to military activity, causing great hardship to many. **[22a]** Following a visit in February 2001, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief stated that the Taliban "appear to be both unable and unwilling to cater to the basic concerns and needs of people under their control" and that "they seem to be consumed by their immediate goals of military gain and religious progress." **[11d]** A number of provincial administrations maintain limited functions, although civil institutions are rudimentary. **[2b]**

4.1.3 The Taliban now have a six member ruling council in Kabul. Ultimate authority for the Taliban however rests with Mullah Omar - head of the inner *Shura* (Council) which is based in the southern city of Kandahar. **[2b]** At the local level, local *Shura* have been constituted and also rule by decree. **[11d** The Taliban however are not necessarily the monolithic, unified extremist body that they are often portrayed as. Even within the leadership there is reportedly a contrast from the extremely fundamentalist to those with a more pragmatic approach. **[25k]**

4.1.4 Recent internal differences appear to have resulted in Islamic hard-liners gaining influence over moderates, who for example support collaboration with international agencies on a variety of issues. An indication of this occurred when Mullah Omar's previous line that the historic Buddha statues of Bamian should be respected was countermanded when he ordered their destruction as a "shrine of infidels" on February 26th 2001. This radical shift may also stem from the Taliban's growing sense of frustration following the UN Security Council's imposition of economic sanctions in relation to the Taliban's alleged links with terrorism and for harbouring Saudi dissident Osama bin Laden. **[30b]**

4.1.5 President Rabbani still claimed to be the country's head of government, and retained Afghanistan's UN seat. Rabbani and his military commander Masoud maintained control of largely Tajik territory in the north-east, including the strategic Panjshir valley North of Kabul. **[2b]** In February 2001 several enclaves within Hazarajat remained under the control of a

Hizb-i-Wahdat faction, led by the Shia mullah Karim Khalili. In some areas the Hizb-i-Wahdat governed with the support of an allied Shia party, the Harakat-i-Islami. Both the Hizb-i-Wahdat and Harakat-i-Islami are members of the Northern Alliance (still a loose and often fractious coalition of mainly Tajik, Uzbek, and Hazara parties) which controls approximately 10% of the country. **[17]**

See also International Recognition*: paragraph 5.4.28 and* Shia Muslims*: paragraphs 5.3.8 - 5.3.9.*

4.2 JUDICIAL SYSTEM

Introduction

4.2.1 Following their seizure of power in Kabul in September 1996, the Taliban imposed a strict Islamic code of conduct in Kabul. **[1]** According to the UN the Taliban claim that there is a lower court and a higher court in every province, with a Supreme Court in Kabul. **[2b]**

4.2.2 There is no functioning nation-wide judicial system in place. Courts have reportedly meted out punishments such as amputation and execution, following sessions that apparently lasted a few minutes. Those found guilty of murder or rape are generally ordered to be executed, although victims' relatives can alternatively accept other restitution. **[2b]** The judiciary in Taliban controlled areas consists of tribunals whereby clerics with little legal training rule on Pashtun customs and the Taliban's interpretation of Sharia law. **[11d]**

4.2.4 With the absence of formal legal and law enforcement institutions, justice is not administered according to formal legal codes, and persons are subjected to arbitrary detention. There are credible reports that both Taliban and Northern Alliance militia extort bribes from civilians in return for their release from prison or freedom from arrest. Judicial and police procedures vary from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas practices vary depending on the locality, the local commanders and other authorities. Some areas have a more formal judicial structure than others do. **[2b]** In April 2001 UNHCR reported that in Taliban and Northern Alliance controlled areas the rule of law was similarly non-existent. **11d]**

See also Security*: paragraphs 4.3.1 - 4.3.8 and* Religious Police*: paragraphs 5.2.12 - 5.2.14*

Taliban Territory

4.2.5 The Taliban regime recognizes only the validity of Islamic law. It accepts neither the notion of secular law or binding international human rights norms. **[11b]**

4.2.6 Three stages of courts reportedly exist in Kabul: preliminary courts, courts of appeal and the Supreme Court. Important matters pass through all three stages. However, in cases of homicide the three stages can be bypassed if the Taliban supreme leader, Mullah Mohammad Omar, issues a death decree. In general all death sentences are reportedly reviewed by Mullah Omar. **[6]**

4.2.7 The Taliban rule strictly in areas they control, establishing ad hoc and rudimentary judicial systems. They use swift summary trials and the courts reportedly deal with all complaints, relying on Islamic law and punishments as well as traditional tribal customs. For other infractions Taliban militia reportedly make their own judgements, giving out punishments such as beatings on the spot. **[2b]** Public executions have been reported, with some carried out by victims' families**. [7j]** On September 26 2000 a man convicted of adultery was publicly stoned in Maymana in Fariab province. The woman with whom he was convicted of engaging in adultery was sentenced to 100 lashes, although the sentence was postponed because she was pregnant. The punishment for homosexuality is to have walls toppled on those found guilty. This punishment was carried out on at least one occasion in 1999 and seven times in 1998 (resulting in five deaths). There were however no known instances of such punishment during 2000. **[2b]**

Northern Alliance Territory

4.2.8 Little is known about the administration of justice in the areas controlled by Rabbani and Masoud in the north. The administration and implementation of justice varies from area to area, and may depend on the impulse of local commanders or other authorities who summarily execute, torture and mete out punishments without reference to any other authority. **[2b]**

4.2.9 The UNHCR reportedly had misgivings about the proper working of the legal system in northern Afghanistan. This was considered especially true in areas where individual commanders had established independent power bases and accordingly acted as the legislative, judiciary and executive authority all in one. The administrative system has generally been described as weak and very inscrutable. **[8]** Amnesty International reported that the Northern Alliance executed six prisoners on 6th December 2000 following their arrest two days previously; signs of torture were also reported. The arrests followed the ambush and shooting of Alliance members. A spokesman insisted that some sort of trial took place, despite the execution only forty hours after the accused were arrested. This action was indicative of a political motive behind the executions. **[7s]**

4.3 **SECURITY**

General

4.3.1 Civilians continue to be the primary victims of the unabated fighting. **[2b]** Both sides of the conflict have targeted civilians during their quests for a military victory, subjecting them to indiscriminate use of mortars, rocket and fighter plane attacks and also landmines. **[11d]**

Taliban Territory

4.3.2 Following the arrival of the Taliban, it was reported in 1996 that many roads were reopened and security conditions apparently improved. **[11a]** The strict security enforced by the Taliban in areas under their control has resulted in a decrease in abductions, kidnappings and hostage taking for ransom. It was also reported in December 1998 that personal security has increased since the advent of the Taliban, and that there were fewer robberies. **[14]** There have nonetheless still been allegations that the Taliban maintained private prisons to settle personal vendettas, and that they were also responsible for disappearances in areas under their control. **[2b]**

4.3.3 In June 1997 Amnesty International reported that claims by the Taliban to have brought peace and stability to Afghanistan were often used by their supporters to justify human rights abuses, including their discriminatory practices against women. However, whilst Kabul's residents apparently welcomed an end to the rocketing and shelling that came from the Taliban's take over of the city, some have questioned the price which they have had to pay. Furthermore, with the arrival of the Taliban in Mazar-i-Sharif in May 1997 tension, insecurity and instability were heightened. **[7a]**

See also Human Rights: Introduction*: paragraphs 5.1.1 - 5.1.4;* Religious Police*: paragraphs 5.2.12 - 5.2.14 and* Mazar-i-Sharif Massacres*: paragraphs 5.2.8 - 5.2.9*

4.3.4 Amnesty also reported in September 1997 that women in areas controlled by the mujahidin were at risk of being raped. Yet whilst the Taliban may have established a degree of security in the areas they control, they have also imposed severe repressive measures against women. **[7b]**

See also Women*: paragraphs 5.3.43 - 5.3.54.*

4.3.5 In July 2000 the Taliban carried out air raids on the towns of Charikar and Jabal-as Saraf, reportedly claiming civilian lives. In the same month there were also reports of summary executions of prisoners by Taliban forces in the conflict areas. Taliban aircraft also bombed several towns and villages in northern Afghanistan, reportedly killing more civilians. **[2b]**

4.3.6 On July 30 2000 the Taliban used heavy artillery and aircraft to bomb the town of Nahreen before capturing it. In August and September there was intense fighting in and around the town of Taloqan. Eventually capturing the town, Taliban aircraft bombed the area many times. No statistics are available on civilian casualties in Taloqan, but 60,000 to 75,000 persons left their homes in Taloqan and other areas in the northern part of the country to flee the fighting. Amnesty International reported that during the fighting in Taloqan the Taliban bombarded a village, burned all of the houses there and killed some of the villagers. It was also reported that the Taliban cut the throat of one man in front of his relatives. **[2b]**

Northern Alliance Territory

4.3.7 In November 1997 the Danish Immigration Service were advised by the UNHCR that the security situation in Northern Alliance territory generally was considerably more unstable than in Taliban territory. Freedom of movement was particularly restricted, as individual commanders had in many places set up roadblocks and had decided for themselves who was allowed to pass. **[8]** Their military base remains in the Panjshir valley, 70 miles North of Kabul where steep mountain walls have provided a solid defence. **[18e]**

4.3.8 There were reports in 1999 that Masoud's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys and hindering the movement of humanitarian aid. There were however no reports of such behavior during 2000; on the contrary Masoud's forces appeared welcoming to NGOs **[2b]**

See Travel*: paragraphs 5.4.8 - 5.4.10.*

V HUMAN RIGHTS

5.1 INTRODUCTION

5.1.1 The overall human rights situation throughout 2000 was extremely poor and serious human rights violations continued to occur. The Taliban carried out summary justice, and carried out political and other extra judicial killings. **[2b]** Afghans continue to suffer a wide range of deprivations and violations, with policies and practices that severely restrict or deny their human rights. The continuing civil war is the most significant factor. Both warring factions have demonstrated total disregard for the protection of civilians and international humanitarian law. **[11d]**

5.1.2 Since assuming power the Taliban imposed a strict and intimidating Islamic code. **[11d]** In Kabul they nonetheless appear to have marginally relaxed their regime. Women have been seen outdoors without a close relative. Children play with kites (which officially are banned) and men are wearing their beards far shorter than the Taliban regulations allow. **[21b]** Growing familiarity with the Taliban has also reduced the level of fear among some of Kabul's residents. **[18d]** The Taliban have nonetheless been loathsome of Kabul's modern ways such as western dress, music and cinemas. Their regime promotes a religious austerity that is familiar only to Afghanistan's Pashtun region in the East. Such rural values alienate the non-Pashtuns that are accustomed to a more relaxed interpretation of Islam. **[26b]**

5.1.3 The Taliban and members of other warring factions committed numerous serious human rights abuses in areas they occupied in 2000. In the past there have been reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. There have also been credible reports that both sides were responsible for torture in prisons. The human rights situation in areas outside Taliban control also remains extremely poor, and Northern Alliance members have committed numerous serious abuses. Masoud's forces continued sporadic rocket attacks against Kabul in 2000. Anti-Taliban forces bombarded civilians indiscriminately. Armed units of the Northern Alliance, local commanders and rogue individuals have been responsible for political killings, abductions, kidnapping for ransom, torture, rape, arbitrary detention and looting. **[2b]**

See also Detainees*: paragraphs 5.2.2 - 5.2.7; and* Ethnic Groups*: paragraphs 5.3.14 - 5.3.34.*

5.1.4 Afghanistan is the most heavily land-mined country in the world, according to UN mine-clearing experts. It is estimated that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordnance throughout the country, sown mainly during the Soviet occupation. The landmines and unexploded ordnance cause deaths and injuries, restrict areas available for cultivation and slow the return of refugees. **[2b]**

5.2 GENERAL ASSESSMENT

Torture

5.2.1 All Afghan factions are believed to have used torture against opponents and POWs, though specific information is generally lacking. Some of Masoud's commanders in the north have reportedly used torture routinely to extract information from and break the will of prisoners and political opponents. **[2b]**

Detainees

5.2.2 All factions probably hold political detainees, although no definitive numbers are available. Both the Taliban and the Northern Alliance hold thousands of POWs. Masoud reportedly holds a number of Pakistanis, along with several hundred Taliban soldiers. A number of persons arrested by the Taliban in 1998 for political reasons were still believed to be in detention at the end of 2000. **[2b]** Civilians suspected of collaboration with the Taliban have been arbitrarily detained by opposition factions and severely beaten, with their family members also subject to ill treatment. **[11d]**

5.2.3 The non-observance of the international laws of war and humanitarian norms in and outside the battle zones in Afghanistan has resulted in the ill treatment of prisoners of war and the imposition of inhumane conditions of detention. **[6]** Amnesty International has reported that prisoners of war throughout the country may be at risk of execution. **[7d]**

See Prison Conditions*: Paragraphs 5.4.5 - 5.4.7*

5.2.4 Amnesty International reported in March 1999 that up to 200 Afghan personalities or local community leaders had reportedly been arrested in southern and eastern Afghanistan within the past year for what appeared to be their activities in support of peace and a broad-based government in Afghanistan. The majority of them were reportedly arrested in October 1998 in Jalalabad on accusation of plotting a coup against the Taliban. A Taliban official said they would be tried but reportedly admitted that no arms or ammunition had been recovered from the detainees. A number of these detainees were reported to have been released after being subjected to severe beatings and ill-treatment, but as of February 1999 around 100 of them were still believed to be in detention. **[7i]**

5.2.5 In March 1999 the Taliban authorities in Balkh province reportedly facilitated the visit by an Afghan human rights organization to the prison in Mazar-i-Sharif on 20 February 1999. According to the reports, the team visiting the prison met some 90 political prisoners detained by the Taliban security forces, and some ten prisoners who had been detained by personnel of the Department for the Promotion of Virtue and Prevention of Vice. After conducting the visit, the team raised its concerns with the local authorities in Balkh province about the arbitrary detention of prisoners – all of whom were believe to be civilians – and the harsh conditions in which they were being held. Taliban authorities promised that an investigation would be carried out and those with no cases against them would be released. On 1 March 1999 the Taliban radio, Radio Voice of Shariat, announced that 55 prisoners held on politically motivated grounds and fifteen common law prisoners had been released. **[7i]**

5.2.6 Amnesty International has reported that the Taliban has taken children hostage whose fathers are reported to be political opponents of the Taliban. The families of these children have been told that the children would be released when their fathers surrendered to the Taliban. **[2b]**

See also Children*: Paragraphs 5.3.55 - 5.3.61.*

5.2.7 Intensified fighting and poor security limited the ability of the International Committee of the Red Cross (ICRC) to monitor prison conditions, especially in and around Mazar-i-Sharif after the city fell to the Taliban. The ICRC's access nonetheless improved towards the end of 1999. The organization went on to visit 5,621 detainees (including 49 women and 414 minors) in 51 different places of detention during 2000. **[2b]**

Mazar-i-Sharif Massacres

5.2.8 The discovery of mass graves near Shibarghan in the northern part of the country in 1997 was widely reported. The graves allegedly contained 2,000 corpses, reportedly those of Taliban forces captured near Mazar-i-Sharif in mid-1997 and executed by Northern Alliance forces. **[2b]** Amnesty International reported that they were possibly killed after General Malik's forces had captured them. **[7c]** The dead are thought to have been among 3,000 Taliban militia taken prisoner after the Taliban entered Mazar-i-Sharif in May 1997. After entering the city they retreated in the face of an uprising by the local population, as well as a counter attack by the combined forces of General Malik and the Hizb-i Wahdat, led by Karim Khalili. **[7c]**

5.2.9 In November 1998 highly credible reports emerged that when the Taliban returned to Mazar-i-Sharif in August 1998 they massacred up to 8,000 people, in revenge for the killings of their own men in 1997. Described as a "campaign of slaughter against the Shia minority, the Hazaras", men, women and children were reportedly shot in their homes and on the street, and hospital patients were murdered in their beds. **[12]** A report submitted in October 1998 by the UN Special Rapporteur on Afghanistan also alleged that the Hazara ethnic minority was principally, though not exclusively, targeted by the Taliban in its capture of Mazar-i-Sharif. **[11b]**

See also Hazaras*: paragraphs 5.3.24 - 5.3.29.*

Recruitment of Soldiers

5.2.10 The vast majority of Taliban soldiers have reportedly been volunteers. Conscription has nonetheless apparently taken place, especially in critical situations. Conscripts might have included Hazaras, but were otherwise mainly Pashtuns. Several international NGOs also confirmed that conscription is practised, adding that conscripts have included Tajiks and Hazaras. A source at the US representation in Pakistan advised that the Taliban's opposing factions have also practised conscription. **[8]**

5.2.11 During its fact-finding mission in November 1997, the Danish Immigration Service was advised by the Pakistan Foreign Ministry that the Taliban only recruit on a voluntary basis. A US source claimed that the Taliban were known to recruit soldiers both in refugee camps in Pakistan and within Afghanistan itself. However, there was reportedly seldom any forced recruitment in camps in Pakistan. **[8]** There were however unconfirmed reports that the Taliban were orchestrating forced conscription in 1997 and 1998. **[2b]** It has also been

reported that some have paid bribes to keep their sons out of the conflict, and that revolts against forced recruitment have also occurred. **[31]** In May 2000 Hazara conscripts were reportedly executed for refusing to serve with the Taliban. **[11d]**

Religious Police

5.2.12 The Taliban's Religious Police (the "Department for Promoting Virtue and Preventing Vice") are empowered to carry out beatings of offenders on the spot and house-to-house searches for forbidden items. **[11a]** The Religious Police report directly to the Taliban's supreme leader, Mullah Omar. **[8]**

5.2.13 The UN Special Rapporteur met with the Head of the Religious Police in December 1997, who explained that the Religious Police had two roles. Firstly to promote virtue by calling people to good deeds, and secondly to prohibit vice by keeping people out of crimes and other anti-religious activities. It is the duty of the police to investigate and then turn the case over to the Chief Justice and the Attorney General. **[6]**

5.2.14 Small incidents (including small social and religious crimes) are dealt with exclusively by the Religious Police, who carry out punishments. However, both men and women in Kabul reportedly fear being stopped or harassed by the Religious Police (for example, shopkeepers found in their stores at prayer time have been beaten by the Religious Police). Punishments for some offences have reportedly ranged from 10-40 lashes. Some are reported to have been beaten successively at several Religious Police checkpoints. **[6]** In 1998 there were reports that in Kabul the Religious Police stopped people on the street and quizzed their knowledge of various Koranic prayers **[2b]**

See also Judicial System*: paragraphs 4.2.1 - 4.2.9.*

5.3 SPECIFIC GROUPS

General

5.3.1 In a situation of continued conflict, abysmal economic conditions and widespread human rights violations there are no clear definable rules concerning who is or who is not at risk in Afghanistan. It can be noted however that among the prime targets of human rights abuses are the following:

- Members of non-Pashtun ethnic groups not associated with the Taliban.
- Members of certain Pashtun tribes not linked to the Taliban.
- Minority religious groups.
- Educated women.
- Educated Afghans not associated with the Taliban.
- Intellectuals seeking an end to the war.
- Afghans working with the UN and NGOs.
- People associated with the former pro-Soviet governments.

5.3.2 The main element of violations that occur is however not necessarily religious affiliation or ethnicity, but rather the actual or imputed opposition to the Taliban. **[11d]**

Religious Minorities

Introduction

5.3.3 The official religion of Afghanistan is Islam. **[1]** The role of Islam within Afghanistan differs according to the traditional culture of each ethnic group. **[11a]** Certain Taliban leaders have claimed tolerance of religious minorities, yet reportedly there have been restrictions imposed upon Shia Muslims in Taliban-controlled territory, although not necessarily on a uniform basis. **[2b]**

5.3.4 It is estimated that 85% of the population are Sunni Muslim, with most of the remaining 15% Shia Muslims, who are among the most economically disadvantaged people in the country. The Hazara ethnic group is predominantly Shia. The Shia minority wants a national government that would give them equal rights as citizens. There are also small numbers of Ismailis living in the central and northern parts of the country. Ismailis are also Shia, and consider the Aga Khan their spiritual leader. **[2b]**

5.3.5 Almost all of the country's small Hindu and Sikh population, once numbering about 50,000, have emigrated or taken refuge abroad. There were reports in 1999 of Hindus being required to wear a piece of yellow cloth attached to their clothing to identify their religious identity; Sikhs reportedly were also required to wear some form of identification. This rule, it was claimed, was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims. This identification system is reportedly no longer in operation. **[2b]** The Taliban has prohibited some traditional religious ceremonies at Sufi shrines in Herat and the surrounding area, under threat of punishment if the ban is contravened. **[8]**

See also Shia Muslims*: paragraphs 5.3.8 - 5.3.9 and* Sikhs and Hindus*: paragraphs 5.3.11 - 5.3.13.*

5.3.6 The small number of non-Muslim residents in Afghanistan may practice their faith but may not proselytize. Conversion from Islam is considered apostasy, and is punishable by death. **[2b]** On 8th January 2001 Mullah Omar promulgated a decree applying capital punishment to Afghans who converted from Islam to either Judaism or Christianity. **[11d]**

Demography

5.3.7 Sunni Muslim Pashtuns dominate the south, west and east of the country and notably the city of Kandahar. The homeland of the Shias is in the Hazarajat, or the mountainous central highlands around Bamian province. **[2a]** Badakshan in the extreme north-east has traditionally been an Ismaili region. Other areas (including Kabul) are more heterogeneous. For example, in and around the northern city of Mazar-i-Sharif there is a combination of Sunnis (including Pashtuns, Turkmens, Uzbeks and Tajiks) and Shias (including Hazaras, Qizilbash and Ismailis). **[2a]**

Shia Muslims

5.3.8 Shia Muslims (about 15% of the population) are concentrated in central and western Afghanistan. **[11b]** Historically the minority Shia have faced discrimination from the majority Sunni population. **[2b]** It is not clear however whether the Taliban's actions against the Shia Muslims are on account of religion or more along ethnic lines. The Hazara ethnic group for example is predominantly Shia and has suffered persecution at the hands of the Taliban. Religion may therefore be a significant factor rather than the sole cause of their persecution. **[2a]** Shias have long maintained religious links with Iran, where their 'ulema' studied at the famous seminaries in Qum and Mashad. **[11b]** The Taliban have nonetheless introduced several prominent Shia commanders into its organisation, in a bid to counter the perception that they are an exclusively Sunni Pashtun movement. **[2a]**

5.3.9 The Central Highland Hazarajat region - governed mostly by various factions of the Shia Hizb-i-Wahdat Party since 1989 - fell to the Taliban in September 1998. Since then, non-Hazarajat Taliban forces are deployed to maintain tight control and exert heavy pressure on the local population, with restrictions on their freedom of religion imposed. **[11d]** In February 2001 several enclaves within Hazarajat still remained under the control of a Hizb-i-Wahdat faction, led by the Shia mullah Karim Khalili. In some areas the Hizb-i-Wahdat governed with the support of an allied Shia party, the Harakat-i-Islami. **[17]**

See also Hazaras*: paragraphs 5.3.24 - 5.3.29 and* Government*: paragraphs 4.1.2 - 4.1.5*

Ismailis

5.3.10 The Ismailis are a Muslim minority group that split from the Shias in 765. They are estimated to consist of 2% of the total Muslim population in Afghanistan. Ismailis have been regarded as "non-Muslims" by radical elements of the Muslim population (they believe that their spiritual leader, Karim Agha Khan, is a direct descendant of the Prophet Mohammad). **[11a]** Ismailis have also fought for the Northern Alliance and suffered reprisals when the Taliban captured territories they previously held. The Taliban has reportedly mistreated Ismailis. **[2b]**

See also Shia Muslims*: paragraphs 5.3.8 - 5.3.9*

Sikhs and Hindus

5.3.11 Afghan Sikhs comprise descendants of traders drawn to Afghanistan through Afghan intervention in northern India and British-Indian intervention in Afghanistan, plus some whose emigration was stimulated by the upheaval of 1946-47 that accompanied the partition of the Indian Empire. The Afghan Sikhs retain the use of Punjabi amongst themselves. Given their involvement in trade, Dari/Farsi is probably the most important additional language for them. **[10c]**

See also Languages*: paragraphs 2.2 - 2.5.*

5.3.12 The total non-Muslim population at its peak was only around 50,000. Almost all of the Hindu and Sikh population have now either emigrated of taken refuge abroad. **[2a]** Although Sikhs fled Kabul in 1996 when the Taliban assumed control, it was reported in October 1997 that there were a small number of Sikh shops in Jalalabad. **[15b]** Hindus and Sikhs however can only

really be found in extremely small numbers. The ones that are left are almost all foreigners who often work as traders. They are generally not disturbed as long as they do not proselytize. **[2a]** There were reports that Sikhs were required to wear some form of identification, a rule allegedly imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims. This identification system is reportedly no longer in force. **[2b]**

5.3.13 Hindus have been an integral aspect of the economy and Afghan society, although their businesses have been eroding since the Taliban took control of Kabul due to the dire economic situation. It has been reported however that the Taliban do not target or mistreat the Hindu community; as a small group they are not perceived as a threat. A 1998 report corroborates this viewpoint, stating that for Hindus and Sikhs it was the Taliban's opponents who caused them the most problems. Hindus and Sikhs are reported to gather each night at a temple in Kabul, and listen to Sikh musicians. The Taliban have allowed this despite their ban on music, as it is considered to be a form of worship. A 1997 Associated Press report also indicated that Sikhs and Hindus do not feel threatened by the Taliban. The Hindus and Sikhs who left Afghanistan reportedly did so for economic reasons, not political. Hindus that do leave can easily resettle in India, where the government has always been willing to accept Hindus coming from Islamic countries. **[3b]** For the small community of Hindus and Sikhs that remain in Afghanistan, the Taliban have been generally tolerant, as they have with other 'non-believers'. Individual cases of discrimination do nonetheless still occur. **[3c]**

Ethnic Groups

Introduction

5.3.14 Afghanistan is largely a tribal society divided into many tribes, clans and smaller groups. Considerable variation in the types of terrain and obstacles imposed by high mountains and deserts account for the country's marked ethnic and cultural differences. **[11a]** The major ethnic groups are Pashtun (35%), Tajik (25%), Hazara (19%) and Uzbek (6%). Minority groups include Aimak, Turkomen and Baloch amongst others. **[23]**

5.3.15 During the Soviet occupation of Afghanistan, ethnic divisions were largely superseded by a common military and political desire amongst the mujahidin. Since 1995 however ethnic tensions have become more prominent. As areas have been captured and re-captured by rival factions, atrocities have been committed against certain ethnic groups. **[7m]** Several sources have referred to abuses and protection problems for minorities within regions, especially for non-Pashtuns in Taliban controlled territory and for Pashtuns in Northern Alliance controlled territory. A UN source explained that the ethnic dimension to the war runs along political lines, with the parties and military alliances being based on ethnic background. Afghanistan has not experienced any ethnic cleansing as such, although there has been ethnic polarization, especially between the Taliban and the Hazara population. **[8]**

See also Hazaras*: paragraphs 5.3.24 - 5.3.29.*

5.3.16 There have been reliable reports of individuals being detained by both the Taliban and Northern Alliance because of their ethnic origins. **[2b]** Amnesty International reported in their 1999 Annual Report that during 1998 non-Pashtun Afghans were barred from moving about the country freely, and that many were detained solely on the basis of their ethnicity. In July of that

year hundreds of people travelling to Pakistan were reportedly stopped in the Jalalabad area by Taliban guards who took away Tajik, Hazara, Uzbek and Panjsheri men and boys as young as twelve. **[7j]** There were reports during 1999 and 2000 that there was harassment and forced expulsions of ethnic Hazaras and Tajiks from Taliban controlled areas. **[2b]**

Pashtuns

5.3.17 Pashtuns (also called Pathans) are the largest single ethnic group, constituting some 38% of the population. **[23]** They are Sunni Muslims, living mainly in the east and south of the country adjacent to Pakistan. Pashtuns have always played a major role in Afghan politics, adopting a dominant position which has triggered aspects of the current civil war. Conflict arose for example between partners who fought against Soviet occupation. President Rabbani's regime represents the Tajik minority, whereas troops led by Gulbuddin Hekmatyar (and now the Taliban) are mainly Pashtun. **[27]**

5.3.18 The social code followed by the Pashtuns is based on the 'Pashtunwali' code, requiring the speaking of the Pashtu language and adherence to established customs. Hospitality is an important principle, as are reliance on the tribal 'jurga' for resolution of disputes and local decision-making. Other attributes of the code are the seclusion of women from all affairs outside the home, emphasis on personal authority and freedom, and political leadership based on personalities rather than ideologies or structures. **[27]**

5.3.19 Despite their dominant position the Pashtuns are not a homogeneous group, with many having fallen victim to oppression by their own elites. The power and leadership of individuals are arguably the root of the Pashtuns' divisions into tribes and numerous sub-tribes - each isolated within its own borders. Throughout history interference in one another's affairs has caused sub-tribal conflict, although in the event of external influence or central government interference a unified response has been the usual result. **[27]**

5.3.20 Pashtuns make up the great majority of the refugees in Pakistan. The Pashtun tribal population of Pakistan's North-West Frontier Province (NWFP) still has much in common in terms of culture, language and traditions with their fellow Pashtu-speakers across the border (the 'Durand Line') in Afghanistan. There is a long tradition of mobility among the Pashtuns who live in the NWFP and those of eastern Afghanistan. Notably, some 60,000 nomads ('kuchis' or 'powindahs' as they are respectively known in Afghanistan and Pakistan) were accustomed to moving annually with their herds between summer pastures in Afghanistan and winter pastures in Pakistan. Others were merchants or businessmen with interests in Kabul, Kandahar and Jalalabad in Afghanistan and Peshawar in Pakistan, who moved regularly between the two countries. **[11a]**

See also Refugees Outside Afghanistan*: paragraphs 5.4.11 - 5.4.20.*

Tajiks

5.3.21 Tajiks - the second largest group - make up about 30% of the population. Their language is a form of Farsi, close to the national language of Iran **[27]** Most of them are Sunni Muslims, but Shia Muslim Tajiks are also found in the west of the country (in and around the city of Herat) and in Kabul. **[11a]** Tajiks generally however are divided between the north, the west and Kabul. Of Central Asian origin, there are around 4 million of this group living in neighbouring

Tajikistan. Tajiks have had significant political influence due to their level of education and wealth. They have no specific social structure (as the Pashtuns do), adopting the social and cultural patterns of their neighbours. **[27]**

5.3.22 Tajikistan - racked by civil war and with a government backed by Russian troops - has been sympathetic to fellow Tajiks led by Rabbani. Many Afghan Tajiks also favour a greater Tajikistan, entailing the merging of Tajik areas of Afghanistan with Tajikistan. **[11a]**

5.3.23 Around 2,000 Tajik and Hazara men were rounded up from their homes in Kabul in July 1997 and held in various jails according to Amnesty International. Most of them were believed to be prisoners of conscience. **[7d]** In 2000 there continued to be reports of harassment, extortion and forced expulsion from the homes of Tajiks by Taliban soldiers. **[2b]**

Hazaras

5.3.24 Hazaras number around 16% of the population, living mainly in the central highlands. **[27]** The Hazara ethnic group is predominantly Shia, and are among the most economically disadvantaged. **[2b]** Hazaras show their Asian origins both in their physical appearance and in their cultural customs. They speak a variant of Persian and most of them are Imami Shia Muslims. **[8]** Economic, social and political repression have resulted in Hazaras combining with other Shia minority groups throughout the prolonged civil war. **[27]**

5.3.25 There are credible reports that Taliban soldiers have arrested Hazara men in order to extract ransoms. **[2b]** Amnesty International reported in May 1997 that the bodies of twelve ethnic Hazaras, reportedly all civilians, were found in a neighbourhood west of Kabul. Taliban soldiers were believed to have been responsible for their deaths. Amnesty also reported in 1997 that thousands of people were held for up to several months on account of their ethnicity. Among these were around 2,000 Tajik and Hazara men rounded up from their homes in Kabul in July 1997 and held in various jails. Most of them were believed to be prisoners of conscience. **[7d]**

5.3.26 During a visit to Mazar-i-Sharif in December 1997, the UN Special Rapporteur visited villages where massacres were reported to have occurred in September 1997. The perpetrators were reportedly Taliban forces during their second offensive of Mazar-i-Sharif, against villagers belonging to the Hazara ethnic minority. The UN Special Rapporteur was advised that a group of fourteen or fifteen young men were taken from the village to the nearby airport where they were tortured and subsequently executed. Some 53 other villagers were killed in another village and around 20 houses were set on fire. The Special Rapporteur was told that the killings were carried out on religious grounds, since the villagers were Hazara Shias, and out of revenge for when villagers fiercely resisted the Taliban during their first offensive in May 1997. **[6]**

5.3.27 In August 1998, the Taliban captured Mazar-i-Sharif. There were reports that as many as 5,000 persons - mostly ethnic Hazara civilians - were massacred by the Taliban after the takeover. **[2b]** The Taliban were reportedly intent on avenging a massacre of some 2,000 of their own men in 1997, when the Hazaras and other fighters turned against them. The Taliban's recapture of Mazar-i-Sharif has been described as a campaign to exterminate the Hazaras. Men, women and children were reportedly shot in their homes and on the street, with hospital patients murdered in their beds. Witnesses claim that the Taliban also conducted house-to-house searches for Hazara men. Some were shot dead and left with their throats cut. Others not

murdered on the spot were stuffed into containers after being badly beaten. Aid officials regarded the evidence of the atrocities as credible, with the view that the Taliban's Mazar-i-Sharif summer 1998 offensive was an abominable episode of butchery and rape. **[12]** In a report submitted in October 1998 by the UN Special Rapporteur on Afghanistan, it was alleged that the Hazara ethnic minority was principally, though not exclusively, targeted by the Taliban in its capture of Mazar-i-Sharif. **[11b]**

See also Mazar-i-Sharif Massacres*: paragraphs 5.2.8 - 5.2.9*

5.3.28 When the Taliban captured Bamian on 9 May 1999 from the Hizb-i-Wahdat (a party with Hazara support), the majority of Hazaras fled to the surrounding mountains. Those who remained were reportedly the victims of systematic killings by Taliban guards. Kuchi Nomads (from Pashtun tribes) were reportedly encouraged to settle in Bamian after the Taliban had assumed control. **[7m]**

5.3.29 During 2000 there continued to be reports of harassment, extortion and forced expulsion from the homes of Hazaras by Taliban soldiers. **[2b]** In May 2000 there was reportedly a massacre by the Taliban, the victims primarily being Hazaras, near the Robatak pass on the border between Baghlan and Samangan provinces in the north central area. A Human Rights Watch report stated that all of those killed had been detained for four months, many of whom had been tortured. Thirty-one bodies were found at the site, twenty-six being identified as civilians from the Baghlan province. In January 2001 there were allegations that the Taliban was responsible for the execution of more than 100 civilians during their eventual capture of Yakawlang. **[22e]** A subsequent Human Rights Watch report highlighted eyewitness accounts of killings between 8-12 January, whereby the Taliban allegedly detained 300 civilian adult males in this Hazara-based party district, who were then herded to an assembly point and shot by firing squad in public view. Hazara elders who had attempted to intercede with the Taliban were also reportedly killed. **[17]**

Uzbeks and Turkomans

5.3.30 Uzbeks and Turkomans are followers of the Sunni Muslim tradition. A significant Turkoman population in western Afghanistan has historically been victimised by the Pashtuns. **[11a]** Forming around 13% of the population, they are ethnically and linguistically Turkic. They are related closely to the people of modern Turkey to the west, and identical to the majority Muslim population of Central Asia across the border to the north. Because of their relative prosperity (through arable land ownership and carpet production) they have traditionally not been dependent on the central government and not attempted to gain political influence. **[27]**

5.3.31 Uzbekistan's president had clandestinely supported his fellow Uzbek General Dostum with tanks, aircraft and technical personnel. The expectation was that Uzbek dominated provinces in northern Afghanistan would provide a buffer against the spread of fundamentalism from Afghanistan. **[11a]**

Baluchis

5.3.32 Baluchis number around 384,000 - around 2% of the population. Their language is Baluchi. They live in the pastoral lands of the south and south-west, and are Sunni Muslims. The group is divided between Pakistan, Iran and Afghanistan with a tradition of rebellion against

their respective central governments. They have had ambitions to form an independent state of Baluchistan, although these demands have faded after political repression in all three countries. The Baluchis' independence struggle has attracted little attention from the outside world. **[27]**

Nuristanis

5.3.33 Nurustanis have a population of around 100,000, residing mainly in the east and the north. Their scattered settlement was a result of late 19th Century turbulence, when the land that was then Kafiristan (located in the middle of the Hindu Kush mountain range in four valleys) was converted to Nuristan ('Land of Light') through forced Islamisation of the tribe. Even in fairly recent times other ethnic groups have been suspicious of them for still being 'kafirs' - a word which can be interpreted as 'infidel'. Few Nuristanis have had access to education, although those who travelled to Kabul did gain access to schools and subsequently became well-known figures in the army and government. **[27]**

Panjsheris

5.3.34 The Panjsheris are a sub-group of Tajiks who also practise Sunni Islam, and speak a language known as Panjeri, a dialect of Dari. **[11a]** They number around 100,000, and live in the mountainous areas north of Kabul. Socially and politically the Panjsheris have wielded little significance. **[27]**

Former Members of the PDPA Regime

5.3.35 Those affiliated to the former communist government through membership of the PDPA - or as a result of their functions or profession - continue to be at risk of human rights violations by the Taliban. The degree of risk is dependent on several factors, such as the level of communist ideology the individual identifies with, human rights violations committed during the communist era, the rank or position held and the context to which they operated. Family links (including extended family), education and stay abroad may also be relevant factors. **[11d]** Many former PDPA members are nonetheless amongst the Taliban's ranks. **[8]**

5.3.36 The Taliban have detained people from the PDPA and former members of the KHAD (the former State Security Services). They were particularly interested in apprehending former KHAD members who had been guilty of widespread torture and killings. Most high-ranking PDPA and especially KHAD personnel have nonetheless already left the country. **[8]**

5.3.37 PDPA membership in itself might attract harassment and persecution by the Taliban. However the question of the risk faced by those associated with the PDPA regime is full of contradictions, with a number of senior members of the Taliban movement, including various military commanders, having previously been communists and members of the PDPA. These are mainly individuals with especially valuable qualifications, in particular people having undergone lengthy training in the use of military technology. **[8]**

5.3 38 The protection enjoyed by some apparently stems from their clan membership and links with influential ethnically and family-based groupings ('qawms'). Members of influential 'qawms' will thus be able to achieve rehabilitation in Afghanistan under the Taliban to a greater extent than others will. Those lacking such cultural and social protection risk harassment and persecution by the Taliban merely on account of membership of the PDPA. The pattern of

Taliban reactions is so arbitrary, unsystematic and unpredictable that social power structures and private links with the Taliban may be the decisive factor as regards the risk of ill treatment. One Afghan NGO expressed no specific knowledge of ill treatment of low ranking PDPA members. **[8]**

5.3.39 With regard to those suspected of having committed criminal acts under the PDPA regime (including former KHAD members), there is reportedly widespread antipathy in Afghanistan towards former KHAD members, who are therefore generally in great danger of persecution. Former KHAD employees face special security problems, still being regarded by the public as primarily to blame for their problems. **[8]**

5.3.40 The Ministry of Foreign Affairs for the Netherlands suggested in December 1998 that people belonging to the Khalq factions of the Communist Party are reported to run less of a risk than those belonging to the Parcham faction. This is connected with dissension between the various Pashtun tribes which were also present in the PDPA. The Ministry also reports that prominent communists such as former Ministers, certain judges, law officers, high-ranking soldiers, intellectuals and other well-known personalities may also be at risk. Because of their previous activities such individuals generally have something to fear from the present authorities, and sometimes in neighbouring Pakistan. Apparently there are people working for the authorities in the Taliban and also the UIFSA who formerly occupied leading posts in the Communist Party or the KHAD. They are in no apparent danger if they have renounced their past, shown remorse and joined either the Taliban or the UIFSA **[14]**

5.3.41 Amnesty International reported that in May 1998 the Taliban announced that "communists" would be detected and if found to be "committing heinous deeds and crimes against the people, they would be heavily punished". This raised fears that Pashtun nationalists opposing Taliban policies, particularly some members of the former Khalq (People) communist faction, might be targeted for human rights abuses. **[7j]**

5.3.42 A Pakistani daily reported that in December 1999 Mullah Omar ordered the identification of government employees who won awards during the Soviet occupation. The report stated that ministries were drawing up lists of officials, which were to be sent to the Taliban's ruling council for discussion. **[20a]**

Women

5.3.43 Discrimination against women is prevalent throughout the country, although its severity varies from area to area. As lawlessness and interfactional fighting continues, violence against women occurs frequently including beatings, rapes, forced marriages, disappearances, kidnappings and killings. Most information has been anecdotal. Although the stability brought by the Taliban acted in general to reduce violence against women - notably rapes and kidnappings - Taliban members have continued to threaten or beat women to enforce the Taliban's dress code. The enforced seclusion of women within the home greatly limits the information available on domestic violence and marital rape **[2b]**

5.3.44. All factions have used the status of women as a political tool to claim legitimacy or gain popularity. Cultural constraints emanating from tradition and religion have been raised to the political level, but the most consistent and stringent in the enforcement of these demands are the Taliban. **[7n]**

5.3.45 Ideologically, the Taliban believe that the state should preserve the dignity and honour of the family and guarantee the personal security of women, **[11d]** The treatment of women under Taliban rule has however been particularly harsh. There was marginal improvement in some areas during 2000, mainly due to lack of enforcement of the Taliban's restrictions. The Taliban initially excluded women from all employment outside the home, except the traditional work of women in agriculture. On July 6 2000 the Taliban issued an edict which banned women's employment (except in the health care sector) by UN agencies and NGOs. Implementation remains erratic, but the UN and NGOs kept their female staff at home to avoid open confrontation with the Taliban. **[2b]**

5.3.46 In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all women to concede their jobs as professionals and clerical workers, including teachers, doctors, nurses, bank tellers and aid workers. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. **[2b]**

5.3.47 An international aid agency expressed concern in August 2000 about the fate of widows and their children, after a Taliban ruling forbade women from being employed by foreign aid agencies. An agency concerned provided food to 7,000 of Kabul's poorest widows, and stated that it needed to employ Afghan women for distribution of the food. **[25d]**

5.3.48 In 1997 the Taliban announced a policy of segregating men and women in hospitals, and this policy was reportedly continuing at the end of 2000. In 1997 - in an attempt to centralize medical care for women - the Taliban also directed most hospitals in Kabul to cease services to women and to discharge female staff. Women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics, although since June 1998 they have been permitted to seek treatment from male doctors only if accompanied by a male relative. In practice women have been excluded from treatment by male physicians in most hospitals. These rules, while not enforced universally, have still made obtaining treatment extremely difficult for most women, especially for widows who may have lost all male family members. **[2b]**

5.3.49 The Taliban have decreed what women can wear in public. Women in public spaces are required to wear the burqa - a loose head to toe garment that has a small cloth screen for vision. While in many rural areas of the country the burqa was the customary women's outer garment, the requirement for all women to wear the burqa represented a significant change in practice for many other women, particularly in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who are not covered properly would be punished severely along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, have reportedly been beaten by Taliban militiamen. Some women cannot afford the cost of a burqa, and thus are forced to remain at home or risk beatings if they go out without one. **[2b]**

5.3.50 During 1999 there were reports of inconsistencies in the enforcement of the requirement for women to wear the burqa. Enforcement was reportedly relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas

cover their heads with large scarves that leave the face uncovered and have not faced reprisals. The Taliban's dress code for women is apparently not enforced strictly upon the nomad population of several hundred thousand, or upon the few female foreigners who must still cover their hair, arms and legs. Women in their homes must not be visible from the street, and the Taliban require that homes with female occupants have their windows painted over. **[2b]**

5.3.51 Women were expected to leave their homes only while escorted by a male relative, or run the risk of beatings by the Taliban. Women are not allowed to drive, and taxi drivers are reportedly beaten if they take unescorted women as passengers. **[2b]**

5.3.52 Many of these extreme restrictions on women were not however invented by the Taliban. For centuries they have governed the lives of ethnic Pashtuns in border areas with Pakistan. Such customs have nonetheless been slowly subsiding in cities, although they remain prominent in the villages. The Taliban chose to adopt the most uncompromising Pashtun customs, and then attempted to enforce such concepts of family honour on an entire society. Hence in the villages where these customs had hitherto already existed, there were no great protests at the Taliban's demands. In Kabul however, where modernity and tradition have competed for most of the 20th Century, the new ultra-conservative demands have posed a much greater problem. **[18d]**

5.3.53 The Taliban's restrictions regarding the social behavior of men and women have been communicated by edicts and enforced mainly by the Religious Police. The edicts are enforced with varying degrees of rigor throughout the country. The restrictions were enforced most strictly in urban areas, where women had enjoyed wider access to education and employment opportunities before the Taliban gained control. **[2b]**

5.3.54 Following the September 1999 visit of the UN Special Rapporteur on Violence Against Women, some improvements in the status of women were noted. These included the existence of home schools as well as limited primary educational institutions for girls run by the Religious Ministry in Kabul; increased access of women to health care; and the permission given for widows to work. The Special Rapporteur however also noted continuing violations of the physical security of women. These included lashings and public beatings; violations of the rights to education, health, employment, freedom of movement, and freedom of association, and of family rights - including the existence of polygamy and forced marriage. It was also noted that minority women were sometimes subject to forced displacement, and that there were some cases of trafficking in women and children **[11b]**

See also Security*: paragraphs 4.3.1 - 4.3.8;* Human Rights: Introduction*: paragraphs 5.1.1 - 5.1.4*

Children

5.3.55 Approximately 45% of the population is made up of children aged 14 or under. The situation of children is very poor. Infant mortality is 250 in 1,000 births, and Medicins Sans Frontieres reports that 250,000 children a year die of malnutrition. 25% of children die before the age of 5. The Taliban's restrictions on medical treatment have had a detrimental effect on children. A UNICEF study reported that the majority of children are highly traumatized and expect to die before reaching adulthood. According to the study, some 90% have nightmares and suffer from acute anxiety, while 70% have seen acts of violence,

including the killing of parents or relatives. **[2b]** All factions involved in the conflict have been responsible for direct abuses of children's rights. **[7k]**

5.3.56 Afghanistan's ratification of the Convention on the Rights of the Child amounts to no more than a paper promise according to Amnesty International, as Afghan children are denied the most basic rights. Female and sometimes male children have suffered rape and sexual abuse, having been abducted by local warring commanders. Others have been sold into prostitution. Such atrocities are an endemic characteristic of a long war-torn country like Afghanistan, and were occurring long before the Taliban swept to power. **[7k]**

5.3.57 The Taliban have eliminated most of the formal opportunities for girls' education, although some girls' schools still operate in rural areas and some towns. In 1998 the Taliban stated that schools would not be allowed to teach girls over the age of 8, that schools teaching girls would be required to be licensed and that such schools would be required to limit their curriculums to the Koran. Some girls are nonetheless receiving an education in informal home schools, which are tolerated to varying degrees by the Taliban around the country. During 2000 there were reports that the number of children attending these home schools was increasing, along with girls' attendance in various educational settings, including formal schools. The Taliban's implementation of its educational policy tends to be inconsistent and varies from region to region, as well as over time. **[2b]**

5.3.58 Approximately 25% to 30% of boys were estimated to be enrolled in school and up to 10% of girls were estimated to attend school whether NGO-run, mosque schools or home schools according to UNICEF. This represents a modest increase in both boys' and girls' school enrollment over the last 5 years. **[2b]**

5.3.59 The Taliban have banned certain recreational activities, such as kite flying and playing chess. In October 2000 the Taliban banned youths from playing soccer in Kabul on Fridays. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings. **[2b]**

5.3.60 There have been unconfirmed reports that the Taliban use child soldiers. There have also previously been reports of trafficking in children. **[2b]** Children are also forced to adapt to the horrors of war. Young boys have become the main family breadwinners after their fathers have been killed, and criminal gangs involved in drug trafficking have preyed on their vulnerability. **[7k]**

5.3.61 Recently there have been alarming rates of malnutrition among children in northern Afghanistan. A survey by the UN World Food Programme found that almost half the children under five in Mazar-i-Sharif suffered from chronic malnutrition. In other areas the situation was worse, with the potential to deteriorate further. **[25h]**

Intellectuals

5.3.62 The Afghan intelligentsia (consisting of various religious and political groups) are scattered around the world. Some support the Taliban, while others back the Northern Alliance. Others generally favour an end to the conflict and a negotiated settlement. It is this particular group that has been the particular target of assassination attempts both inside Afghanistan and in

Pakistani refugee camps. **[7l]** UNHCR confirm that among the most targeted are educated Afghans not associated with the Taliban regime or intellectuals seeking an end to the war. **[11d]**

5.3.63 Escalation of power and influence from radical Islamic elements can result in the targeting of educated people. This particular group may be perceived as a threat to the power base of the radicals, and due to their often moderate or liberal views they could also be interpreted as being secular or insufficiently Islamic. **[32]** Rumour or behaviour (such as absence from mosques at prayer time) may induce suspicion of Taliban opposition. This applies more so to ethnic Pashtuns who may be perceived as contributing to the disunity of the movement. The risk is greater to the educated, especially those educated abroad **[11d]**

5.3.64 Many Afghan intellectuals had been suffering persecution and murder at the hands of armed Mujahidin groups since the late 1980s. Political personalities including intellectuals, community leaders and former army officers have also subsequently been targeted and arrested by the Taliban in 1998 and 1999 due to their peaceful opposition to the continued civil war. Some have reportedly been tortured and others killed in custody. **[7l]**

5.3.65 Political killings and harassment of moderate Afghan leaders and Afghan intellectuals residing in Pakistan continued throughout 2000. It is suspected that these killings and harassment occurred at the direction of the Taliban. Dozens of Afghans living in Pakistan have reportedly received death threats, and several of them have been killed. In 1999 a number of moderate activists relocated out of Pakistan to other countries, in part as a reaction to killings in Pakistan in 1998 and 1999. UNHCR has also assisted relocating Afghan journalists working in exile in Pakistan to Western countries. This has followed numerous threats, which many believe to have emanated from the Taliban in response to what they perceived as unfavourable columns. **[2b]**

See also Refugees Outside Afghanistan*: paragraphs 5.4.11 - 5.4.20.*

5.4 OTHER ISSUES

Assembly and Association

5.4.1. Civil war conditions and the unfettered actions of competing factions effectively limit the freedom of assembly and association. It is unknown whether laws exist that govern the formation of associations, and the Taliban have used excessive force against demonstrators **[2b]**

Speech and Press

5.4.2 There are no laws providing for freedom of speech and of the press, and senior officials of various warring factions allegedly attempted to intimidate journalists and influence their reporting. There are fewer than ten regular publications in the country. All other newspapers are only published sporadically. **[2b]**

5.4.3 All factions have attempted to pressure foreign journalists who report on the conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul, however in August 2000 the Taliban introduced strict regulations governing the work

of foreign journalists in the country. Foreign journalists were forbidden to film or photograph people or animals, were not allowed to interview women and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. During 2000 there were also credible reports of the detention and torture of those believed to have been helpful to Western journalists. **[2b]**

5.4.4 The Taliban radio station, the Voice of Shariat, broadcasts religious programming and Taliban pronouncements. **[2b]** It was reported on 8 July 1998 that the Taliban had announced a ban on the ownership or operation of televisions, video recorders and satellite dishes due to such items being "the cause of corruption in this society". **[5g]** In August 1998 television sets, videocassette recorders, videocassettes, audiocassettes and satellite dishes were outlawed. Televisions nonetheless continue to be sold widely, and their use is generally ignored unless reported by a neighbor. **[2b]**

Prison Conditions

5.4.5 The Taliban operates prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini and Maimana. The Northern Alliance maintains prisons in Panjshir and Faizabad. There are credible reports that both Taliban and Northern Alliance militia have extorted bribes from civilians in return for their release from prison. **[2b]**

5.4.6 Conditions are particularly appalling. Prisoners are held in overcrowded conditions, deprived of adequate food, sleep, space and sanitation facilities. Torture is reported to be standard practise. Cells are intolerably hot in summer and cold in winter, with damp cells and poor hygiene the main cause of infectious diseases. **[7o]** The biggest prison run by the Taliban authorities is reportedly in Kandahar, where the majority of political prisoners or military combatants are held. Some are subject to forced labour and have died of exhaustion or from beatings by prison guards. **[7o]**

5.4.7 The Taliban have also established female prisons in Kandahar, Kabul, Mazar-e-Sharif and possibly Jalalabad according to the UN Commission on Human Rights. Many are reportedly held without official reason in these prisons. **[30a]**

Travel

5.4.8 In principle citizens have the right to travel freely both inside and outside the country, although their ability to travel within the country is hampered by warfare, lawlessness, landmines and chronic infrastructure. Some Afghans have reported difficulty in receiving necessary permits to leave the country for tourism or business purposes. The Taliban's restrictions on women further curtail freedom of movement. Despite these obstacles many people continue to travel relatively freely, with buses plying routes in most parts of the country. International travel continued to be difficult as both the Taliban and Northern Alliance threatened to shoot down any planes that flew without their permission over areas of the country that they controlled. **[2b]**

5.4.9 There has been broad agreement among UN sources that freedom of movement has generally greatly improved in Taliban controlled territory in comparison with the pre-Taliban era. Checkpoints on roads are now very rare and there is a brisk traffic both within, and in and out of the area - especially via Pakistan. It has been noted however that freedom of movement is

greatest and most unhampered for the Pashtun ethnic group. Ethnic minorities generally, and in particular Hazaras, attract more Taliban attention. **[8]** It was stated in a report submitted by the UN Special Rapporteur for Human Rights on Afghanistan that because of the growing division of the country along ethnic lines, those belonging to the Hazara ethnic minority have difficulty moving freely and entering hospitals in Kabul. **[11b]**

See also Security*: paragraphs 4.3.1 - 4.3.8;* Ethnic Groups*: paragraphs 5.3.14 - 5.3.34 and* Hazaras*: paragraphs 5.3.24 - 5.3.29.*

5.4.10 Afghanistan is the most heavily land-mined country in the world, according to UN mine-clearing experts. The UN estimates that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordnance throughout the country, sown mainly during the Soviet occupation. Other NGOs however estimate that there may be less than 1 million mines. The most heavily mined areas are the provinces bordering Iran and Pakistan. Additional newly mined areas were reported but not confirmed during 2000 in the conflict areas north of Kabul. The Northern Alliance reportedly laid these in response to the Taliban's summer offensive. Taliban leader Mullah Omar reportedly banned the use, production, trade and stockpiling of mines in 1998. **[2b]**

Refugees Outside Afghanistan

5.4.11 Afghans continue to form one of the world's largest refugee populations. Approximately 2.8 million Afghans remain outside the country as registered refugees - 1.4 million in Iran, 1.4 million in Pakistan and some in Russia, India and the central Asian republics. Women and children constitute 75% of the refugee population. In addition there are 500,000 to 750,000 Afghans who are internally displaced following years of fighting. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to the country in the peak year of 1992. During 2000, 133,600 refugees were voluntarily repatriated from Iran under an UNHCR-Iranian program, and another 50,000 are estimated to have returned outside the program. Refugees in Pakistan are known to cross the border back and forth routinely. **[2b]**

5.4.12 Afghans resident in Pakistan have been able to come and go as they please, gaining access to the labour market. About 75% of the Afghan refugees in Pakistan originate from the Afghan Pashtun areas. The remaining 25% are mainly from Kabul and Mazar-i-Sharif. **[14]** A recent report however cited a UNHCR estimation that over 74% of those entering Pakistan were non-Pashtuns (most being Tajiks). **[22d]** Pakistan has requested that camps to accommodate those displaced by the drought and fighting be set up inside Afghanistan. UNHCR however have countered that many of those affected may not feel safe in camps set up in Taliban-controlled areas, thus taking account of the large influx of Tajiks. **[22e]**

5.4.13 Although Pakistan is not a party to the 1951 UN Refugee Convention, there has been de facto compliance with the Convention. The Pakistani authorities drew up guidelines at the beginning of the 1980s in which it was explicitly stated that Afghans should be treated as refugees within the meaning of the Refugee Convention. At the beginning of the 1990s the Pakistani authorities issued "passbooks" to Afghan refugees, which were needed to obtain food aid. In addition, Afghan refugees could apply to the Pakistani authorities for a 'Shanakhti' pass (ID card), giving their presence in Pakistan official status. Only a limited number of refugees

hold such a pass, which in any case is not necessary to be able to work and reside in Pakistan. **[14]**

5.4.14 Since September 2000 as many as 150,000 Afghans fled to Pakistan. On 10th November 2000 Pakistan announced the closure of its borders to new Afghan refugees, although large numbers still managed to enter. The Pakistani authorities have nonetheless deported undocumented Afghans **[11d]** citing a lack of assistance from the international community, national security concerns and claims that the refugees were fleeing drought rather than conflict. An agreement has been reached with the Taliban to "regulate" border crossings, whereby Afghans who have established residence in Pakistan are allowed to travel, while those seeking refuge for the first time are not allowed to approach the border. **[11c]**

5.4.15 Pakistan is now unwilling to make further land available to accommodate displaced Afghans. The Pakistan government has given notice to 100,000 refugees in the long established Nasirbagh camp near Peshawar, stating that it wants the land back and that they must leave by July 2001. Although there has been no insistence that they leave Pakistan, this implies an unwillingness to take responsibility for further influxes of refugees. **[22e]** In January 2001 it was reported that the UN had stated that around 35,000 Afghan refugees had arrived in Pakistan in the proceeding three months, fleeing the continued fighting. A doctor working at the Jalozai camp reported about fifty children dying of pneumonia and diarrhoea in the same period due to inadequate shelter and food. **[25g]**

5.4.16 In March 2001 Pakistan's North-West Frontier Province government reportedly prepared a plan to deport unregistered Afghan refugees residing in the province. UNHCR described the deportations that had occurred as unfair, stating that many of the refugees at Jalozai had fled the fighting in northern Afghanistan and were in need of protection. Authorities in Kohat district demolished over a hundred houses at Ghamkol camp to make way for the construction of a degree college, following an order from the governor. An official stated that the law does not allow a foreigner to purchase and own property in Pakistan. **[20c]**

5.4.17 According to Amnesty International death threats have been made against many Afghan citizens based in Pakistan. The identity and political links of the assassins are not known, but those targeted include prominent Afghan personalities (intellectuals, human rights defenders and women's rights campaigners) actively opposed to Taliban policies. Most of them are Afghan intellectuals of Pashtun ethic background. In some cases, individuals claiming to represent the Taliban have reportedly delivered warnings in person, seeking an end to what they have termed as "anti-Taliban activity". The Taliban has claimed no responsibility for such attacks; **[7g]** therefore there is an anarchic nature to the threats, intimidation and attacks on Afghans resident in Pakistan. Afghan intellectuals and professionals (amongst other political, ethnic and religious groups) have as a result felt insecure in Pakistan. **[32]** Certain Afghan refugees who do not feel safe in Pakistan (due to links with civilian activities in Afghanistan or more notably educated urban women without traditional family support) have been repatriated to third countries with UNHCR assistance, or when appropriate relocated within Pakistan. **[11c]**

See also Intellectuals: *paragraphs 5.3.62 - 5.3.65.*

5.4.18 Amnesty also report that at least four Afghan political figures were assassinated in Pakistan in November 1998 and that there were at least two politically motivated attacks against Afghans (known for their opposition to the Taliban) in January 1999. The Pakistani police have

reportedly not taken serious measures to investigate these attacks and bring those responsible to justice. A human rights defender and her husband received a number of death threats. **[7h]** According to a February 1999 report, appeals for protection to the UNHCR in Peshawar had trebled over the previous six months. The erstwhile Pakistan Government had said that it would not tolerate any attempt by the Taliban to rule over the refugees, and as long as the refugees were there they would protect them. **[18a]**

5.4.19 Iran is a signatory to the 1951 UN Refugee Convention, and until 1992 refugee residence permits were granted to all arriving Afghans on a prima facie basis. Thereafter, all new arrivals were no longer granted the same rights to reside in Iran, thus creating a significantly large group of unregistered illegal Afghans with no entitlement to protection. Documented Afghans are permitted to reside in the country and can apply for a work permit, although the difficulty in obtaining one has resulted in the majority of Afghans in Iran working illegally. The level of protection available in Iran to Afghans continues to deteriorate due to a change in the general attitude stemming from economic decline and rising unemployment. The Iranian Ministry of Interior is under increasing pressure to force Afghans to leave the country. "Asylum fatigue" appears to be a factor now that the Afghan refugee problem has entered a third decade with no solution forthcoming. **[11c]**

5.4.20 In April 2000 a joint IOM/UNHCR repatriation programme began in Iran, and in just over a month helped over 11,000 Afghan refugees return home. The programme aimed to facilitate the return of 100,000 Afghan refugees throughout the year. **[29]** An agreement was also reached between UNHCR and the Pakistani Government for joint assessment of Afghan refugee claims prior to deportation, although Amnesty International reported that this was breached following the deportation of an Afghan Scholar on 21st June. **[7r]**

5.4.21 Referring to an agreement between the Iranian Government and UNHCR, Amnesty International advised that "Afghan refugees should not be returned against their will or where they are at risk of human rights abuses". The international community was also advised not to labour under the illusion that some areas in Afghanistan are safe for return. While some refugees return because of improvements to the security situation, others are compelled to return due to a lack of resources in asylum countries or threats to be forcibly repatriated. **[11d]**

Non-Government Organizations

5.4.22 There are many domestic and international NGOs in the country. Some are based in neighbouring countries (mainly Pakistan) with branches inside the country. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education and agriculture. The civil war and lack of security continue to make it difficult for human rights organizations to adequately monitor the situation inside Afghanistan. **[2b]**

5.4.23 The Taliban have continued to harass domestic and international NGOs, interfering consistently with the operation of the UN and others. They have threatened to impound the vehicles of NGOs that do not work on projects preferred by the Taliban. Other threats have included the closure of projects that do not include Taliban supervisors or workers, and in one case the detention of the director of a local NGO and the impounding of its equipment in an effort to increase Taliban control of the organization. **[2b]** UNHCR confirm that amongst those targeted by the Taliban are Afghans working for the UN and other NGOs. **[11d]**

5.4.24 It was reported that in mid-June 1999 masked gunmen in a Taliban-controlled area robbed, beat and issued death threats to a team of two expatriates and eight Afghan International Committee of the Red Cross (ICRC) workers. Following the incident, the dozen foreign personnel were evacuated and the agency's operations were trimmed in protest. The ICRC nonetheless resumed work on 27 June 1999 in full in all Taliban held areas after obtaining fresh security guarantees from the Taliban. **[4e]** Also in June 1999 staff members of an international NGO were detained and beaten by members of the Taliban in Bamian Province. Following the incident Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. In November 1999 however UN properties were targeted in organized demonstrations in several cities when UN sanctions relating to terrorism were imposed. **[2b]** When new UN sanctions took effect on 19th January 2001 the Taliban urged restraint on their followers, and humanitarian agencies continued their programmes, albeit with a reduction in personnel as a precautionary measure. **[22d]**

5.4.25 Following their capture of Yakawlang in January 2001, eyewitnesses reported that personnel of the Center for Cooperation on Afghanistan (CCA), a local aid agency, were among the civilians rounded up and executed outside the relief agency office. Other staff members of relief agencies were identified among those killed. Several staff members of a local leprosy clinic and one of its patients were also identified among those killed. **[17]**

Peace Initiatives

5.4.26 There remain many obstacles to a peaceful solution to the Afghan conflict. The Taliban seem unwilling to share power, and during peace talks in 1999 made it clear that they expected the opposition to submit to their control. Masoud on the other hand also views the Taliban as a colonizing force acting on behalf of Pakistan, and would be suspicious of any deal with them. Both parties are also likely to be resistant to an entirely new government comprising technocrats and intellectuals brought in from the West, even if it was balanced with indigenous tribal elders and commanders. **[22a]**

5.4.27 The UN has warned that there is little hope for peace as long as regional powers continue to back warring factions. **[25b]** Fransesc Vendrell - the UN Secretary General's Personal Representative to Afghanistan - engaged in extensive discussions with various Afghan parties and interested nations throughout 2000, but there has been little visible progress in ending the conflict. **[2b]**

International Recognition

5.4.28 Pakistan, Saudi Arabia and the United Arab Emirates recognized the Taliban as the government of Afghanistan in May 1997. **[7d]** The movement has however won no other international or UN recognition, and former President Rabbani continues to be acknowledged by many, **[1]** including Iran and Russia, **[11a]** as the rightful leader of Afghanistan. **[1]** The Taliban has found itself internationally isolated because of its discriminatory policies on grounds of gender, the perception that it allows Afghanistan's territory to be used as a base for international terrorism and the concern over the reported production and export of illegal drugs from Afghanistan. **[7i]**

ANNEX A

POLITICAL ORGANIZATIONS AND OTHER GROUPS

Hizb-i Islami Gulbuddin (Islamic Party Gulbuddin)

Pashtun/Turkmen/Tajik; led by Gulbuddin Hekmatyar. **[1]**

Hizb-i Islami Khalis (Islamic Party Khalis)

Pashtun; led by Maulvi Muhammed Yunus Khalis. **[1]**

Hizb-i Wahdat

Formed in June 1987 by eight Afghan Islamic Shi'ite factions. Based in Tehran, Iran. Secretary General is Abdol Karim Khalili. **[1]**

Hizb-i Watan (Homeland Party)

The re-named PDPA (changed its name in 1988). **[11a]**

Jamiat-i Islami (Islamic Society)

Turkmen/Uzbek/Tajik; led by Burhanuddin Rabbani and General Ahmad Shah Masoud. **[1]**

National Islamic Movement (Jonbesh-e Melli-e Eslami)

Formed 1992, mainly from troops of the former Northern Command of the Afghan Army. Predominantly Uzbek/Tajik/Turkmen/Ismaili/Hazara Shi'ite; led by General Abdul Rashid Dostum. **[1]**

Northern Alliance

See UIFSA. **[1]**

People's Democratic Party of Afghanistan (PDPA)

Communist party founded 1965. Split in 1967 into two factions: **Khalqi** ("The People") led by Nur Muhammad Taraki and Hafizullah Amin; and **Parcham** ("The Banner") led by Babrak Karmal. Ruling regime 1978 - 1992. **[11a]**

Taliban

Militant fundamentalist group, mainly Sunni Pashtuns. **[1]** Formed in 1994 by a group of graduates from Pakistani 'madrassas' (Islamic colleges) bordering Afghanistan. **[11a]** Taliban being the plural of 'Talib', meaning 'seeker of religious knowledge'. **[1]**

United Islamic Front for the Salvation of Afghanistan (UIFSA)

Established June 1997, comprising various anti-Taliban groups. Also known as the Northern Alliance. **[1]**

ANNEX B

PROMINENT PEOPLE

DOSTUM (General) Abdul Rashid

Leader of the National Islamic Movement; Uzbek. **[1]** Returned in April 2001 after a three-year exile. Defected to the Mujahideen in 1992, bringing about the fall of the Communist government. Later joined forces with other factions to fight Commander Ahmed Masoud in an attempt to oust him and his government from power. After his return however has engaged Masoud due to a common hostility to the Taliban. **[25l]**

HEKMATYAR (Engineer) Gulbuddin

Leader of Hizb-i-Islami Gulbuddin. Prime Minister 1996. **[1]**

KHALILI (General) Abdol Karim

Leader of main Hizb-i-Wahdat faction. **[1]**

KHAN Ismail

Opposition leader. Escaped from Taliban prison in March 2000. **[20c]** Was the former governor of Heart. **[11d]**

MALIK (General) Abdul

Former leader of the National Islamic Movement. **[1]**

MASOUD (General) Ahmed Shah

Commander allied to the Jamiat-i-Islami. Tajik. **[1]**

NAJIBULLAH (Dr) Mohammad

Leader of PDPA from 1986; President 1987 - 1992. Executed by the Taliban in 1996. **[1]**

MOJADDEDI (Professor) Sibghatullah

Leader of National Liberation Front. President of interim administration April - June 1992. **[1]**

OMAR (Mullah) Mohammad

Supreme Taliban leader, who seldom leaves his Kandahar base. **[26b]** Carries the title "Commander of the Faithful". **[2b]**

RABBANI Burhanuddin

Leader of Jamiat-i-Islami. “President” from 1992. **[1]**

ANNEX C

CHRONOLOGY [25j]

1919 - Afghanistan regains independence after third war against British forces trying to bring the country under their sphere of influence.

1926 - Amanullah proclaims himself King and attempts to introduce social reforms, leading to opposition from conservative forces.

1929 - Amanullah flees after civil unrest over his reforms.

1933 - Zahir Shah becomes King and Afghanistan remains a monarchy for next four decades.

1953 - General Mohammed Daud becomes prime minister. Turns to the Soviet Union for economic and military assistance. Introduces a number of social reforms, such as the abolition of purdah (the practice of secluding women from public view).

1963 - Mohammed Daud forced to resign as prime minister.

1964 - Constitutional monarchy introduced , which leads to political polarisation and power struggles.

1973 - Mohammed Daud seizes power in a coup and declares a republic. Tries to play off the USSR against Western powers. His style alienates left-wing factions who join forces against him.

1978 - General Daud is overthrown and killed in a coup by the leftist People's Democratic Party. The party's Khalq and Parcham factions fall out, leading to purging or exile of most Parcham leaders. At the same time, conservative Islamic and ethnic leaders who objected to social changes begin armed revolt in the countryside.

1979 - The Power struggle between leftist leaders Hafizullah Amin and Nur Mohammed Taraki in Kabul is won by Amin. Revolts in the countryside continue and the Afghan army faces collapse. The Soviet Union finally sends in troops to help remove Amin, who is executed.

1980 - Babrak Karmal, leader of the People's Democratic Party Parcham faction, is installed as ruler, backed by Soviet troops. Anti-regime resistance nonetheless intensifies with various mujahedin groups fighting Soviet forces. The US, Pakistan, China, Iran and Saudi Arabia supply money and arms.

1985 - Mujahedin come together in Pakistan to form an alliance against Soviet forces. Half of the Afghan population now estimated to be displaced by war, with many fleeing to neighbouring Iran or Pakistan. The new Soviet leader Mikhail Gorbachev says he will withdraw troops from Afghanistan.

1986 - The US begins supplying the mujahedin with Stinger missiles, enabling them to shoot down Soviet helicopter gunships. Babrak Karmal is replaced by Najibullah as head of the Soviet-backed regime.

1988 - Afghanistan, the USSR, the US and Pakistan sign peace accords and the Soviet Union begins pulling out troops.

1989 - The last Soviet troops leave, but civil war continues as the mujahedin push to overthrow Najibullah.

1991 - The US and USSR agree to end military aid to both sides.

1992 - Resistance closes in on Kabul and Najibullah falls from power. Rival militias vie for influence.

1993 - Mujahedin factions agree on formation of a government with the ethnic Tajik, Burhanuddin Rabbani, proclaimed president.

1994 - Factional contests continue and the Pashtun-dominated Taliban emerge as a major challenge to the Rabbani government.

1996 - The Taliban seize control of Kabul and introduce a hard-line version of Islam, banning women from work and introducing Islamic punishments which include stoning to death and amputations. Rabbani flees to join the anti-Taliban Northern Alliance.

1997 - The Taliban is recognised as the legitimate rulers by Pakistan and Saudi Arabia. Most other countries continue to regard Rabbani as Head of State. The Taliban now control about two-thirds of the country.

1998 - An earthquakes kill thousands of people. The US launch missile strikes at suspected bases of militant Osama bin Laden, accused of bombing US embassies in Africa.

1999 - The UN imposes an air embargo and financial sanctions to force the Taliban to hand over Osama bin Laden for trial.

2001 January - The UN imposes further sanctions on the Taliban to force them to hand over Osama bin Laden.

ANNEX D

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