AFGHANISTAN ASSESSMENT

April 2000

Country Information and Policy Unit

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.homeoffice.gov.uk/ind/cipu1.htm). 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

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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 south-west Asia. Its neighbours are Turkmenistan, Uzbekistan and Tajikistan to the north, Iran to the west, China to the north-east, and Pakistan to the east and south. **[1]**

2.2 Afghanistan covers 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

2.3 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]**

2.4 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 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]**

2.5 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]**

2.6 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*: paragraphs 5.3.10 - 5.3.11; and* Ethnic Groups*: paragraphs 5.3.12 - 5.3.32.*

Economy

2.7 The Mujahidin government, which came to power in April 1992, was faced with immense economic problems. These included high inflation, serious food and fuel shortages, a collapsed industrial sector, a severely damaged infrastructure, the difficulties of thousands of refugees returning to their ravaged farms and fields studded with landmines. Furthermore, their requests for foreign aid were jeopardized by the continuing infighting between rival guerrilla and militia groups. The fact that Afghanistan was the world's leading producer of opium was also an obstacle. **[1]**

2.8 Afghanistan continues to be an extremely poor country. Economic considerations have been overshadowed by political and military upheavals following two decades of war. Gross domestic product has fallen dramatically over the past twenty years as huge numbers of refugees have fled the country, resulting in a substantial loss of labour and capital. The disruption of trade and transport has also hindered potential economic development. **[23]**

2.9 Throughout 1999, agriculture (including high levels of opium poppy cultivation) was the mainstay of the economy. During the year, Afghanistan became the world's biggest opium producer. Lack of resources and the 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. Trade was mainly in fruits, minerals and gems, as well as goods smuggled into Pakistan. There are also rival currencies, both very inflated. Formal economic activity remained minimal, especially in rural areas, and was inhibited by recurrent fighting and roads blocked by local commanders. The country is dependent on international assistance. Per capita income is about US$280 a year based on World Bank figures. **[2b]**

2.10 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]**

2.11 The economy appears to be showing no signs of improving. During a three-week period in 1999 the flour price trebled. The UN sanctions (largely irrelevant economically) are deeply demoralising, with postal services to overseas also severely curtailed. **[21a]**

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, abolished the monarchy and proclaiming 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 in 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, M. 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**. However, the supply of arms to both 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, within both the army and groups of the mujahidin and 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 the 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, and was 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]**

Emergence of the Taliban

3.18 United Nations' efforts to promote a broad-based government acceptable to the various factions continued and the UN peace envoy (former Tunisian foreign minister Mahmoud Mestiri) finalized a proposal for transfer of power to a broad-based interim administration by the end of February 1994. However this plan was postponed due to the absence of political will amongst the major powers, and political developments: particularly 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]**

3.21 In November 1994 the Taliban captured Kandahar from the mujahidin, and moved north-eastwards to the provinces of Helmand, Khost and Wardak. 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]**

3.22 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 however 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

3.23 On 14 February **1995** the Taliban captured the headquarters of Hekmatyar's Hizb-i Islami in Charasyab, south of Kabul. By February 1995 the Taliban had taken 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]**

3.24 On 5 September 1995 the Taliban captured the city of Herat from the forces of the governor, Ismael 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

3.25 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 execute and 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]**

3.26 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 5.3.12 - 5.3.32.*

3.27 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]**

3.28 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]**

3.29 In the north-west the fighting between the Taliban and Northern Alliance intensified throughout late 1996 and early 1997, as the Taliban launched an offensive from Herat (which it had captured in September 1995). The Taliban were pushed back but held the last pass before Herat. **[11a]**

3.30 In early 1997 the Taliban recaptured the city of Charikar and Bagram military airbase. **[11a]** Later that month, heavy fighting between Taliban and anti-Taliban alliance forces resulted in thousands fleeing south toward Kabul. **[3]** 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]**

3.31 On 23 January 1997 the Taliban captured Jebul Siraj and Gulbahar, both former Masoud strongholds. **[3]** 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]**

3.32 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 5.2.11 - 5.2.12; and* Hazaras*: paragraphs 5.3.23 - 5.3.29.*

3.33 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]**

3.34 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]** As of the beginning of June 1997, the Taliban effectively controlled two-thirds of the country. **[11a]**

August 1997 - September 1998

3.35 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]**

3.36 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 was 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]**

3.37 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]**

3.38 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]**

3.39 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 5.3.1 - 5.3.11; and* Ethnic Groups*: paragraphs 5.3.12 - 5.3.32.*

3.40 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]**

See also Peace Initiatives*: paragraphs 5.4.27 - 5.4.34.*

3.41 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]** Ethnic Hazaras, and to a lesser extent Tajiks and Uzbeks were reportedly targeted**. [2b]**

3.42 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]**

3.43 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

3.44 Tension between Iran and the Taliban escalated during September 1998 following a large-scale deployment of Iranian forces on its eastern border with Afghanistan. The military build up was in response to the killing of the nine Iranian diplomats on 8 August 1998, when Taliban forces captured Mazar-i-Sharif. **[5i]**

3.45 On 12-13 September 1998 the Taliban captured Bamiyan, the last major town outside its control. The fall of Bamiyan 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]**

3.46 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]**

3.47 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-i-Eslami, Karim Khalili (a former commander of Hekmatyar's Hizb-i-Eslami) Ubaydollah Sabohum, and the leader of the Hezb-i-Etehad-i-Eslami, Abdorrasul Sayyuf, approved Ahmad Shah Masoud as the military commander. This agreement was reported as a significant political step by the commanders of the UIFSA. **[10c]**

3.48 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]**

3.49 On 23 April 1999 UIFSA were reportedly in control of Bamiyan town, some 100 km west of Kabul. Bamiyan had been a stronghold of the Shia Hezb-i-Wahdat-i-Islami faction of the UIFSA before its capture by the Taliban in September 1998. Bamiyan'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]** It is inhabited mainly by Hazaras. On 9 May 1999 the Taliban recaptured Bamiyan, which had changed hands several times. There were reports of summary executions when they entered the city, with Amnesty reporting that hundreds of men, and in a few instances women and children, were separated from their families and taken away. On 19 May 1999 the Taliban reported an attempted uprising in the western city of Herat, and stated that eight persons were executed in connection with the incident. **[2b]**

3.50 During the summer of 1999 the conflict between the Northern Alliance and the Taliban intensified. Masoud's forces were within rocket range of Kabul until late July 1999, when the Taliban summer offensive resulted in their capture of most of the Shomali plains north of Kabul up to the entrance of the Panjshir valley. The Northern Alliance claimed that 250,000 persons subsequently fled the Shomali plains in August and September, seeking refuge in the Panjshir valley. Other estimates placed the numbers at 100,000 to 150,000. **[2b]**

3.51 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]** The UIFSA continued to defend the last of the territories they held in the north and centre of the country from Taliban

attacks. Rabbani continued to occupy Afghanistan's seat at the UN, after the UN again deferred a decision on Afghanistan's credentials in December 1999. **[2b]**

3.52 The Taliban's 1999 summer offensive gained little ground. Their diplomatic isolation continued, while the Northern Alliance established other contacts, including increased contact with Delhi. Pakistan's new military ruler General Musharraf also claimed he would work towards a "truly representative government" in Afghanistan. **[21]**

IV INSTRUMENTS OF THE STATE

4.1 POLITICAL SYSTEM

Constitution

4.1.1 Immediately following the coup of 27 April 1978, the 1977 Constitution was abolished. On 21 April 1980 the Revolutionary Council ratified the Basic Principles of the Democratic Republic of Afghanistan. These were superseded by a new constitution ratified in April 1985. Another new constitution was ratified in November 1987; this constitution was amended in May 1990. **[1]**

4.1.2 In July 1992, the mujahidin's Leadership Council appointed a special commission to draw up a new and more strictly Islamic constitution. In September 1993 a draft constitution was reportedly approved by the Commission in preparation for a general election. In May 1996, following the signing of the Mahipar Agreement between President Rabbani and Hekmatyar, a constitution to cover the interim period pending the holding of a general election was drawn up and published. **[1]**

4.1.3 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]** It was reported in April 1999 that a new constitution based on Koran, Sunnah and Hanfi school of thought would be prepared. **[10e]**

Government

4.1.4 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]**

4.1.5 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. 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. **[2b]**

See also International Recognition*: paragraphs 5.4.35 - 5.4.40.*

4.1.6 The Taliban, since assuming power of the majority of the country, have given priority to military activity, causing great hardship to many. It is noteworthy however that following the

sudden increase in wheat prices towards the end of 1999 the Taliban did not look to the UN to bring in sufficient wheat in order to bring the price down. Instead they negotiated deals with Iran and Kyrgystan. This was a small indication that the Taliban were beginning to accept a degree of responsibility for public welfare, even if they did continue to give the military campaign priority. **[22]** A number of provincial administrations maintained limited functions, although civil institutions were rudimentary. **[2b]**

4.1.7 Moderate and neutral Afghans, mostly living outside the country, continue their efforts to organize a traditional Grand National Assembly. During 1999 a process to convene a Loya Jirga (Grand Assembly of traditional elders) based in Rome began. The process was focused around former King Zahir Shah, and slowly began to take shape. **[2b]**

See also Peace initiatives*: paragraphs 5.4.27 - 5.4.34.*

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. In January 1999 there were reports that Mullah Omar issued a decree asking the Supreme and Military Courts not to interfere with each other. **[2b]**

4.2.2 There is no constitution, rule of law, or independent judiciary in Afghanistan today. A new legal system has not been adopted but all parties tacitly agree they will follow Sharia (Islamic) law. **[11b]** Courts mete out punishments such as amputation and execution, following sessions that reportedly lasted a few minutes. Those found guilty of murder and rape are generally ordered to be executed, although victims' relatives can alternatively accept other restitution. Amnesty International also report that some court judges were untrained in law, and at times based their judgement on a combination of their personal understanding of Islamic law and a tribal code of honour (prevalent in Pashtun areas). **[2b]** Courts often decide a dozen different cases in the same day. **[7o]**

4.2.3 Public executions were also reported. Several executions have been reportedly carried out by victims' families**. [7j]** A woman convicted of killing her husband in 1997 was executed publicly by firing squad in the Kabul sports area in November 1999. The Taliban have also ordered death by stoning for adultery. Five persons also were killed for homosexuality in 1998 by having a wall toppled on them, and this was carried out in 1999 on at least one occasion (although the victim reportedly survived). **[2b]**

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]**

See also Security*: paragraphs 4.3.1 - 4.3.9 and* Religious Police*: paragraphs 5.2.21 - 5.2.24*

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]** There is a six-member ruling council in Kabul, but ultimate authority for Taliban rule rests in the Taliban's inner 'shura' (council), located in the southern city of Kandahar. Ultimate authority rests with the Taliban's supreme leader, Mullah Mohammad Omar. **[2b]**

4.2.6 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]**

See also Detainees*: paragraphs 5.2.5 - 5.2.10; and* Religious Police*: paragraphs 5.2.21 - 5.2.24.*

4.2.7 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 Mohammad Omar. However, persons can be arrested arbitrarily in Kabul, sometimes without the Ministry of Justice or Interior being informed. **[6]**

4.2.8 The Danish Immigration Service (DIS) and the Danish Refugee Council conducted a fact-finding mission to Afghanistan and Pakistan in November 1997 to investigate matters of security, human rights and the humanitarian situation in Afghanistan. During the mission, meetings were held with representatives of both the Taliban and Northern Alliance, and with independent sources including the UNHCR and other non-government organizations. A UN source commented that the training and recruitment of judges were the most disturbing points in the legal system introduced by the Taliban. Recruitment is usually from among local mullahs, who have received training either at mosques in Afghanistan or at 'madrassas' (Islamic colleges) in Pakistan. In the source's view, judges are not usually adequately trained in Sharia law to be able to give rulings on a sound basis. **[8]**

4.2.9 Likewise, Amnesty International reported in April 1998 that the verdicts for punishments passed by the Taliban's Sharia courts lack the minimum requirements for a fair trial. Judges in these courts are reportedly untrained in law, and base their judgements on a mixture of their understanding of Islamic law and the prevalent Pashtun code of honour. **[7e]**

Northern Alliance Territory

4.2.10 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 depends on the whims of local commanders or other authorities, who summarily execute, torture and mete out punishments without reference to any other authority. **[2b]**

4.2.11 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 generally was described as weak and very inscrutable. **[8]**

4.3 **SECURITY**

General

4.3.1 During 1999 Taliban aircraft bombed cities held by opposition forces, killing and injuring civilians. Opposition forces also fired rockets into Kabul on a number of occasions, causing similar devastation. Several cities in the north, west and east changed hands between the Taliban and the Northern Alliance on more than one occasion, with the continued warfare resulting in the deaths of civilians. In other areas combatants sought to kill rival commanders or their sympathisers. Motives however were difficult to identify, as they are often entwined in family and tribal feuds, battles over the drug trade and personal vendettas. **[2b]**

4.3.2 The conflict intensified in the northern and central areas of the country, after an initial lull in the early part of 1999. Much of the fighting throughout the year occurred in areas inhabited by non-Pashtun minorities. Following the Taliban's re-capture of the Bamiyan province in mid-May 1999, most of the civilian population was displaced. However 66% had returned by August, including Hazaras and Tajiks. **[2b]**

4.3.3 Northern Alliance commander Ahmed Shah Masoud claims that his faction control 30% of the country, whereas the Taliban claim they control 10%. Both sides are fighting for an Islamic state, although they have contrasting ideas about how to rule the country. Both also claim that only their own groups can deliver peace. **[26a]**

Taliban Territory

4.3.4 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 were still allegations however in 1999 that the Taliban maintained private prisons to settle personal vendettas, and that they were also responsible for disappearances in areas under their control. **[2b]**

4.3.5 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 - 5.1.5;* Religious Police*: paragraphs 5.2.21 - 5.2.24;* Mazar-i-Sharif Massacres*: paragraphs 5.2.11 - 5.2.12; and* Women*: paragraphs 5.3.47 - 5.3.58.*

4.3.6 Amnesty also reported in September 1997 that women in areas controlled by the mujahidin were at risk of being raped. 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 5.3.47 - 5.3.58.*

4.3.7 With regards to crime trends in territory controlled by the Taliban, interviewees advised the DIS that the general security situation had improved since the Taliban seized power. There was a broad agreement that the improvements relate in particular to protection of life and property, and also to greater freedom of movement. However, a few sources feared that the improved security situation could change. **[8]**

Northern Alliance Territory

4.3.8 The DIS was 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]**

4.3.9 There were reports in 1999 that Masoud's commanders in the north east were "taxing" humanitarian assistance entering from Tajikistan, harassing NGO workers and hindering the movement of humanitarian aid. **[2b]**

See also Findings of the UN Special Rapporteur*: paragraphs 5.2.1 - 5.2.2; and* Travel*: paragraphs 5.4.9 - 5.4.11.*

V HUMAN RIGHTS

5.1 INTRODUCTION

5.1.1 In Kabul the Taliban 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]**

5.1.2 Nonetheless, the overall human rights situation throughout 1999 was extremely poor and serious human rights violations continued to occur. Taliban forces were responsible for political and extra judicial killings, mass killings, summary executions and deaths in custody. There were

also reports that the Taliban were responsible for disappearances. The UN reported that in August 1999 the Taliban used a scorched earth policy during its summer offensive. This included burning homes, killing livestock, uprooting orchards and destroying irrigation systems. Mullah Omar criticised the burning of homes, although there is no evidence of any action against perpetrators. **[2b]** In response to international criticism the Taliban authorities admitted burning houses, but attempted justification by stating that fighters had used them as "military installations". [**7p]**

See also Human Rights: General Assessment*: paragraphs 5.2.1 - 5.2.24; and* Women*: paragraphs 5.3.47 - 5.3.58.*

5.1.3 All sides of the conflict are responsible for serious human rights violations. Throughout 1999 there were reliable reports that both the Taliban and Northern Alliance detained individuals because of their ethnic origins and suspected sympathy with opponents. There are also credible reports that both sides were responsible for torture in prisons. Northern Alliance armed units, local commandos and rogue individuals participated in political killings, abductions, kidnappings for ransom, torture, rape, arbitrary detention and looting. **[2b]**

See also Detainees*: paragraphs 5.2.5 - 5.2.10; and* Ethnic Groups*: paragraphs 5.3.12 - 5.3.32.*

5.1.4 Amnesty International stated in their 1999 Annual Report that thousands of people were systematically killed during 1998. Thousands of others remained missing, or were taken prisoner including possible prisoners of conscience. **[7j]**

5.1.5 Newly mined areas have been reported, although unconfirmed, in areas controlled by the Northern Alliance in response to the Taliban's 1999 summer offensive. Taliban leader Mullah Omar reportedly banned the use of landmines in 1998. Following UN initiatives nearly all areas that have been cleared of landmines are now in productive use, with approximately 1.53 million refugees and internally displaced people returning to such areas. **[2b]**

5.2 GENERAL ASSESSMENT

Findings of the UN Special Rapporteur

5.2.1 A United Nations' special rapporteur visited Afghanistan and Pakistan between 30 November - 12 December 1997 in order to gain a comprehensive insight into the human rights situation in Afghanistan. The Special Rapporteur met with members of both the Taliban and Northern Alliance; UN agencies; national and international humanitarian and non-governmental organizations; and private individuals. **[6]**

5.2.2 The UN Secretary-General of the Economic and Social Council published the Special Rapporteur's findings in a report dated 12 March 1998, in which it was concluded that the human rights situation in Afghanistan had deteriorated throughout 1997. The Special Rapporteur reported that armed hostilities among the warring factions had taken on the features of violent confrontation, with ethnic and religious attributes. He also said that the right to life of the Afghan people was under constant serious threat due to the intensification of hostilities. He further stated that there was widespread non-observance of the international laws of war and

humanitarian norms in and outside the battle zones in Afghanistan. He concluded that this situation has led to unprecedented violence resulting in massive loss of life. **[6]**

See also Religious Minorities*: paragraphs 5.3.1 - 5.3.11; and* Ethnic Groups*: paragraphs 5.3.12 - 5.3.32.*

Torture

5.2.3 The 1999 US State Department report states that 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 reportedly used torture routinely to extract information from and break the will of prisoners and political opponents. **[2b]**

See also Detainees*: paragraphs 5.2.5 - 5.2.10.*

5.2.4 Amnesty International reported that in 1998 executions or other cruel, inhuman or degrading punishments were believed to be widespread, but were not always reported by the authorities. Of those announced, eight people were flogged including a woman accused of adultery who was given 100 lashes at the Kabul Sports Stadium in February 1998 in front of some 30,000 spectators. Amnesty further reported that in 1998 there were at least fourteen reports of public amputations carried out by doctors from the Ministry of Public Health, usually in football stadiums in front of thousands of spectators, some of whom said they had been forced to attend. **[7j]**

Detainees

5.2.5 All factions probably hold political detainees, but no firm numbers are available. The Taliban and Masoud hold thousands of prisoners of war. Prisoner releases by all factions occurred during 1999, often with the assistance of the International Committee of the Red Cross (ICRC). In January 1999, the Taliban released 250 prisoners held at Pol-e-Charkhi prison on the occasion of Ramadan, according to press reports. Other prisoners were released in Kunduz. In February, the Taliban released approximately 70 prisoners from a prison in Mazar-i-Sharif on the recommendation of an Afghan human rights organization. On January 15, Commander Masoud freed 58 Taliban prisoners during Ramadan; there were similar releases to mark Ramadan in December 1999. The ICRC facilitated prisoner exchanges between the Taliban and the Northern Alliance that resulted in the exchange of 62 persons. **[2b]**

5.2.6 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]**

5.2.7 During 1998, the ICRC registered almost 4,400 prisoners of war across the country. There were reports that an Afghan human rights organization visited a Taliban prison in Mazar-i-Sharif in February. Intensified fighting and poor security for foreign personnel limited the monitoring of prison conditions, especially in and around Mazar-i-Sharif after the city fell to the Taliban. However, the ICRC's access improved towards the end of 1999. **[2b]**

See Prison Conditions*: Paragraphs 5.4.7 - 5.4.8*

5.2.8 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]** Amnesty also reported that the Taliban arrested persons who took active roles in discussions for a political settlement to the Afghan conflict. Several days to one month after arrest, their bodies were discovered in fields or hanging from a tree - often showing sign of torture. **[2b]**

5.2.9 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]**

5.2.10 In the spring of 1999 the Taliban took approximately 550 people hostage in Bamiyan and transferred them to different prisons according to the UN. Amnesty report that the Taliban have also taken political opponents' children hostage in an effort to compel their fathers to surrender. These include those connected with the Council for National Understanding and National Unity of Afghanistan. The son of a former military commander under the Najibullah regime was also detained in this manner. **[2b]**

See also Children*: Paragraphs 5.3.59 - 5.3.64*

Mazar-i-Sharif Massacres

5.2.11 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]** Accurate statistics regarding the number of persons killed after the take-over of Mazar-i-Sharif are not available, since no foreign observers or journalists were allowed into the area and there was no investigation of the events. **[2a]** 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]**

See also Detainees*: paragraphs 5.2.5 - 5.2.10.*

5.2.12 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 5.3.23 - 5.3.29.*

Recruitment of Soldiers

5.2.13 During its fact-finding mission in November 1997, the DIS was advised by the Pakistan Foreign Ministry that, according to its information, 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 hardly any forced recruitment in camps in Pakistan. **[8]**

See also Refugees Outside Afghanistan*: paragraphs 5.4.12 - 5.4.19.*

5.2.14 The DIS was also advised by several UN sources that the bulk of Taliban soldiers were volunteers. However, conscription does take place from time to time, especially in critical situations. Conscripts might include Hazaras, but were otherwise mainly Pashtuns. Several international non-government organizations also confirmed that conscription is practised, adding that conscripts have included Tajiks and Hazaras. Several UN sources confirmed that the Taliban included Tajiks and representatives of other groups as ordinary members, although this was in part due to conscription into the Taliban armed forces. A source at the US representation in Pakistan advised that Dostum, Masoud, Khalili and Malik have also practised conscription. **[8]**

See also Hazaras*: paragraphs 5.3.23 - 5.3.29.*

5.2.15 The UN Special Rapporteur was also advised during his visit to Kandahar in December 1997 that a massive campaign of forced conscription had taken place in the Kandahar and Helmand provinces, especially in the villages, where an absence of young men had been observed. The inhabitants of Kandahar were reportedly not trusted by the Taliban, since the Taliban were viewed as occupiers. The UN Special Rapporteur was also advised that a Food and Agriculture Organization district centre in a neighbouring district had been expropriated for conscription purposes. Some villages have reportedly set up observation posts to watch out for conscription teams. **[6]**

See also Ethnic Groups*: paragraphs 5.3.12 - 5.3.32.*

5.2.16 There are reports that some prisoners of the Taliban, including young sons of families that had opposed Taliban social restrictions, had been drafted forcibly and sent to the front. In January 1998 there were unconfirmed reports that the Taliban, in attempting to forcibly conscript

young men in the Arghandab district near Kandahar, sparked low-level armed resistance among local residents. There were also unconfirmed reports in 1997 that youths were rounded up and sent into combat. **[2a]**

See also Detainees*: paragraphs 5.2.5 - 5.2.10.*

Taliban's General Amnesty

5.2.17 On 26 June 1997 the Taliban signed a general amnesty. Section 4 of the amnesty reads:

"All returnees, irrespective of their political affiliations, are exempted from prosecution for all criminal offences committed for whatever reason prior to, or in, exile except for those criminal offences committed against other persons. This exemption includes inter alia having left Afghanistan and having found refuge in Pakistan, Iran or any other country, joining different commanders, draft evasion and desertion as well as the act of performing military service in internationally non-recognized armed forces". **[8]**

5.2.18 The DIS was advised by the UNHCR in Kabul that the amnesty was construed as not covering people who have committed criminal offences against individuals. According to a UN source, the Taliban do not feel bound by the terms of the amnesty and insufficient steps have been taken to ensure its implementation. The source added that in some situations the Taliban have deliberately refused to allow humanitarian organizations to monitor conditions for returnees, including implementation of the amnesty commitments. Furthermore, according to an international NGO in Herat, most Taliban members were unaware of the amnesty. However, another UN source stated that the Taliban can be expected to want to honour their agreement, but that this obviously requires close monitoring. **[8]**

5.2.19 One Afghan NGO was of the opinion, from an assessment of conditions for returning refugees, that the amnesty is not credible, adding that the Taliban has come out with similar amnesty declarations for particular groups from time to time. Also, the June 1997 amnesty does not appear to have been endorsed by Mullah Omar, the Taliban's highest authority, who can set aside all decisions taken at any lower level. **[8]**

5.2.20 It was reported on Afghan Taliban radio on 4 August 1999 that Mullah Omar announced an amnesty to opponents in the Panjsher, Takhar and Badakhshan areas. In his statement, the supreme leader said he wished that all those still in the ranks of the opponents should not to stand against their religion and country, and lay down their weapons. He also said that opponents' lives and property would be safeguarded. **[10g]**

See also Judicial System*: paragraphs 4.2.1 - 4.2.11; and* Former Members of the PDPA Regime*: paragraphs 5.3.33 - 5.3.46.*

Religious Police

5.2.21 The Taliban's Religious Police (the "Department for Promoting Virtue and Preventing Vice") is empowered to carry out beatings of offenders on the spot and house-to-house searches for forbidden items. **[11a]** The religious police enforce their extreme interpretation of Islamic punishments, such as public executions for adultery or murder, and amputations of one hand and one foot for theft. **[2b]**

5.2.22 Maulavi Qalamuddin (Head of the Religious Police) met with the UN Special Rapporteur in December 1997, and he 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. Qalamuddin explained that if something happens, it is the duty of the police to investigate and turn the case over to the Chief Justice and the Attorney General. **[6]**

5.2.23 Small incidents and small social and religious crimes are dealt with exclusively by the Religious Police, who offer advice and 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]** The religious police have also threatened men in Kabul if they did not recite the five daily prayers, and appealed to neighbours to inform upon violators. **[2b]**

5.2.24 The DIS also met with Maulavi Qalamuddin. He advised the DIS that the Religious Police report not to the Ministry of Justice or any other Ministry, but directly to the Taliban's supreme leader, Mullah Omar. **[8]**

See also Judicial System*: paragraphs 4.2.1 - 4.2.11.*

5.3 SPECIFIC GROUPS

Religious Minorities

Introduction

5.3.1 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]** Some 85% of the population are Sunni Muslim; Shia Muslims constitute most of the remainder. Some Taliban leaders claimed tolerance of religious minorities, although there reportedly have been restrictions imposed upon Shia Muslims in Taliban controlled territory, though not on a uniform basis. Freedom of religion is severely restricted, and Taliban members vigorously enforce their interpretation of Islamic law. **[2b]**

5.3.2 There are small minority groups of Hindus, Sikhs and Jews. **[1]** 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 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 as well. This rule allegedly was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims. **[2b]**

See also Shia Muslims*: paragraphs 5.3.6 - 5.3.8; and* Sikhs*: paragraphs 5.3.10 - 5.3.11.*

5.3.3 The small number of non-Muslim residents in Afghanistan may practice their faith but may not proselytize. **[2b]** However, it was reported on Iranian radio on 10 July 1998 that the Taliban

has categorically banned any attempts by Afghan Muslims to change their faith. The Taliban is reported as saying that all citizens and foreigners are warned that converting a Muslim compatriot to a blasphemous belief is banned, and anyone involved in such work will be punished in line with Islamic rules. **[10a]**

5.3.4 In 1997, a Christian church in Kabul was reportedly taken over by the Taliban and turned into a mosque. **[2a]** In November 1998, Taliban officials accepted responsibility for the defacing of one of two historic statues of Buddha near Bamiyan during their take over of that city in August 1998. The Taliban claimed that the vandalism was the result of an unauthorized act by one of their soldiers, **[2b]** and the Taliban's supreme leader, Mullah Omar, apparently ordered guards to protect the Buddha statues. **[13]** The Taliban has also prohibited some traditional religious ceremonies at Sufi shrines in Herat and the surrounding area, under threat of punishment if the ban is contravened. **[8]**

5.3.5 In April 1999 the Taliban radio, the Voice of Sharia, reported that Hindu and Sikh people in Kabul celebrated the Sikh and Hindu religious festival of Baisakhi. Bakhtar Information Agency reported that a meeting was held in a temple in Kabul. Two men at the meeting were reported to say that the Hindu and Sikh people were proud that, with the establishment of the Islamic Emirate of Afghanistan, their property, lives and honour had been protected and they were confidently continuing their daily affairs. They added that the Hindu and Sikh people living in Afghanistan obey the law and rules of the Islamic Emirate of Afghanistan, and were ready to fulfil their duty and take an active part in the restoration of the economy. **[10d]**

Shia Muslims

5.3.6 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. There are reports that the Taliban have occupied and "cleaned" Shia mosques for the use of Sunnis. **[2b]** The Shia have long maintained religious links with Iran, where their 'ulema' studied at the famous seminaries in Qum and Mashad. **[11b]**

5.3.7 The DIS was advised by the UNHCR office in Herat that there are a number of Shia Muslims in Herat, most of whom are ethnic Hazaras (although some Tajiks are also Shia Muslims). The town has five mosques and five Shia schools, which appear to operate without hindrance. However, another UN source reported that there had been a certain amount of Taliban generated discrimination against Shia Muslims, and also ill treatment in Herat province. A UN source in Kandahar however did not know of any ill treatment of Shia Muslims in that town. **[8]**

See also Tajiks and Panjsheris*: paragraphs 5.3.19 - 5.3.22; and* Hazaras*: paragraphs 5.3.23 - 5.3.29.*

5.3.8 One report on the Mazar-i-Sharif massacre indicated that the Taliban leader, Amir Mohammed Omar, had issued a fatwa (religious ruling) stating that the killing of Shia Muslims is not a crime because they are non-believers. It was also stated in a report submitted by the UN Special Rapporteur for Human Rights on Afghanistan in 1998 that because of the growing division of the country along ethnic lines, persons belonging to the Hazara ethnic minority have difficulty moving freely and entering hospitals in Kabul. **[11b]**

See also Mazar-i-Sharif Massacres*: paragraphs 5.2.11 - 5.2.12; and* Travel*: paragraphs 5.4.9 - 5.4.11.*

Ismailis

5.3.9 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]**

See also Shia Muslims*: paragraphs 5.3.6 - 5.3.8.*

Sikhs

5.3.10 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 2.3 - 2.6.*

5.3.11 The UN Special Rapporteur visited Jalalabad in September 1994 and met with members of the Sikh community there and visited a Sikh temple. He was informed that most members of the Sikh community had left all provinces of Afghanistan and gone to either Jalalabad or India. At that point there appeared to be little if any evidence that the Sikh community was persecuted or ill-treated on the basis of being a Sikh. **[15a]** Although all Sikhs fled Kabul in 1996 when the Taliban assumed control, it was reported in October 1997 that there were a small number of Sikhs in shops in Jalalabad. There are also many Sikhs still trading in Hyatabad, a suburb of Peshawar in Pakistan. **[15b]** There have also been 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. **[2b]**

See also Religious Minorities: Introduction*: paragraphs 5.3.1 – 5.3.5.*

Ethnic Groups

Introduction

5.3.12 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]**

5.3.13 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 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. On the question of ethnic cleansing, a UN source stated that Afghanistan has not experienced any ethnic cleansing, but that there has been an ethnic polarization, especially between the Taliban and the Hazara population. **[8]**

See also Findings of the Special Rapporteur*: paragraphs 5.2.1 - 5.2.2; and* Hazaras*: paragraphs 5.3.23 - 5.3.29.*

5.3.14 There are reliable reports of individuals being detained by both the Taliban and Northern Alliance because of their ethnic origins. In August 1997 Taliban police in Kabul raided a minority neighbourhood and reportedly arrested over 100 men, claiming they were loyal to Masoud. Taliban officials denied that the men were arrested because of their ethnic status, but several observers reported that mass arrests of Uzbeks, Hazaras and Tajiks on suspicion of fifth column activities had increased in frequency. **[2a]**

See also Detainees*: paragraphs 5.2.5 - 5.2.10; and* Religious Police*: paragraphs 5.2.21 -5.2.24.*

5.3.15 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 have been forced expulsions of ethnic Hazaras and Tajiks from areas newly occupied by the Taliban according to the US State Department report for 1999. **[2b]**

See also Detainees*: paragraphs 5.2.5 – 5.2.10; and* Hazaras*: paragraphs 5.3.23 - 5.3.29.*

Pashtuns

5.3.16 Pashtuns (also called Pathans) are the largest single ethnic group, constituting some 35% of the population. They are predominantly Sunni Muslims and live mainly in the centre, south and east of the country. **[11a] & [23]**

5.3.17 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 5.4.12 - 5.4.19.*

5.3.18 In December 1998 the areas under the control of the UIFSA consisted of only part of Hazarajat in central Afghanistan, and the provinces of Kapisa and Parwan in the north-east also part of Badakhshan. Although the population here mainly consists of Tajiks, Pashtuns and Ismailis also live in these provinces. Despite being the minority, Pashtuns were reportedly able to live unmolested in the area, with some even occupying leading positions. **[14]**

Tajiks and Panjsheris

5.3.19 The Tajiks are the second largest group, their language being Persian. 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. 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]**

5.3.20 Amnesty International reported that in 1997 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, including Pul-e Charkhi Prison in Kabul. Most of them were believed to be prisoners of conscience. **[7d]**

5.3.21 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]** According to the UNHCR, 18,860 Tajik refugees remained in Afghanistan at the end of 1996. The majority, some 11,500, were living in camps in the Kunduz area, while 7,728 were living at Sakhi camp, near Mazar-i-Sharif. During 1996, 1,354 Tajik refugees repatriated from Afghanistan. **[9]**

5.3.22 Following the military offensives in the Shomali plains in August and September 1999, the Taliban separated many people from their families. One human rights organisation claimed that some 1,000 Tajik men were separated from their families during the exodus and detained by the Taliban. Their whereabouts remained unknown at the end of 1999. During the year there were reports of the forcible expulsion of ethnic Tajiks from areas newly occupied by the Taliban. **[2b]**

See also Refugees Outside Afghanistan*: paragraphs 5.4.12 - 5.4.19.*

Hazaras

5.3.23 The Hazara population are of unknown Central Asian (probably Mongolian) descent, and have traditionally lived in their homeland of Hazarajat in central Afghanistan. Since the middle of this century, a number of Hazaras have emigrated to Kabul and other major urban centres. Initially they became labourers or servants, but progressed to become educated and acquire more skilled jobs in towns and cities. They remain however amongst the most economically disadvantaged people in the country. **[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]**

5.3.24 Amnesty International reported in May 1997 that the bodies of twelve ethnic Hazaras, reportedly all civilians, were found in a neighbourhood west of Kabul. They were believed to

have been killed by Taliban soldiers. 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, including Pul-e Charkhi Prison in Kabul. Most of them were believed to be prisoners of conscience. **[7d]**

5.3.25 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 village fiercely resisted the Taliban during their first offensive in May 1997. **[6]**

5.3.26 In August 1998 the Taliban, during their recapture of Mazar-i-Sharif, reportedly killed an estimated 2,000 to 5,000 persons. Hazaras (and to a lesser extent ethnic Tajiks and Uzbeks) reportedly were targeted **[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. **[12]** Mazar-i-Sharif's new governor reportedly announced three choices for Hazaras: to either become Sunni, to flee to Iran or be killed. **[7m]** Accurate statistics regarding the number of persons killed after the take-over of Mazar-i-Sharif are not available, since no foreign observers or journalists were allowed into the area and there was no investigation of the events. **[2a]**

5.3.27 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]**

5.3.28 Human Rights Watch have reportedly identified three Taliban leaders who appear to be guilty of incitement to kill victims purely because of their ethnic origin. **[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]**

5.3.29 During 1999 there were reports of the forcible expulsion of ethnic Hazaras from areas newly occupied by the Taliban. **[2b]** When the Taliban captured Bamiyan on 9 May 1999 from the Hezb-e-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 Bamiyan after the Taliban had assumed control. **[7m]**

See also Mazar-i-Sharif Massacres*: paragraphs 5.2.11 - 5.2.12; and* Shia Muslims*: paragraphs 5.3.6 - 5.3.8.*

Uzbeks and Turkomans

5.3.30 Uzbeks and Turkomans are followers of the Sunni Muslim tradition and are ethnically and linguistically Turkic. A significant Turkoman population in western Afghanistan has historically been victimised by the Pashtuns. **[11a]**

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]**

5.3.32 An October 1998 report stated that the Taliban has arrested members of the Turkmen community, who have been tortured and killed in detention. These include Agha Mohammad Doktor, a Turkmen military commander, and Abdul Manan, a respected religious leader from the northern part of the country. **[2b]**

Former Members of the PDPA Regime

5.3.33 With regard to individuals associated with the former People's Democratic Party of Afghanistan (PDPA) regime and the KHAD (State Security Services), the Taliban have stated that people with former political affiliations (hence also former members of the Communist Party) are covered by the Taliban amnesty and thus have nothing to fear. The Governor of Kandahar claimed that all are free to return to Afghanistan if they are willing to work for the country and observe Islam. The Taliban also stated that only those responsible for criminal acts would be prosecuted under Sharia law, since such acts are not covered by the amnesty. The Governor further confirmed that there were now many former PDPA members amongst the Taliban's ranks. **[8]**

5.3.34 There was however broad agreement amongst UN sources and various international or Afghan NGOs that people associated with the former PDPA regime form a special risk group for the purposes of harassment and persecution by the Taliban. Examples of people in that risk group include former employees of the PDPA administration and people holding references from the former government or belonging to the communist party. **[8]**

5.3.35 The Kandahar head of the KHAD (which now serves as the Taliban security service under the name of 'Estikhabarat') stated that the Taliban had detained people from the PDPA and former members of the KHAD. They were particularly interested in apprehending former KHAD members who had been guilty of widespread torture and killings. The difficulty was however, that many of them had left the country or changed their place of residence and possibly their appearance. There was also very little archive material available on the KHAD, partly because a great deal had been destroyed even before Najibullah fell from power, and partly because members of the Rabbani regime were still in possession of most of the rest. **[8]**

5.3.36 Following their capture of Kabul, the Taliban gained access to old KHAD archives held by Masoud, and carried out arrests on that basis. An independent source added that there are people suspected of PDPA links among the political detainees in Taliban prisons. The Co-

operation Centre for Afghanistan (CCA) had no specific knowledge of persecution or harassment of PDPA or KHAD members, apart from dismissal from public employment, but pointed out that most high-ranking PDPA and especially KHAD personnel have already left the country. **[8]**

See also Detainees*: paragraphs 5.2.5 - 5.2.10.*

5.3.37 A UN source also advised that PDPA membership in itself may attract harassment and persecution by the Taliban. However, the source commented that 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. The protection enjoyed by such figures 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. **[8]**

5.3.38 UN source in Herat considered that anyone associated with the PDPA may run into difficulties with the Taliban. The pattern of Taliban reactions is in fact 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. An Afghan NGO had no specific knowledge of ill treatment of low-ranking PDPA members. According to the same source, high-ranking PDPA figures might face problems with the Taliban, although most of them had left the country. **[8]**

5.3.39 A UN source in Kandahar similarly stated that those with links with the former PDPA regime generally face security problems. At the same time, however, the source could also confirm that a number of PDPA members are now in the Taliban, who in some cases even actively attempt to recruit members to the movement from among former PDPA people. Those cases heard of by the source however had mainly involved individuals with especially valuable qualifications, in particular people having undergone lengthy training in the use of military technology, such as fighter pilots. **[8]**

5.3.40 Regarding the level of the prominence within the former PDPA regime against the risk of ill treatment by the Taliban, a UN source stated that any such level of prominence is difficult to ascertain and the entire question equivocal. Prominent PDPA members are apparently in greater danger of persecution, yet paradoxically high-ranking members are probably among those best able to benefit from some form of social protection. **[8]**

5.3.41 Concerning the situation for those suspected of having committed criminal acts under the PDPA regime (including former KHAD members), a UN source reported that there is widespread antipathy in Afghanistan towards former KHAD members, who are therefore generally in great danger of persecution. The CCA confirmed that former KHAD employees face special security problems, still being regarded by the public as primarily to blame for their problems. Both UN sources and international and Afghan NGOs stated that most people with a PDPA past have left the country, are in camps for 'Internally Displaced Persons', or have gone to live in Northern Alliance territory for fear of the Taliban. **[8]**

5.3.42 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. **[14]**

5.3.43 The Ministry of Foreign Affairs for the Netherlands 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 people do in general have something to fear from the present authorities, sometimes in neighbouring Pakistan. High-ranking individuals who are personally held responsible for acts of violence against the mujahidin and the civilian population during the communist period may therefore be the victims of revenge attacks. **[14]**

5.3.44 However, according to the Ministry of Foreign Affairs for the Netherlands, it should be noted that among these groups are some individuals who now work for the Taliban. 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. According to the source, they are in no danger if they have renounced their past, shown remorse and joined either the Taliban or the UIFSA. Ordinary soldiers and officers from the Communist army were reportedly not at risk simply because they served in the Communist army. However, high-ranking soldiers and officers from the Communist army who have been personally accused of involvement in human rights abuses are nonetheless a risk group. **[14]**

See also Taliban's General Amnesty*: paragraphs 5.2.17 - 5.2.20.*

5.3.45 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]** In July 1998 two Afghan UN employees were kidnapped and murdered, the motive being that they were former communists. The Taliban denied involvement, but were reportedly implicated. Other former communists have been killed in both Afghanistan and Pakistan, reportedly in circumstances that suggested Taliban implication. **[2b]**

5.3.46 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. **[20]**

Women

5.3.47 As lawlessness and interfactional fighting continued in some areas throughout 1998, violence against women occurred frequently including beatings, rapes, forced marriages, disappearances, kidnappings and killings. Such incidents generally went unreported and most information was anecdotal. Although the stability instituted by the Taliban in most of the country initially acted to reduce violence against women, Taliban members continued to beat women, using the pretext of immodest dress. The enforced seclusion of women within the home rendered information on domestic violence difficult to gain. It is believed however that in such a

climate of secrecy and impunity this remains a serious problem. **[2b]** 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]**

5.3.48 The previous trend towards increasing numbers of women working outside the home was reversed in 1992 under the new mujahidin government. Since the advent of the Taliban in 1994, the trend towards excluding women from employment has intensified. In the areas where they took control, the Taliban initially excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative. There were marginal improvements however in some areas during 1999. **[2b]**

5.3.49 In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all women to abandon their jobs as professionals. This also included clerical workers, teachers, doctors, nurses, bank tellers, and aid workers. In a few cases the Taliban relented, allowing women to work in health care occupations under restricted circumstances. The prohibition on women working outside the home has been especially difficult for the large numbers of widows left by 20 years of civil war; there are an estimated 30,000 widows in Kabul alone. Many women reportedly have been reduced to selling all of their possessions and begging to feed their families. **[2b]**

5.3.50 In 1997 the Taliban announced a policy of segregating men and women in hospitals, and directed most hospitals in Kabul to halt services to women and discharge female staff. This policy reportedly was continuing at the end of 1999. Services for women were to be provided by a single hospital still partially under construction. Women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics, and since June 1998 have been permitted to seek treatment from male doctors only if accompanied by a male relative. In practice most women in hospitals were denied treatment by male physicians. These rules, while not enforced universally, made obtaining treatment extremely difficult for most women. **[2b]**

5.3.51 A 1998 survey of 160 Afghan women reported poor or no access to health care in Kabul, and most also reported a decline in their mental health. However, there were credible reports that the restrictions on women's health care were not applied in practice at the end of 1999, and that there were some improvements in access to health care for women during the year. At year's end, all Kabul hospitals apart from the military hospital reportedly treated women. Rabia Balkhi Women's Hospital in Kabul provided a full range of health services to women, although there was only one maternity hospital in the country. **[2b]**

5.3.52 The Taliban decreed what women could wear in public. Women in public were required to wear a burqa - a loose head-to-toe garment that has a small cloth screen for vision. This was already the customary garment in many rural areas, but the requirement presented a significant change in practice to women in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were 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 poor women cannot afford the cost of a burqa, and are therefore forced to remain at home. **[2b]**

5.3.53 During 1999 there were reports of inconsistency in the enforcement of the requirement for women to wear the burqa. Enforcement reportedly was relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas covered 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. Female foreigners must cover their hair, arms and legs. The Taliban require that homes with female occupants have their windows painted over, so that they are not visible from the street. **[2b]**

5.3.54 Women were expected to leave their homes only while escorted by a male relative, risking beatings by the Taliban if they were not. Some observers reported seeing fewer and fewer women on the streets in Taliban-controlled areas. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. Women may only ride on buses designated as women's buses, and there are reportedly not enough such buses to meet the demand. In December 1998, the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains so that the female passengers cannot see or be seen by the driver. Bus drivers also were told that they must employ boys under the age of 15 to collect fares from female passengers, and that neither the drivers nor the fare collectors were to mingle with the passengers. **[2b]**

5.3.55 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 however have 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 posed a much greater problem. **[18d]**

5.3.56 Women are also forbidden to enter mosques or other places of worship unless the mosque had separate sections for men and women. Most women pray at home alone or with other family members. The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the Ministry for the Promotion of Virtue and Suppression of Vice. It was reported that the edicts are enforced with varying degrees of rigor throughout the country. The restrictions were imposed most heavily in urban areas, where women had enjoyed wider access to educational and employment opportunities before the Taliban gained control. **[2b]**

5.3.57 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]**

5.3.58 There were also unconfirmed reports of girls and women being abducted from villages in the Shomali plains by Taliban soldiers (often reported to be foreigners) during the fighting in August 1999. Some were trafficked to Pakistan and the Arab Gulf States. In Northern areas, women were at risk of being raped and kidnapped according to the UN. Unconfirmed reports also claimed local commandos were kidnapping young women, and some were forced to marry their kidnappers while others remained missing. Some families reportedly send their daughters to Pakistan or Iran to avoid such danger. **[2b]**

See also Security*: paragraphs 4.3.1 - 4.3.9;* Human Rights: Introduction*: paragraphs 5.1.1 - 5.1.5;* Findings of the UN Special Rapporteur*: paragraphs 5.2.1 - 5.2.2; and* Children*: paragraphs 5.3.59 - 5.3.64.*

Children

5.3.59 The situation of children is very poor: infant mortality is 250 out of 1,000 births, and there are reports that 250,000 children per year die of malnutrition. One source reported that the majority of Afghan children are highly traumatized and expect to die before reaching adulthood. Some 90% reportedly have nightmares and suffer from acute anxiety, while some 70% have witnessed 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]**

5.3.60 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]**

5.3.61 The Taliban has eliminated most of the opportunities for girls' education that existed in areas they have taken over. Some girls were reportedly receiving an education in informal home schools, which were tolerated by the Taliban authorities to varying degrees in various parts of the country. There are also a growing number of girls educated by international NGOs in formal and community based schools. **[2b]** The UN Special Rapporteur observed that the Taliban acting Minister of Education in 1999 claimed that when sufficient resources became available, separate education for women would follow. It was also noted that discriminatory policies in education were regionally dependent. For example in one Kandahar district, all families were required to send male and female children to school up to the age of twelve. In contrast there was absolutely no education whatsoever for girls in Jalalabad, not even Koranic schools. **[24]**

5.3.62 Limited human and financial resources characterize the educational sector. Other factors include the absence of a national educational policy and curriculum; the lack of action of the authorities to rehabilitate destroyed facilities; and discriminatory policies banning the access of females to all levels of education. Female literacy is approximately 4 percent, compared with an overall literacy rate of 30 percent. There have been reports that the ban on women working outside the home has hampered the education of boys, since a large percentage of the country's teachers were women prior to the advent of Taliban rule. **[2b]**

See also Women*: paragraphs 5.3.47 - 5.3.58.*

5.3.63 The Taliban have banned certain recreational activities, such as kite flying and playing chess. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings. **[2b]** Amnesty International reported in March 1999 that teenage boys had been arrested in the past year, and that their families had reportedly been told that they would only be released if their families were produced to the Taliban authorities. **[7i]**

See also Detainees*: Paragraphs 5.2.5 - 5.2.10*

5.3.64 There have been unconfirmed reports that the Taliban use child soldiers. There were also some cases of trafficking in children in 1999. **[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 engaged in drug trafficking have preyed on their vulnerability. **[7k]**

Intellectuals

5.3.65 The Afghan intelligentsia, representing contrasting 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]**

5.3.66 Scores of 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]**

5.4 OTHER ISSUES

Assembly and Association

5.4.1 It is unknown whether laws exist governing the formation of associations. However civil war, tenuous security and likely opposition from local authorities seriously inhibit freedom of assembly and association. **[2b]**

See also Security*: paragraphs 4.3.1 - 4.3.9.*

5.4.2 The Taliban have used excessive force against demonstrators. In December 1998 a crowd of students protesting their dean's misappropriation of hostel funds at Nangarhar medical college were reportedly fired upon by members of the Taliban, killing two students. Mullah Omar ordered an investigation, although results or whether it actually took place is unknown **[2b]**

Speech and Press

5.4.3 There are no laws effectively providing for freedom of speech and the press. Senior officials of various warring factions have allegedly attempted to intimidate reporters and

influence their reporting. The few newspapers, all of which are published sporadically, are for the most part affiliated with different factions. **[2b]**

5.4.4 All factions have attempted to pressure foreign journalists reporting on the Afghan conflict. The Taliban initially co-operated with the international press who arrived in Kabul, but later imposed restrictions upon them. During 1999 foreign journalists were forbidden to film or photograph persons 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 adhered to. Foreign journalists were not permitted into Mazar-i-Sharif after the Taliban captured the city in August 1998 and reportedly massacred as many as 5,000 people. However by the end of 1999, few journalists cited problems in reporting from Afghanistan. **[2b]**

5.4.5 The various factions maintain their own communications facilities. 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 practice however televisions are widely sold, and their use is generally ignored unless reported by a neighbour. **[2b]**

5.4.6 Towards the end of 1999 new Taliban openness towards the media was evident. American television network CNN and the Arabic station Al-Jazeera were granted permission to open bureaux in Kabul. The BBC and Reuters have also been granted permission to film in Kabul to report the impact of UN sanctions. The Taliban have one of the worst media images in the world, and now believe that greater exposure will reduce what they term as media misunderstanding and exaggeration of the situation in Afghanistan. The filming of people and animals however is to remain generally forbidden **[25b]**

Prison Conditions

5.4.7 Prison conditions have always been, and continue to be particularly appalling. Prisoners are held in overcrowded conditions, deprived of adequate food, sleep, space or 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]**

5.4.8 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]**

Travel

5.4.9 Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country is hampered by warfare, lawlessness, land mines and road networks in a state of disrepair. The domestic air service is limited, complicated by factional threats to air traffic. Despite these obstacles many people continue to travel relatively freely, with buses plying routes in most parts of the country. International travel continues to be difficult as both the Taliban and Masoud have threatened to shoot down any planes that fly over areas of the country they control, without their permission. **[2b]**

5.4.10 There has been broad agreement among UN sources that freedom of movement generally has 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 was noted however that freedom of movement is greatest and most unhampered for the Pashtun population 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, persons belonging to the Hazara ethnic minority have difficulty moving freely and entering hospitals in Kabul. **[11b]**

See also Security*: paragraphs 4.3.1 - 4.3.9;* Ethnic Groups*: paragraphs 5.3.12 - 5.3.32 and* Hazaras*: paragraphs 5.3.23 - 5.3.29.*

5.4.11 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 ordinance throughout the country, sown mainly during the Soviet occupation. The landmines and unexploded ordinance cause deaths and injuries, restrict areas available for cultivation and slow the return of refugees. An estimated 400,000 Afghans have been killed or wounded by landmines. Currently, casualties caused by landmines and unexploded ordinance are estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households are affected by the presence of landmines. **[2b]**

Refugees Outside Afghanistan

5.4.12 Afghans continue to form one of the world's largest refugee populations. **[2b]** The UNHCR gives assistance for the voluntary return of Afghans who have taken refuge in Pakistan and Iran. **[14]** The UNHCR did not promote repatriation to Afghanistan during 1996, however they did provide those choosing to repatriate with cash grants or in-kind assistance and transportation assistance. **[9]** In early 1997 the UNHCR reported that between 1988 and 1996 about 2.56 million Afghan refugees had returned to their homeland from Pakistan, and around 1.33 million from Iran. **[1]**

5.4.13 According to the UNHCR, about 2.6 million Afghans remain outside the country as registered refugees: 1.4 million in Iran, 1.2 million in Pakistan, 20,000 in Russia, 17,000 in India and 9,000 in the central Asian republics. Women and children constitute 75% of the refugee population. In addition there are more than 300,000 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 Afghanistan in the peak year of 1992. Although the continued fighting has discouraged many refugees from returning to their country **[2b]**, UNHCR assisted approximately 107,000 refugees returning to Afghanistan in 1998. **[7p]**

5.4.14 As many as 10,000 Afghans were repatriated to the country between December 1998 and January 1999 from Iran, although it is unclear how many were refugees or if any were repatriated forcibly. Many were reportedly ethnic Hazaras or Tajiks. However by the end of 1999 there were reports that approximately 75,000 Afghans were repatriated forcibly to Afghanistan from Iran, without a determination as to refugee status. There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees. **[2b]**

5.4.15 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. Although Pakistan is not a party to the 1951 UN Refugee Convention, there is 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. **[14]**

5.4.16 Afghan refugees are not systematically registered by the Pakistani authorities or by the UNHCR. At the beginning of the 1990s, the Pakistani authorities did however issue "passbooks" to Afghan refugees, which were needed to obtain food aid. In addition, Afghan refugees can apply to the Pakistani authorities for a 'Shanakhti' pass (ID card), which gives 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. Afghans may apply for a provisional residence permit, although this is in practice is not necessary. A work permit is not required, and many industries (agriculture, construction) employ many Afghans. **[14]**

5.4.17 According to Amnesty International, death threats have been made against dozens of 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". However, the Taliban has claimed no responsibility for the attacks. **[7g]**

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 have received a number of death threats. The couple are under Pakistani police protection, but believe that more needs to be done to ensure their safety. **[7h]** According to a February 1999 UK news 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 Throughout 1999 around 30,000 new Afghan refugees (mainly ethnic Hazaras) arrived in Pakistan (largely in Baluchistan). Their level of protection depended on the time and reasons for fleeing Afghanistan. In December 1999 UNHCR was informed that in 1998 the then Pakistani government had changed its policy of considering all Afghans prima facie refugees, since they believed Afghanistan now had a legitimate government controlling 90% of the territory. Only Afghans with valid documents were subsequently officially permitted to enter. Repatriation efforts were stepped up, with cases determined on an individual basis. This policy shift, unaltered by Pakistan's new military regime, implies a decrease in admissions and an increase in repatriations. In practice however the porous nature of the border and long-standing migratory patterns meant cross border movements continued, with only members of distinctive groups detained or harassed. **[27]**

Non-Government Organizations

5.4.20 There are many domestic and international NGO's in the country. Some are based in neighbouring countries (mostly Pakistan) with branches inside Afghanistan. Others are based in Afghan cities and rural areas. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education and agriculture. [**2b]**

5.4.21 The civil war and lack of security continued to make it difficult for human rights organizations to adequately monitor the situation inside Afghanistan. **[2b]** In March 1999 Amnesty International reported that access by independent monitors to various parts of the country continued to be severely limited. **[7i]**

5.4.22 There has been harassment of NGOs by both factions. **[2b]** According to Amnesty International Emma Bonino, the European Commissioner for humanitarian aid, was detained for several hours on 29 September 1997 by the Taliban after members of her entourage visiting Kabul took pictures of women. **[7d]** Due to intermittent fighting in various areas, international aid agencies have found that their ability to travel, work and distribute assistance is hampered. **[2b]**

5.4.23 The working environment for the UN and humanitarian community improved somewhat during 1999. UN and other expatriate workers began returning early in the year following the improvement of the security environment. However, on June 15 staff members of an international NGO were detained and beaten by members of the Taliban in Bamiyan province. After this 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. Nonetheless in November UN properties were targeted in organized demonstrations in several cities when UN sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs remain largely unresolved. **[2b]**

See also Women*: paragraphs 5.3.47 – 5.3.58; and* Children*: paragraphs 5.3.59 – 5.3.64*

5.4.24 On 10 July 1998 the UN announced that it had suspended flights in and out of Kabul, because continued rockets attacks by UIFSA forces had made the city's airport unsafe. On 20 July 1998 the Taliban closed the offices of 38 foreign aid agencies in Kabul and ordered them to relocate or to leave the city. **[5g]**

5.4.25 Following a US missile strike on alleged terrorist bases in Afghanistan in August 1998, the UN withdrew its international staff. However, the UN and the Taliban signed on 23 October 1998 an agreement in Islamabad, paving the way for the return of UN staff to Afghanistan. **[4c]**

5.4.26 Following assurances by the Taliban for the protection of its staff, the UN announced in March 1999 the gradual return of some foreign staff, after receiving reassurances about their safety. However the UN Secretary-General, Kofi Annan, said that unless there is clear evidence that all the commitments by the Taliban have been carried out, he would be compelled to review his decision. **[4d]** It was reported that masked gunmen in a Taliban-controlled area [in mid-June 1999] 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. However, the ICRC resumed on 27 June 1999 in full in all Taliban held areas after obtaining fresh security guarantees from the Taliban. **[4e]**

Peace Initiatives

5.4.27 On 27 April 1998 UIFSA officials and representatives of the Taliban met in Islamabad to hold formal peace talks. The initial talks were held to prepare for more substantive negotiations in the near future. **[5d]** However, the talks collapsed on 3 May 1998 after UIFSA representatives accused the Taliban of refusing to discuss certain issues. **[5e]**

5.4.28 In 1998, UN Special Envoy Lakhdar Brahimi engaged in extensive discussions with the Afghan parties and other interested nations. A group of representatives from the six nations bordering Afghanistan plus the United States and Russia met in New York in September 1998 to look at ways to end the conflict. **[2a]**

5.4.29 Brahimi began a new peace mission on 3 October 1998, to explore ways in which to reduce tension between Afghanistan, Iran and its neighbours. **[4b]** Following his talks with the Taliban's supreme leader, Mullah Mohammad Omar, Brahimi reported that the Taliban had agreed to release all Iranian prisoners, and accepted formation of an international fact-finding mission. **[10b]**

5.4.30 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, following a resumption of heavy fighting in late March 1999 **[5p]** the peace negotiations between the Taliban and UIFSA collapsed on 12 April. **[5q]**

5.4.31 On 21 May 1999, the official Iranian news agency (IRNA) announced that the group of countries working to secure peace in Afghanistan, known as the "Six-Plus-Two" contact group, had agreed to hold a new round of talks. The talks would be attended by representatives from Iran, China, Pakistan, Russia, Tajikistan, Turkmenistan, the USA and Uzbekistan, and would be held in the Uzbek capital of Tashkent. **[5r]** The "Six-Plus-Two" met on 19 July 1999 with representatives of the Taliban and the UIFSA. The UN and all participating states (except Turkmenistan) signed the Tashkent Declaration on the "Fundamental Principals of a Peaceful Settlement of the Conflict in Afghanistan". It expressed the readiness of the sides to promote, under UN auspices, direct negotiations between the two Afghan sides. **[10f]**

5.4.32 Moderate and neutral Afghans, mostly living outside the country, continue efforts to organize a traditional Grand National Assembly (Loya Jirga), and held meetings in Rome in July and November 1999. The former King supports this process. Another group of moderates met several times during 1999 in Cyprus and Tehran. The UN and the international community continued their efforts to help Afghans reach a political settlement. However, late in 1999 Brahimi announced that he had "frozen" his work due to the non-responsiveness of Afghanistan's neighbours. **[2b]**

5.4.33 There remain many obstacles to a peaceful solution. Demonstrations of support for the Taliban in Pakistan and elsewhere concerning the UN sanctions imposed in November

1999 may have induced new encouragement for the pan-Islamic role that is accorded them. They are unwilling to share power, and during peace talks earlier in 1999 made it clear 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. **[22]**

5.4.34 In March 2000 peace talks began in the Saudi Arabian City of Jeddah, under the auspices of the Organisation of the Islamic Conference (OIC). The talks were not direct however, with the OIC firstly talking to the Taliban and then to representatives of the opposition alliance. The talks involved Pakistan, Iran and a UN representative. The UN warned that there was little hope for peace as long as regional powers continued to back warring factions. The OIC's head however (Iranian Deputy Foreign Minister Mohammed-Javed Zarif) stated that Afghanistan's neighbours are beginning to realise that the continuing conflict is not in their interests. A breakthrough was not expected from these talks, and the Taliban continue to resist direct negotiations with the opposition. **[25c]**

International Recognition

5.4.35 Pakistan, Saudi Arabia and the United Arab Emirates recognized the Taliban as the government of Afghanistan in May 1997. **[7d]** However, the movement has 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 territory to be used as a base for so-called international terrorism, and the concern over the reported production and export of illegal drugs from Afghanistan. **[7i]**

5.4.36 By August 1998, having seized Mazar-i-Sharif (the last city remaining outside its control) the Taliban prepared to turn its efforts towards a campaign for international recognition.

5.4.37 On 20 August 1998 a US missile attack targeted camps in Afghanistan, allegedly containing the terrorist infrastructure of a movement led by Saudi Arabian dissident Osama bin Laden. The US government alleged it had evidence to implicate bin Laden in the bombing of US embassies in Kenya and Tanzania on 7 August 1998. The Taliban's denunciation of the US raid (and their continued defence of bin Laden) ruled out any dialogue with the US which might have led to diplomatic recognition. **[11b]**

5.4.38 In October 1998 the leader of the Taliban, Mullah Mohammad Omar, made a public offer to halt the production of opium poppies in exchange for international recognition of the Taliban regime. In remarks made to the Taliban's Bakhtar news agency, Omar said that unless the regime gained recognition the country faced serious economic hardship. **[5j]**

5.4.39 Also in October 1998 Saudi Arabia decided to downgrade diplomatic relations with Afghanistan, and recalled its charge d'affairs from Kabul. The decision to downgrade relations was prompted by Saudi Arabia's request to extradite Osama bin Laden. Analysts believed that the policy shift had been prompted by pressure from US officials on the Saudi government to

secure the capture of bin Laden. **[5j]** Amnesty International also reported in March 1999 that relations between Saudi Arabia and the Taliban appeared to be strained. **[7i]**

5.4.40 Former President Rabbani, who had relocated to Takhar in the north, claims that he has remained the head of the legitimate Government of Afghanistan. His delegation retained Afghanistan's seat at the United Nations after the General Assembly deferred a decision on Afghanistan's credentials. **[11b]**

ANNEX A

POLITICAL ORGANIZATIONS AND OTHER GROUPS

Hizb-i Islami (Islamic Party)

Mujahidin group; led by Hekmatyar - Pashtun.

Hizb-i Wahdat

Mujahidin group; led by Khalili - Shia.

Hizb-i Watan (Homeland Party)

The re-named PDPA (changed its name in 1988). In power June 1990 - April 1992.

Jamiat-i Islami (Islamic Society)

Mujahidin group; led by Burhanuddin Rabbani - non-Pashtun.

Jumbush-i Milli

Faction of NIMA, led by Abdul Malik.

Khademat-e Ittela'at Dowlat (KHAD)

State Security Services.

Mujahidin

Collective term for militant Islamic groups.

National Islamic Movement of Afghanistan (NIMA)

Anti-Taliban mujahidin; led by Dostum - Uzbek.

Northern Alliance

See UIFSA.

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.

Supreme Council for the Defence of Afghanistan (SCDA)

Collective name for leaders of anti-Taliban forces before they became known as UIFSA.

Taliban

Militant fundamentalist, anti-mujahidin movement. Mainly Pashtun; formed 1994 by group of graduates of Pakistani 'madrassas' (Islamic colleges) bordering Afghanistan, run by fundamentalist Jamiat-e-Ulema. Taliban being the plural of 'Talib', meaning 'seeker of religious knowledge'.

United Islamic Front for the Salvation of Afghanistan (UIFSA)

Established June 1997, made up of: Hizb-i Wahdat, Jamiat-i-Islami, Harkat-i-Islami and Junbish-i-Milliya Islami. Also supported by independent figures and militia unaffiliated with these parties. Also known as Northern Alliance.

ANNEX B

PROMINENT PEOPLE

BRAHIMI Lakhdar

Algerian diplomat appointed as Special Envoy for Afghanistan by UN Secretary-General in August 1997.

DOSTUM (General) Abdul Rashid

Mujahidin commander. Leader of National Islamic Movement; Uzbek.

HEKMATYAR (Engineer) Golboddin

Leader of Hizb-i Islami. Prime Minister 1996 - Pashtun.

KHALILI (General) Abdol Karim

Leader of main Hizb-i Wahdat faction.

MALIK (General) Abdul

Former leader of Jumbush-i Milli (NIM) - Uzbek.

MASOUD (General) Ahmed Shah

Mujahidin commander allied to Jamiat-i Islami. Minister of Defence 1992 - 1996 - Tajik.

NAJIBULLAH (Dr) Mohammad

Leader of PDPA from 1986; President 1987 - 1992. Executed by Taliban 1996.

MOJADDEDI (Professor) Sibghatullah

Leader of National Liberation Front. President of interim administration April - June 1992.

OMAR (Mullah) Mohammad

Self-proclaimed 'Amir al-Momenin' ("Leader of the Believers" aka "One-eyed Mullah"). Supreme Taliban leader, based at Kandahar - Pashtun.

RABBANI Burhanuddin

Leader of Jamiat-i Islami. "President" from 1992.

RABBANI (Mullah) Mohammad

(No relation to Burhanuddin Rabbani) Taliban “Acting President”. Official title: Chairman of the Afghanistan Caretaker Council.

ANNEX C

CHRONOLOGY

July 1973

Prime Minister Mohammad Daoud overthrows King Zahir Shah in coup d'état.

April 1978

Daoud killed in 'Great Saur Revolution'. PDPA assume power. Country renamed 'Democratic Republic of Afghanistan'.

December 1979

Invasion of Soviet troops.

1980

Civil war in most the of country.

1984 – 1985

Mujahidin begin to receive support from outside.

May 1986

Najibullah appointed General Secretary of PDPA.

September 1987

Najibullah elected president.

Mid-1988 – 1989

Soviet troops withdraw.

February 1989

Afghanistan Interim Government-in-exile established at council in Pakistan.

1990

Mujahidin launch new military campaigns.

April 1992

Najibullah forced to resign. Masoud and Hekmatyar enter Kabul. United Nations' sponsored Peshawar Accords. Mojaddedi arrives in Kabul as president of new administration. Country

proclaimed 'Islamic State of Afghanistan'.

28 June 1992

Mojaddedi surrenders power; Rabbani offered presidency.

March 1993

Islamabad Accord; country ruled by Rabbani.

January 1994

Renewed fighting breaks out. Hekmatyar, in new alliance with Dostum, attempts to force Rabbani from office. Fighting intensifies between Rabbani and Masoud, and alliance of Dostum and Hekmatyar.

Mid-1994

Anti-mujahidin Taliban emerges.

November 1994

Taliban capture Kandahar.

By February 1995

Taliban control nine (of 31) provinces.

March 1995

Taliban forced to retreat from its advance on Kabul.

September 1995

Taliban capture Herat.

May 1996

Mahipar Agreement; Hekmatyar rejoins Rabbani's government.

27 September 1996

Taliban capture Kabul. Najibullah executed.

May 1997

Taliban takes and loses Mazar-i-Sharif.

June 1997

UIFSA established. Taliban effectively control two-thirds of country.

October 1997

Country unilaterally renamed 'Islamic Emirate of Afghanistan' by Taliban.

February 1998

Earthquake kills more than 4,000.

30 May 1998

Second earthquake to hit same region in same year leaves 3,000 dead and 30,000 homeless.

July 1998

Taliban capture Meymaneh (capital city of north-western Fariab province).

3 August 1998

Taliban capture headquarters of Uzbek leader General Dostum in Sheberghan. Dostum reportedly flees to Uzbekistan.

8 August 1998

Taliban capture Mazar-i-Sharif; nine Iranian diplomats killed. Taliban advance northwards towards Panjshir Valley.

End of August 1998

Further gains in north and north-west result in Taliban controlling 90% of country.

September 1998

Tensions between Iran and Taliban escalate. Taliban capture Bamiyan (last major town outside their control).

3 October 1998

UN's Brahimi begins new peace mission, in particular to explore ways in which to reduce tensions between Afghanistan, Iran and its neighbours.

March 1999

Representatives of Taliban and Northern Alliance agree in Ashkhabad to form joint executive, legislature and judiciary, and to release twenty prisoners. However, cease-fire not agreed.

12 April 1999

Peace negotiations between Taliban and UIFSA collapse.

23 April 1999

UIFSA in control of Bamiyan town.

6-14 May 1999

Taliban re-capture Bamiyan.

19 July 1999

Meeting of “Six-Plus-Two”; signing of Tashkent Declaration.

November 1999

UN imposes sanctions, freezing Taliban overseas assets and banning Afghan Ariana flights internationally in response to the Taliban's refusal to hand over Osama bin Laden to the USA.

March 2000

Peace talks begin in the Saudi Arabian city of Jeddah, under the auspices of the Organisation of the Islamic Conference (OIC). The talks were not direct however, with the OIC firstly talking to the Taliban and then to representatives of the opposition alliance. A breakthrough was not expected from these talks, and the Taliban continued to resist direct negotiations with the opposition.

ANNEX D

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