



COUNTRY OF ORIGIN INFORMATION REPORT

# AFGHANISTAN

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29 AUGUST 2008

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- Annex D – List of Cabinet Ministers
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- Annex F – References to source material



## Preface

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- i This Country of Origin Information Report (COI Report) has been produced by COI Service, UK Border Agency (UKBA), for use by officials involved in the asylum/human rights determination process. The Report provides general background information about the issues most commonly raised in asylum/human rights claims made in the United Kingdom. The main body of the report includes information available up to 14 August 2008. The 'Latest News' section contains further brief information on events and reports accessed from 15 August to 29 August 2008. This COI Report was issued on 23 September 2008.
- ii The Report is compiled wholly from material produced by a wide range of recognised external information sources and does not contain any UK Border Agency opinion or policy. All information in the Report is attributed, throughout the text, to the original source material, which is made available to those working in the asylum/human rights determination process.
- iii The Report aims to provide a brief summary of the source material identified, focusing on the main issues raised in asylum and human rights applications. It is not intended to be a detailed or comprehensive survey. For a more detailed account, the relevant source documents should be examined directly.
- iv The structure and format of the COI Report reflects the way it is used by UK Border Agency decision makers and appeals presenting officers, who require quick electronic access to information on specific issues and use the contents page to go directly to the subject required. Key issues are usually covered in some depth within a dedicated section, but may also be referred to briefly in several other sections. Some repetition is therefore inherent in the structure of the Report.
- v The information included in this COI Report is limited to that which can be identified from source documents. While every effort is made to cover all relevant aspects of a particular topic, it is not always possible to obtain the information concerned. For this reason, it is important to note that information included in the Report should not be taken to imply anything beyond what is actually stated. For example, if it is stated that a particular law has been passed, this should not be taken to imply that it has been effectively implemented unless stated.
- vi As noted above, the Report is a collation of material produced by a number of reliable information sources. In compiling the Report, no attempt has been made to resolve discrepancies between information provided in different source documents. For example, different source documents often contain different versions of names and spellings of individuals, places and political parties, etc. COI Reports do not aim to bring consistency of spelling, but to reflect faithfully the spellings used in the original source documents. Similarly, figures given in different source documents sometimes vary and these are simply quoted as per the original text. The term 'sic' has been used in this document only to denote incorrect spellings or typographical errors in quoted text; its use is not intended to imply any comment on the content of the material.

- vii The Report is based substantially upon source documents issued during the previous two years. However, some older source documents may have been included because they contain relevant information not available in more recent documents. All sources contain information considered relevant at the time this Report was issued.
- viii This COI Report and the accompanying source material are public documents. All COI Reports are published on the RDS section of the Home Office website and the great majority of the source material for the Report is readily available in the public domain. Where the source documents identified in the Report are available in electronic form, the relevant web link has been included, together with the date that the link was accessed. Copies of less accessible source documents, such as those provided by government offices or subscription services, are available from the COI Service upon request.
- ix COI Reports are published regularly on the top 20 asylum intake countries. COI Key Documents are produced on lower asylum intake countries according to operational need. UK Border Agency officials also have constant access to an information request service for specific enquiries.
- x In producing this COI Report, COI Service has sought to provide an accurate, balanced summary of the available source material. Any comments regarding this Report or suggestions for additional source material are very welcome and should be submitted to the UK Border Agency as below.

**Country of Origin Information Service**

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**Website:** [http://www.homeoffice.gov.uk/rds/country\\_reports.html](http://www.homeoffice.gov.uk/rds/country_reports.html)

**ADVISORY PANEL ON COUNTRY INFORMATION**

- xi The independent Advisory Panel on Country Information (APCI) was established in 2003 to make recommendations to the Home Secretary about the content of the UK Border Agency's country of origin information material. The APCI welcomes all feedback on the UK Border Agency's COI Reports, Key Documents and other country of origin information material. Information about the Panel's work can be found on its website at [www.apci.org.uk](http://www.apci.org.uk)
- xii In the course of its work, the APCI reviews the content of selected UK Border Agency COI documents and makes recommendations specific to those documents and of a more general nature. The APCI may or may not have reviewed this particular document. At the following link is a list of the COI Reports and other documents which have, to date, been reviewed by the APCI: [www.apci.org.uk/reviewed-documents.html](http://www.apci.org.uk/reviewed-documents.html)
- xiii Please note: It is not the function of the APCI to endorse any UK Border Agency material or procedures. Some of the material examined by the Panel

relates to countries designated or proposed for designation for the Non-Suspensive Appeals (NSA) list. In such cases, the Panel's work should not be taken to imply any endorsement of the decision or proposal to designate a particular country for NSA, nor of the NSA process itself.

**Advisory Panel on Country Information:****Email:** [apci@homeoffice.gsi.gov.uk](mailto:apci@homeoffice.gsi.gov.uk)**Website:** [www.apci.org.uk](http://www.apci.org.uk)

## Latest News

### EVENTS IN AFGHANISTAN FROM 15 AUGUST 2008 TO 29 AUGUST 2008

- 29 August Coalition forces have started to hand over the security in Kabul to the Afghan authorities in what will be a gradual process.  
BBC Online, Afghans take over Kabul security, 28 August 2008  
[http://news.bbc.co.uk/1/hi/world/south\\_asia/7585634.stm](http://news.bbc.co.uk/1/hi/world/south_asia/7585634.stm)  
Date accessed 28 August 2008
- 22 August A US air strike has killed around 60 children and 30 adults in the Shindand district of Herat province on Friday 22 August 2008. The airstrike was targeting the Taliban commander, Mullah Siddiq who was presiding over a meeting with militants.  
BBC Online, Strike 'killed 60 young Afghans', 26 August 2008  
[http://news.bbc.co.uk/1/hi/world/south\\_asia/7582170.stm](http://news.bbc.co.uk/1/hi/world/south_asia/7582170.stm)  
Date accessed 27 August 2008
- Afghanistan's Cabinet call to end air strikes in civilian areas after 90 adults were killed in the Shindand district of Herat province on Friday 22 August 2008  
Al Jazeera, Afghans demand new 'rules of force', 26 August 2008  
<http://english.aljazeera.net/news/asia/2008/08/200882671452418652.html>  
Date accessed 27 August 2008
- CNN, Afghan reports claim militants or children killed, 22 August 2008  
<http://edition.cnn.com/2008/WORLD/asiapcf/08/22/afghanistan/index.html>  
Date accessed 27 August 2008
- BBC Online, Afghan raid 'kills 30 militants', 22 August 2008  
[http://news.bbc.co.uk/1/hi/world/south\\_asia/7577104.stm](http://news.bbc.co.uk/1/hi/world/south_asia/7577104.stm)  
Date accessed 27 August 2008
- 20 August Insurgency moves closer to Kabul as the capital is attacked twice in one week.  
BBC Online, Taliban grow more brazen, 20 August 2008  
[http://news.bbc.co.uk/1/hi/world/south\\_asia/7570856.stm](http://news.bbc.co.uk/1/hi/world/south_asia/7570856.stm)  
Date accessed 28 August 2008
- 15 August Three western aid workers are killed as insurgency moves closer to Kabul. The three aid workers were employees of the International Rescue Committee (IRC) in Logar, a province adjacent to Kabul, when they were ambushed by Taliban claiming they were spies.  
Yahoo News, Taliban wages war on aid groups, 15 August 2008  
[http://news.yahoo.com/s/csm/20080815/wl\\_csm/ogetout](http://news.yahoo.com/s/csm/20080815/wl_csm/ogetout)  
Date accessed 28 August 2008

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## REPORTS ON AFGHANISTAN PUBLISHED OR ACCESSED SINCE 15 AUGUST 2008

### **Congress Research Service**

CRS Report for Congress

Afghanistan: Post-War Governance,

Security, and U.S. Policy, updated 8 August 2008

<http://fpc.state.gov/documents/organization/108306.pdf>

Date accessed 1 September 2008

### **Asian Centre for Human Rights**

ACHR SOUTH ASIA HUMAN RIGHTS INDEX – 2008, published 1 August 2008

<http://www.achrweb.org/reports/SAARC-2008.pdf>

Date accessed 29 August 2008

### **Chr. Michelsen Institute**

Return with Dignity, Return to What?

Review of the Voluntary Return Programme

to Afghanistan

<http://www.cmi.no/publications/file/?3055=return-with-dignity-return-to-what>

Date accessed 29 August 2008

### **United Nations** <http://www.unhcr.org>

Special report of the Secretary-General pursuant to Security Council resolution 1806 (2008) on the United Nations Assistance Mission in Afghanistan, 3 July 2008

<http://www.unhcr.org/refworld/pdfid/48747c018.pdf>

Date accessed 29 August 2008

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## Background information

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### 1. GEOGRAPHY

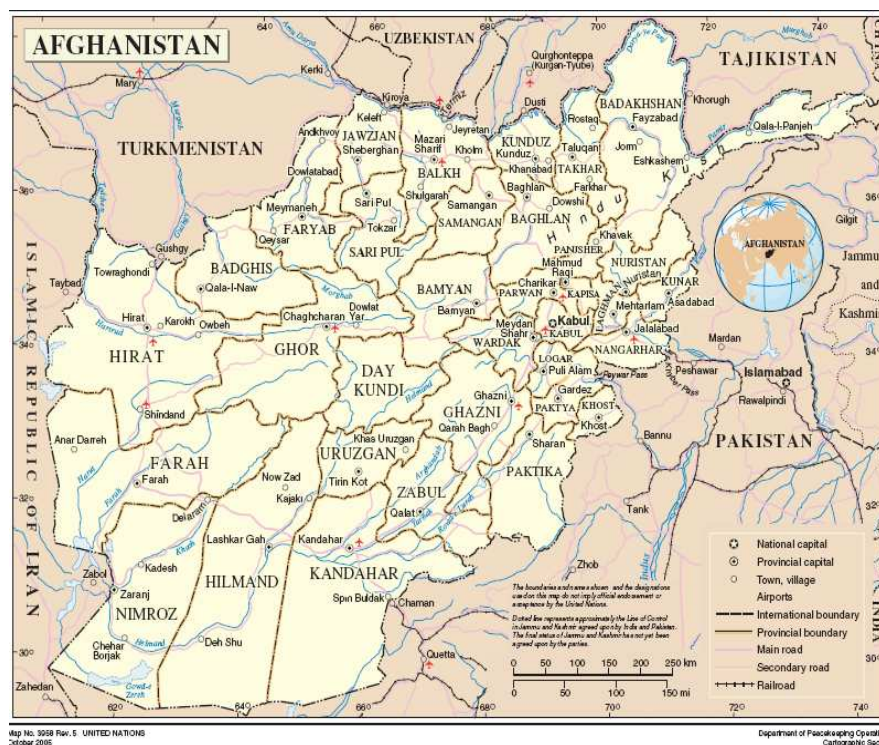
- 1.01 The Islamic Republic of Afghanistan is located in south-western Asia. With an area covering 647,500 sq km it shares borders spanning 5,529 km with Turkmenistan (744 km), Uzbekistan (137 km) and Tajikistan (1,206 km) to the north, Iran (936 km) to the west, the People's Republic of China (76m) to the north-east and Pakistan (2,430 km) to the east and south. Afghanistan has mostly rugged mountainous terrain with plains in the north and southwest. (CIA World Factbook, last updated 15 November 2007) [3] The climate can vary considerably with the summer temperature in the south-west reaching 49°C (120°F), while in the winter in the Hindu Kush mountains of the north-east, temperatures can fall to -26°C (-15°F). (Euro pa World Online, accessed 21 November 2007) [1a]
- 1.02 The towns with the largest population are Kabul (the capital), Kandahar [Qandahar], Herat, Mazar-i-Sharif, Jalalabad and Kunduz. (Europa World Online, accessed 28 July 2006) [1a] In July 2007, the population of Afghanistan was estimated at 31,889,923. (CIA World Factbook, last updated 15 November 2007) [3]
- 1.03 Pushtuns make up the largest ethnic group at 38-44%, followed by Tajiks (25%), Hazaras (10%) and Uzbek (6-8%). Other smaller groups include Aimaq, Turkmen and Baluch. (CIA World Factbook, last updated 15 November 2007) [3]
- 1.04 The US Department of State's Background Note on Afghanistan updated in May 2007, recorded that Dari (Afghan Farsi) and Pashto are the official languages and that Dari is spoken by more than one-third of the population as a first language and serves as a lingua franca for most Afghans. Pashto is spoken throughout the Pashtun areas of eastern and southern Afghanistan and Tajik and Turkic languages are spoken widely in the north. Seventy other languages and numerous dialects are spoken throughout the country by smaller ethnic groups. [2a] The Constitution states: "In areas where the majority of people speak one of the Uzbeki, Turkmani, Baluchi, Pashai, Nuristani and Pamiri languages, that language shall be recognized as third official language in addition to Pashtu and Dari, the modality of its implementation shall be regulated by law". [81] (Article 16)
- 1.05 An estimated 80 per cent of the Afghan population are Sunni Muslims, following the Hanafi school of jurisprudence. The remainder of the population, primarily the Hazara ethnic group are predominantly Shi'a Muslims. (CIA World Factbook, last updated 15 November 2007) [3] Afghanistan is home to a small minority of Hindus and Sikhs. (CIA World Factbook, last updated 15 November 2007) [3] (P7-8)
- 1.06 The state flag, which was introduced in 1928 and then modified in 1964, was banned following the coup in 1978. It has three vertical stripes of black, red and green with a white and red state enscription in the centre in Arabic which reads, "There is no God but Allah, and Muhammad is his Prophet, and Allah is Great". The Islamic date 1298 appears under the inscription. The current flag was introduced in June 2002 following the collapse of the Taliban and bears

the word 'Afghanistan' in the inscription. (Europa World Online, accessed 21 November 2007) [1a]

- 1.07 The Afghan year runs from 21 March to 20 March and the year 1387 runs from 21 March 2008 to 20 March 2009. (Europa World Online, accessed 21 November 2007) [1a]

## MAPS

- 1.08 United Nations (UN) Map of Afghanistan Provinces published in October 2005:



On 1 December 2005 the United Nations High Commissioner for Refugees (UNHCR) published an operational map highlighting the available logistical facilities of Afghanistan, which can be accessed via:

<http://www.unhcr.org/cgi-bin/texis/vtx/publ/openssl.pdf?tbl=PUBL&id=43706ed62>

A map of the ethnic groups of Afghanistan can be accessed via:

[http://www.nationalgeographic.com/landincrisis/ethnic\\_enlarge.html](http://www.nationalgeographic.com/landincrisis/ethnic_enlarge.html).

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## 2. ECONOMY

- 2.01 “Afghanistan's economy has been seriously damaged by decades of war. The main activity remains agriculture (which involves around 80% of the population), both subsistence and some commercial. The main traditional crops are grain, rice, fruit, nuts and vegetables. But all have been severely affected by drought in recent years. Industry is small scale and includes handicrafts, textiles, carpets, and some food processing. Exports consist of mainly fruit, nuts, vegetables and carpets.” (Foreign & Commonwealth Office Afghanistan Country Profile, updated 16 January 2008) [4a]
- 2.02 Europa World Online noted that World Bank estimates of “Afghanistan's gross national income (GNI) was \$6,957.5m, measured at average 2002–04 prices. In 2005/06, official estimates measured Afghanistan's gross domestic product (GDP), excluding the illegal cultivation of poppies and production of drugs, at \$7,309m. This implied a per head GDP of \$324. The International Monetary Fund (IMF) estimated that during 1995–2005, the population increased at an average annual rate of 2.1%. IMF further estimates indicated that GDP increased by 15.7% in 2003/04, by 8.0% in 2004/05 and by 14.0% in 2005/06.” (Europa World Online) [1b] The Department for International Development (DFID) noted that over half the Afghan population lived on less than US\$1 per day. [51a]
- 2.03 The UN Secretary-General's report dated 21 September 2007 stated that:
- “On 9 July 2007, the International Monetary Fund and the International Development Association of the World Bank agreed that Afghanistan had taken the steps necessary to reach its ‘decision point’ under the enhanced Heavily Indebted Poor Countries Initiative. As a result, it now qualifies for interim debt relief under the Initiative. In August 2007, the Russian Federation forgave 90 per cent of the \$11.13 billion debt dating back to the Soviet era, also clearing the way for the Russian Federation to provide economic assistance to Afghanistan.” [39q]
- 2.04 The World Bank's economic report on Afghanistan published in February 2008, noted that:
- “The starting point – in late 2001 at the fall of the Taliban – for recent developments in Afghanistan was dire. The Afghan economy was reeling from protracted conflict and severe drought, with cereal grain production down by half, livestock herds decimated, orchards and vineyards destroyed by war and drought, more than five million people displaced as refugees in neighboring countries, and remaining economic activities steered in an informal or illicit direction by insecurity and lack of support services. The Afghan state had become virtually non-functional in terms of policymaking and service delivery, although the structures and many staff remained.
- “Numerous people were suffering (and still are) from low food consumption, loss of assets, lack of social services, disabilities (e.g. from land-mine accidents), and disempowerment and insecurity. The effective Taliban ban on opium poppy cultivation, imposed in 2000, did not much affect trade in opium (apparently based on accumulated inventories) but was devastating to the livelihoods of many poor farmers and rural wage laborers, including through

opium-related indebtedness. The collapse of the state virtually excluded the poor from access to services, and moreover the poor tended to be disproportionately affected by insecurity, one of whose important impacts has been a very large number of female-headed households. Even though the fabric of families, kinship groups, and other traditional clusters has held together rather well (demonstrated concretely by the large volume of inward remittances), the penetration of the 'warlord' and 'commander' culture at the local level has had deleterious effects. In sum, Afghanistan was essentially left out of the last 25 years of global development, with virtually no increase in per capita income during this period and average life expectancy of only 43 years." [69a] (para. 1.05)

- 2.05 The Human Rights Watch 2008 report on Afghanistan stated that:

"Where there are signs of development and economic progress, much of it is driven by a narcotics industry that is burgeoning, despite more than a billion dollars from the United States and the United Kingdom for counter-narcotics efforts. Afghanistan produces some 95 percent of the world's total supply of heroin. The narcotics industry penetrates ever more deeply into all areas of the Afghan economy and political system, weakening the rule of law and perverting the political process." [17a]

- 2.06 The UN Secretary-General's Report dated 7 March 2006 stated that:

"The illicit narcotics industry poses a profound threat to achieving peace and stability in Afghanistan... This thriving economy, equivalent to more than 50 per cent of the country's legal gross domestic revenues, has provided fertile ground for criminal networks, illegal armed groups and extremist elements. Government-led eradication and interdiction efforts have yielded mixed results in some areas; however, this has been offset by high crop yields. Poppy cultivation has spread throughout the country... Poppy cultivation remains an attractive option for farmers, who earn 10 times more per hectare for poppy than for cereals." [39r] (p6)

- 2.07 The United Nations Office on Drugs and Crime (UNODC) Afghanistan Opium Survey 2007, published in August 2007, found that the opium cultivation had risen to 193,000 hectares in 2007, a 17 per cent increase on 2006. As a result an unprecedented 8,200 tons of opium was harvested in 2007 positioning Afghanistan as the exclusive supplier of the world's deadliest drug with 93 per cent of the global opiates market. [87a]

See also [Section 26](#): for further information on drug production and addiction.

- 2.08 The exchange rate was: 81.6678 Afghanis = £1GBP. (xe.com, 12 September 2008) <http://www.xe.com/ucc/convert.cgi>

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### 3. HISTORY

#### OVERVIEW TO DECEMBER 2001

- 3.01 “Located at the crossroads of the Middle East, Central Asia, and the Indian subcontinent, Afghanistan has for centuries been caught in the middle of great power and regional rivalries. After besting Russia in a contest for influence in Afghanistan, Britain recognized the country as an independent monarchy in 1921. King Zahir Shah ruled from 1933 until he was deposed in a 1973 coup. Afghanistan entered a period of continuous civil conflict in 1978, when a Communist coup set out to transform this highly traditional society. The Soviet Union invaded in 1979, but faced fierce resistance from U.S.-backed mujahideen (guerrilla fighters) until its troops finally withdrew in 1989.

“The mujahideen factions overthrew the Communist government in 1992 and then battled each other for control of Kabul, killing more than 25,000 civilians in the capital by 1995. The Taliban militia, consisting largely of students from conservative Islamic religious schools, entered the fray and seized control of Kabul in 1996. Defeating or buying off mujahideen commanders, the Taliban soon controlled most of the country except for parts of northern and central Afghanistan, which remained in the hands of the Tajik-dominated Northern Alliance coalition.

“In response to the terrorist attacks of September 11, 2001, the United States launched a military campaign [Operation Enduring Freedom] aimed at toppling the Taliban regime and eliminating Saudi militant Osama bin Laden’s terrorist network, al-Qaeda. The Taliban crumbled quickly, losing Kabul to Northern Alliance forces in November 2001 and surrendering the southern city of Kandahar, the movement’s spiritual headquarters, in December.” (Freedom House, 2007) [41c] (p16-17)

#### POST-TALIBAN

- 3.02 Bin Laden initially denied having any involvement in the 11 September 2001 attacks on New York and Washington DC. The Taliban also claimed that neither bin Laden nor Afghanistan had the means to carry out the attacks. However, some two days after the event the US Secretary of State publicly identified bin Laden and his al-Qa’eda organisation as being mainly responsible. The US demanded the Taliban hand over bin Laden to the US authorities, dismissing the edict delivered to bin Laden by Taliban officials ordering him to leave the country. Pakistan came under pressure to reverse its policies of supporting the Taliban and agreed to co-operate with the US-led coalition. A Pakistan delegation then issued Taliban leaders with an ultimatum to surrender bin Laden or face retaliation from the USA. (Europa World Online, accessed 3 December 2007) [1b] (Recent history)
- 3.03 “Following unconfirmed reports that bin Laden and Mullah Mohammad Omar were hiding in the Tora Bora caves with the rest of the Islamist forces, the US-led coalition and United Front intensified the air and ground assault on the cave complex. However, after much of the region had been destroyed, there was no sign of the two leaders and their close associates. Some unconfirmed reports suggested that bin Laden had fled to Pakistan. Meanwhile, the USA and its allies continued to search for remaining Taliban and al-Qa’ida forces in

Afghanistan.” (Europa World Online, accessed 3 December 2007) [1b] (Recent history)

- 3.04 “After the fall of the Taliban regime in November 2001, the United Nations brought together leaders of Afghan ethnic groups in Germany. The agreement on Provisional Arrangements in Afghanistan pending the Re-establishment of Permanent Government Institutions (the Bonn Agreement), signed on 5 December 2001, set out a road map for the restoration of representative government in Afghanistan.” (Foreign & Commonwealth Office Afghanistan Country Profile, updated 16 January 2008) [4a] (history)

- 3.05 “On 22 December 2001 the Interim Authority was inaugurated; [Hamid] Karzai was sworn in as Chairman. The country returned to the Constitution of 1964, which combined Shari’a with Western concepts of justice. One of Karzai’s first decisions was to appoint Gen. Dostam, who initially boycotted the Government in protest at his exclusion, as Vice-Chairman and Deputy Minister of Defence. At the end of December the UN Security Council authorized, as envisaged in the Bonn Agreement, the deployment of an International Security Assistance Force (ISAF) to help maintain security in Kabul over the next six months. Some 19 countries were authorized to form a 5,000-strong security force, led by the United Kingdom.” (Europa World Online, 11 January 2007) [1c] (Recent history)

- 3.06 “In June 2002 an Emergency Loya Jirga (Grand Assembly) established a Transitional Administration to govern until elections could be held in 2004. The arrangements for the Loya Jirga were designed to enable a broad-based representation. Seats were reserved for women, refugees, displaced persons, nomads, businessmen, intellectuals and religious scholars. The Loya Jirga concluded on 19 June 2002 with the inauguration of Hamid Karzai as President of the Transitional State of Afghanistan. The Emergency Loya Jirga marked the first opportunity for decades for the Afghan people to play a decisive role in choosing their future.

“In October 2002, President Karzai appointed a Constitutional Drafting Committee, chaired by Vice-President Shahrani, to produce a draft constitution. The draft was examined by the 35-member Constitutional Review Commission, seven of whom were women, and a final draft was published on 3 November [2002?]. This was submitted for discussion and approval to an elected Constitutional Loya Jirga, under the chairmanship of former President Mojadeddi, which convened on 14 December 2003.

“The new constitution was agreed on 4 January 2004 and established a presidential system of government with all Afghans equal before the law. The human rights and gender provisions are an improvement on the 1964 Constitution. A minimum number of seats for women are guaranteed in both Houses of the National Assembly. There are also provisions for minority languages and the rights of the Shia minority.” (Foreign & Commonwealth Office Afghanistan Country Profile, updated 16 January 2008) [4a] (Politics)

(See also [Section 5: Constitution](#))

- 3.07 “The lead-up to the presidential election was marked by insecurity as insurgent forces, principally the Taliban but also including Hizb-i Islami forces loyal to Gulbuddin Hikmatyar [Hekmatyar], increased their activities, hoping to

disrupt the process, including voter registration. Regional and local militia commanders refused to disarm, seeking to preserve their authority through the election period. Mounting centre-province tensions also resulted in armed clashes between commanders backed by the Kabul government and those resisting the extension of its authority.” (International Crisis Group, 23 November 2004) [26d] (section 11.C)

### PRESIDENTIAL ELECTION 9 OCTOBER 2004 AND THE NEW CABINET

- 3.08 “On 9 October 2004 Afghanistan held its first direct presidential election. Despite some sporadic violence on the day of the election, no widespread disturbances were reported. Shortly after polling had begun, all 15 opposition candidates launched a boycott of the vote and demanded that it be abandoned, owing to alleged widespread electoral fraud. However, international observers announced in the following month that they had concluded, following an inquiry, that alleged irregularities during the poll were not considered significant enough to have altered the final result. Interim President Hamid Karzai was subsequently declared the winner, receiving 55.4% of the votes, sufficient to ensure that a second round of voting would not be necessary. Former Minister of Education Younis Qanooni came second, with 16.3% of the votes, followed by Mohammad Mohaqqueq, with 11.7%, and Gen. Abdul Rashid Dostam, with 10.0%. A reported 83.7% of those registered to vote did so. Concerns were, however, raised by the regional nature of Karzai’s victory, which seemed largely to have been secured by voters in the Pashtun-majority provinces, indicating that he had not succeeded in appealing to all ethnic groups.” (Europa World Online, accessed 11 January 2008) [1c] (Recent history)
- 3.09 “In December 2004, following his inauguration, President Karzai announced the composition of his Cabinet. While Minister of Foreign Affairs Dr Abdullah Abdullah and Minister of Interior Affairs Ali Ahmad Jalali retained their portfolios, Marshal (formerly Gen.) Muhammad Qassim Fahim was replaced as Minister of Defence by Gen. Abdul Rahim Wardak. Hedayat Amin Arsala was allocated the commerce portfolio and Ismail Khan became Minister of Energy and Water. However, several powerful regional commanders were not included in the new Cabinet, ostensibly owing to the fact that they did not satisfy a requirement that all cabinet ministers be educated to university level. Karzai was criticized for his failure to allocate more portfolios in the Pashtun-dominated Cabinet to other ethnic groups. In an attempt to address Afghanistan’s continuing problems with the widespread cultivation of opium, a Ministry of Counter Narcotics was created, headed by Habibullah Qaderi.” (Europa World Online, accessed 11 January 2008) [1c] (Recent history)

### PARLIAMENTARY AND PROVINCIAL ELECTIONS 18 SEPTEMBER 2005

- 3.10 “On 18 September 2005 an estimated 5,800 candidates, including several former Taliban officials, contested elections to the 249-member Wolasi Jirga and 34 provincial legislatures. A total of 68 seats in the Wolasi Jirga were reserved for women. The polls constituted Afghanistan’s first democratic legislative elections since 1969. The nation-wide turn-out was an estimated 53% of those eligible to vote, with the figure decreasing to only 36% in Kabul, a significant decline compared with the level of participation at the 2004 presidential election. The widespread disruption that al-Qa’ida and the Taliban

had threatened to orchestrate on polling day did not materialize.” (Europa World Online, accessed 11 January 2008) [1c] (Recent history)

- 3.11 “The elections were held in extremely difficult conditions and to a timetable that was very tight ... Overall, given their complexity and the operational challenges, the elections are an accomplishment, although there were notable shortcomings which will need to be addressed for the future. Pre-election preparations were generally good and voting on Election Day was largely peaceful. Although the turn-out was markedly lower than in 2004, millions of Afghan voters and thousands of candidates took part often in a challenging security environment. However, post-Election Day developments revealed significant deficiencies in the wider electoral process. Irregularities and fraud cast a shadow over the integrity of the elections in a number of provinces, a worrying development that should be honestly analysed and effectively addressed in the future.” (European Union Election Observation Mission final report, 10 December 2005) [98] (Executive summary)
- 3.12 A Press Release issued by the Electoral Complaints Commission (ECC) on 10 November 2005 noted that a number of candidates had been disqualified:
- “A total of 37 candidates have been disqualified since mid-July [2005], when 17 candidates were excluded from the ballot, bringing the overall number of candidates disqualified or excluded to 54. Of the 37 disqualified candidates who were on the ballot, 11 were disqualified for holding a prohibited government post, 23 were disqualified for having links to illegal armed groups, and 3 were disqualified for violating the Code of Conduct for Candidates or various provisions of the Electoral Law.” [99]
- The ECC Press Release lists the names of all 37 candidates disqualified and may be accessed directly via the link given for source [99] in [Annex F](#).
- 3.13 “The [election] results, announced in November [2005], showed that many of those who had been elected were powerful factional figures, not aligned with any particular party, leading to fears that the country’s legislature would be less a unified mechanism through which the central Government could assert its authority, and more a conduit for the re-emergence of provincial ‘warlordism’. The newly elected National Assembly convened for the first time in December. Younis Qanooni, widely perceived to be the most prominent opposition figure in the legislature, was subsequently elected Speaker of the Wolasi Jirga, and Sibghatullah Mojaddedi Speaker of the Meshrano Jirga.” (Europa World Online, accessed 11 September 2007) [1c] (Recent history)

## AFGHANISTAN COMPACT 31 JANUARY 2006

- 3.14 “With September’s elections and the inaugural session of the Afghan National Assembly in December 2005 marking the formal completion of the Bonn Process, the UK hosted the London Conference on Afghanistan on 31 January-1 February 2006. Co-chaired by the Afghan Government, the UK and the UN, the conference saw the launch of the Afghanistan Compact (an agreement between the Afghan Government and the international community led by the UN), the interim Afghanistan National Development Strategy (I-ANDS), and the National Drug Control Strategy.

“The Afghanistan Compact provides the framework for international engagement in Afghanistan for the next five years, setting outcomes, benchmarks and mutual obligations that aim to ensure greater coherence of effort between the Afghan Government and the international community. The Compact supports the Afghan Government's interim National Development Strategy which lays out their vision and investment priorities. The IANDS reflects a process of national consultation, underpinning the benchmarks in the Compact and the targets set in Afghanistan's Millenium Development Goals. Under the Compact the To deliver improved co-ordination the Compact created a new mechanism called the Joint Coordination and Monitoring Board (JCMB) to ensure coordinated international engagement in Afghanistan.

“The conference was attended by over 60 delegates and demonstrated the commitment of the Afghan Government and the international community to deepen their partnership. Many delegations made new financial pledges at the Conference, making available over \$10.5 billion.” (Foreign & Commonwealth Office Afghanistan Country Profile, updated 16 January 2008) [4a]

Full details of the Afghanistan Compact can be located via the Foreign and Commonwealth (FCO) website at:  
<http://www.fco.gov.uk/resources/en/pdf/3036656/afghanistan-compact> [4c]

See also [Annex A](#) for a Timeline of Afghanistan.

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## 4. RECENT DEVELOPMENTS

- 4.01 “On February 20 [2007], the parliament passed a bill that would grant amnesty from prosecution to all persons engaged in conflict for the past 25 years, as well as those who are currently fighting. The bill also states that those individuals should not be subjected to criticism. The bill does allow for individuals to bring cases against perpetrators. NGOs, the AIHRC [Afghanistan Independent Human Rights Commission], and many citizens criticized the bill, noting that it would grant amnesty to gross violators of human rights, including many parliamentarians. An AIHRC commissioner noted that it would cause instability and undermine national reconciliation.” (The US State Department (USSD) report 2007) [2h] (Section 1d) “Critics say alleged war criminals in the parliament are only trying to protect themselves from prosecution.” (RFE/RL, 14 March 2007) [29aa]
- 4.02 The Human Rights Watch, 2008 Report on Afghanistan stated that:
- “In a highly controversial move, a group led by Abdul Rabb al Rasul Sayyaf, Burhanuddin Rabbani, and Taj Mohammad, all of whom have been implicated in war crimes and other serious human rights abuses, attempted to pass a blanket amnesty law. Facing unprecedented public opposition, the bill was amended to allow individuals to file criminal and civil cases against perpetrators, though these provisions are unlikely to be effective because of a lack of political will and severe threats and intimidation against witnesses and complainants. President Karzai did not sign the legislation and its legal status remains unclear.” [17a]
- 4.03 On 3 May 2007, it was reported that the ex-Afghanistan Prime Minister, Abdul Sabur Farid was ambushed and shot dead by unknown assailants outside his home in the capital, Kabul. “Mr Farid, a member of the Upper House of Parliament, was the country's Prime Minister for a month in 1992.” The incident happened when Mr Farid was leaving his home to attend a mosque. (BBC Online, 3 May 2007) [25bi]
- 4.04 In July 2007 Abdul Satter Murad, Governor of Kapisa province was removed from his post because of comments he made in an interview, claiming there was a vacuum of authority in parts of Afghanistan. The Interior Ministry claimed that the decision to sack him was made before the interview. (BBC Online, 16 July 2007) [25bf]
- 4.05 July 2007 also saw the death of the former king of Afghanistan, Zahir Shah after a long illness. Zahir Shah was popular among Afghans but was deposed in 1973 in a coup orchestrated by his cousin, Mohammad Daoud. He then went into exile where he spent most of the time in Italy. He returned to Afghanistan 29 years later, after the fall of the Taliban but was given no official role. (BBC Online, 23 & 24 July 2007) [25bg] [25bh]
- 4.06 The *Washington Post* reported on 7 November 2007, that at least six members of the Afghanistan Parliament were killed in an explosion at a welcoming procession for Afghan lawmakers, who had gathered with children and elders to tour a sugar factory in Baglan. Baglan was considered to be a safe and quiet province. At least two dozen people were said to have been

killed and over 50 injured in the blast, believed to have been caused by a suicide bomber. [32a]

- 4.07 The AIHRC Monitoring and Investigation Unit, in close cooperation with Ministry of Justice, prepared a list of 2,392 people who were in prisons after the completion of their sentences or were illegally detained and their destinies were not determined. The AIHRC gave the list to the President who appointed a commission headed by Mawlawi Fazl Hadi Shenwary to investigate the issue. Recently, this commission released a report on the situation of those people, releasing 819 people, who were illegally detained or imprisoned in Kabul and determining the sentences of an estimated 1,573 people after the investigation. (AIRC Annual Report, 2007) [78i]
- 4.08 A new government department called the Bureau of Complaints was officially opened to receive and consider complaints from the Afghan public and pass them on to the Office of the President. The new Bureau of Complaints has 23 staff and is currently based in the capital, Kabul. (BBC, 10 March 2008) [25br]
- 4.09 In February 2008, Radio Free Afghanistan reported that:
- “Bitter cold, snowstorms and avalanches have killed 926 people in Afghanistan - half of them in the hard hit west - as the country suffers one of the most brutal winters in decades.
- “Ahmad Shikeb Amraz, spokesman for the Afghanistan National Disaster Management Commission, said that more than 316,000 cattle have died and 833 houses have been destroyed. Amraz said that from all the deaths nationwide, 462 have been in Herat province. Meteorological records indicate this is the worst winter in a decade.” [29ae]
- 4.10 The UN Secretary-General Report, dated 6 March 2008 stated that:
- “After the withdrawal of ISAF troops from Musa Qala in early September 2006 and the subsequent takeover of the district by the Taliban in January 2007, the area remained beyond the reach of the Government of Afghanistan. Musa Qala was also one of the few districts in which the Taliban established their own administration and judiciary. The town was retaken by the Government in mid-December 2007, following a military operation, requested by local leaders, which was planned and led by ANA and supported by international military forces. In spite of that operation, the situation in Musa Qala remains tense and the Taliban continue to exert influence in a number of surrounding districts.” [39x]
- 4.11 On Sunday 27 April 2008, Hamid Karzai, Afghanistan's president escaped unhurt in an attack by the Taliban during a ceremony marking the defeat of the Soviet invasion of Afghanistan. At least six people, including a member of parliament and three attackers, were killed and nine others wounded in the assault near the presidential palace, Kabul.... Gunfire and explosions erupted after Karzai had taken the stage after an inspection of troops in what was meant to have been the largest annual parade of Afghanistan's military. [15c]
- 4.12 On 14 June 2008 “... as many as 1,100 detainees had escaped after the Taliban attacked Sarposa Prison in Kandahar using suicide bombers, a truck bomb and rockets, killing at least nine security guards...The attackers struck

with a bomb concealed in a water tanker that blew apart the prison gates, allowing a suicide bomber to dash inside and destroy two mud walls crushing police officers and guards. At the same time, Taliban fighters on motorbike fired rockets at the complex in what an Afghan minister [Qasim Hashimzai] described as the rebels' 'most sophisticated attack yet.' In a sign of the Taliban's confidence in the success of their attack, minibuses were waiting nearby to ferry the rescued prisoners to freedom. Others scurried away through the undergrowth. (The *Telegraph Online*, 14 June 2008) [59b]

- 4.13 On 7 July 2008 41 people were killed and 141 injured when a suicide bomber attacked the Indian Embassy in the capital, Kabul. This was the first major attack in the capital since the fall of the Taliban [Taleban] in 2001. Among those who died were India's defence attache, a senior diplomat and two security guards. [25p]

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## 5. CONSTITUTION

- 5.01 “In October 2002, President Karzai appointed a Constitutional Drafting Committee, chaired by Vice-President Shahrani, to produce a draft constitution. The draft was examined by the 35-member Constitutional Review Commission, seven of whom were women, and a final draft was published on 3 November. This was submitted for discussion and approval to an elected Constitutional Loya Jirga, under the chairmanship of former President Mojaddedi, which convened on 14 December 2003.

“The new constitution was agreed on 4 January 2004 and established a presidential system of government with all Afghans equal before the law. The human rights and gender provisions are an improvement on the 1964 Constitution. A minimum number of seats for women are guaranteed in both Houses of the National Assembly. There are also provisions for minority languages and the rights of the Shia minority.” (Foreign & Commonwealth Office, Country Profile updated 16 January 2008) [4a] (Politics)

- 5.02 “The Constitution establishes a unitary state with a strong central government, providing for a democratically elected President and for separation of powers among the judiciary, executive, and legislative branches. The Government is allowed to delegate certain authorities to local administrative units (provinces) in the areas of economic, social, and cultural affairs, and to increase the participation of the people in development. To this end, it establishes a role for elected provincial, district, and village level councils to work with the sub-national administration. Municipalities are to administer city affairs under the oversight of elected mayors and municipal councils.” (The World Bank economic report on Afghanistan, February 2008) [69a] (para. 4.15)

- 5.03 The UN Secretary-General noted on 26 November 2004 that:

“It [the Constitution] provides for a pure presidential system, but one that places a great emphasis on parliamentary control of the executive. The Constitution vests most powers in the central Government and does not devolve much authority to the provinces. It also calls for an independent judiciary, headed by a Supreme Court, and a legal framework that is consistent with the ‘beliefs and prescriptions’ of Islam. In an important measure to advance national unity, the Constitution explicitly includes all minority groups in the definition of the nation and recognizes Dari and Pashto as official languages and other languages as official in the area where the majority speaks them....” [39s] (p3)

- 5.04 A report by the Afghan Independent Human Rights Commission in August 2007 noted the main international human rights treaties that Afghanistan is a party to (see Section 7: Human Rights) and also stated that:

“The 2004 Constitution of Afghanistan reaffirms the Government’s commitment to human rights:

**“Article Six**

The state shall create a prosperous and progressive society based on social justice, preservation of human dignity, protection of human rights, realization

of democracy, attainment of national unity as well as equality between all peoples and tribes and balance development of all areas of the country.

**“Article Seven**

The state shall abide by the UN charter, international treaties, international conventions that Afghanistan has signed, and the Universal Declaration of Human Rights.

Other provisions of the 2004 Constitution reflect International Human Rights Law, such as the principle of equality between all peoples (Article 6) and between men and women (Article 22). [78f]

The Constitution may be accessed via the Foreign and Commonwealth Office: Country Profile on Afghanistan:

<http://www.fco.gov.uk/en/about-the-fco/country-profiles/asia-oceania/afghanistan>

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## 6. POLITICAL SYSTEM

### OVERVIEW

- 6.01 The CIA World Factbook, updated on 15 November 2007, noted that Afghanistan is an Islamic republic made up of 34 provinces, with the capital being Kabul. The Government consists of both executive and legislative branches. [3]
- 6.02 "Afghanistan is an Islamic republic with a population of approximately 30 million. Citizens elected Hamid Karzai president in October 2004 in the country's first presidential election under its January 2004 constitution. The September 2005 parliamentary elections--the first in more than three decades--did not fully meet international standards for free and fair elections, but citizens perceived the outcomes as acceptable, and the elections established the basis for democratic development at the federal and local levels. ." (USSD report 2007) [2a] "Elections to the Lower House of Parliament (Wolesi Jirga) and to the Provincial Councils were held in Afghanistan on 18 September 2005. These were the first such elections for 36 years.... The inaugural session of the Afghan National Assembly took place on 19 December 2005." (FCO Country Profile, updated 16 January 2008) [4a] (Politics)

### THE EXECUTIVE BRANCH

- 6.03 President Hamid Karzai has been the Chief of State of the Islamic Republic of Afghanistan since 7 December 2004, after winning 55.4 per cent of the vote. He holds the position of Chief of State and Head of Government. Ahmad Zia Masood and Abdul Karim Khalili have been Vice Presidents since 7 December 2004. Both President and Vice Presidents are elected for a term of five years and are eligible to be voted to serve for a second term. The next election is due to be held in 2009. There are 25 cabinet ministers who, under the new constitution are appointed by the president and approved by the National Assembly. (The CIA World Factbook, updated on 15 November 2007) [3]

### THE LEGISLATIVE BRANCH

- 6.04 "The bicameral National Assembly consists of the Wolesi Jirga or House of People (no more than 249 seats), directly elected for five-year terms, and the Meshrano Jirga or House of Elders (102 seats, one-third elected from provincial councils for four-year terms, one-third elected from local district councils for three-year terms, and one-third nominated by the president for five-year terms).... On rare occasions the government may convene a Loya Jirga (Grand Council) on issues of independence, national sovereignty, and territorial integrity; it can amend the provisions of the constitution and prosecute the president; it is made up of members of the National Assembly and chairpersons of the provincial and district councils.... [elections] last held 18 September 2005 (next to be held for the Wolesi Jirga by September 2009; next to be held for the provincial councils to the Meshrano Jirga by September 2008).... The single non-transferable vote (SNTV) system used in the election did not make use of political party slates; most candidates ran as independents." (The CIA World Factbook, updated on 21 August 2008) [3]

- 6.05 The US State Department (USSD) report 2006, published on 6 March 2007, noted that "Of the 249 seats in the Wolesi Jirga, the law requires that 10 seats be allocated to Kuchis." Furthermore:

".... the law requires that 68 seats be allocated to women. Approximately 25 percent of the total seats were also reserved for women on each provincial council. Five provincial seats reserved for women remained vacant due to the lack of women candidates in three provinces. In the Meshrano Jirga, 17 of the 34 seats appointed by the president were reserved for women. There was one woman in President Karzai's cabinet at the end of the year. There were no female members appointed to the Supreme Court, but during the year the attorney general appointed the first female chief prosecutor to Herat. There were 249 total members, including 68 women in the Wolesi Jirga and 102 members, including 22 women in the Meshrano Jirga. There was one female governor in Bamyan province." [2b]

## AFGHANISTAN POLITICS IN GENERAL

- 6.06 On 17 January 2006, the UN Secretary-General's Special Representative noted that the inauguration of the National Assembly marked the completion of Afghanistan's political transition set out in the Bonn Agreement of 2001. Following the inauguration, Yunus Qanooni had been elected as chairperson of the Lower House and Sebghatulla Mojaddedi was elected as chairperson of the Upper House. [39g] (p2)

- 6.07 On 7 March 2006 the UN Secretary-General reported that:

"The new Lower House reflects Afghanistan's political and ethnic diversity, including a large number of professionals, a contingent of liberals, many of whom were prominent in the Communist Government of the 1980s, some former commanders, jihadis, a small number of reconciled Taliban, and some individuals accused of serious human rights abuses. In an encouraging development, of the 68 women elected to the Lower House (27 per cent of all seats), several received sufficient votes to secure their seats without recourse to quotas for women. For the 420 available seats on the provincial councils, 121 women were elected. Five provincial seats reserved for women remain vacant, however, owing to the lack of women candidates in three provinces." [39r] (p3)

- 6.08 The Institute for War and Peace Reporting, on 19 March 2006 recorded that:

"The 34 [provincial] councils are elected for a four-year term by a proportional representational system based on the estimated population of each province, and they then select their own chairperson. But the constitution is less clear about their job and their powers vis-à-vis other government bodies, particularly the regional administrations led by governors which are appointed by Kabul rather than elected...Council members grumble that the current law binds them hand and foot, giving them no authority at all. Among the areas in which they are demanding more power are provincial budgets and the appointments made by the regional administrations." [73z]

- 6.09 "Strong provincial government leadership, starting with the Governor, remain some of the most important factors in achieving progress in the fields of security, development and service delivery at the provincial level. Recent

appointments of highly qualified officials in some provinces have led to notable improvements in those areas.” (UN report, 11 September 2006) [39n] (p4)  
“Provincial governments are the main nodes through which the authority of the central Government is transmitted across the national territory. Centre-province relations are strained in many areas, however, as provincial officials often feel neglected or even undermined by the central Government.” (UN Report, 11 September 2006) [39q] (p5)

- 6.10 The UN Secretary-General's report of 21 September 2007 noted that:

“The role of provincial councils has varied from province to province. Weaknesses are due mainly to a lack of capacity and clarity of their role relative to that of the central Government. In March 2007, the provincial council law was amended to endow the councils with a monitoring role as well as an advisory one, but this distinction remains unclear in practice. According to the Constitution, provincial council elections should also be held in 2009; for the elections to be meaningful, however, much more attention must be paid to the institutions of provincial governance.” [39q] (p6)

- 6.11 A report by the International Crisis Group (ICG) dated 15 May 2006 stated that, within the Wolesi Jirga:

“Any analysis of allegiances is complicated because Afghan culture is characterised by multiple, overlaying ties, and information about those ties is at a premium... An examination of past allegiances and actions shows that the largest apparent grouping, probably just over half the Wolesi Jirga, consists of those who fought as part of the mujahidin. This is not a homogeneous group, however, as the civil war made clear. But most likely support a broadly conservative agenda and will resist attempts at re-examining the past.” [26h] (p8)

- 6.12 The ICG report also noted that the Wolesi Jirga included up to 40 Hizb-I Islami affiliates and 34 members associated with former communist regimes or politics. [26h] (p8)

- 6.13 The report further noted that former mujahidin were also the largest group in the Meshrano Jirga. Leading figures included former Defence Minister Mohammad Qasim Fahim and “...Abdul Saboor Farid, former deputy to Gulbuddin Hekmatyar; and Qurban Ali Urfani, former deputy leader of Hizb-e-Wahdat. The second largest group consists of community leaders and tribal elders who have traditional influence as intermediaries between the government and their communities. A much smaller group includes academics and human rights activists, none of whom are as prominent as those in the Wolesi Jirga.” [26h] (p8)

- 6.14 The UN Secretary-General's Report of 6 March 2008 noted that: “Assembly has submitted a number of laws and agreements to the Upper House (Meshrano Jirga) for approval, including the labour law, the mines law, the cooperatives law and the Framework Convention on Tobacco Control...” Demonstrating that the “relationship between the legislature and the executive branch can produce positive results, important tensions still exist. After extensive debate, the media law was approved by both Houses, but was rejected by the President on the grounds that it was too restrictive.” [39x] (p2)

(See also Section 16: Former Communists' participation in the 2005 elections; Section 23: Women's participation in the 2004 and 2005 elections; Section 11: Former Taliban participation in 2005 elections; and Section 11: Former Hizb-e Islami members' participation in the 2005 elections for more information on election results)

## POLITICAL PARTIES

- 6.15 "Afghan citizens have the right to form social organizations and political parties, provided their programme and charter are not contrary to the principles of Islam, the provisions and values of the Constitution, and that their organizational structure and financial sources are made public. Furthermore, they are prohibited from having military or paramilitary aims, and structures or affiliation to foreign political parties." (UNHCR, December 2007) [11k] (p23)

- 6.16 The US State Department (USSD) report 2007, published on 11 March 2008, stated that:

"The law on political parties obliges parties to register with the MOJ [Ministry of Justice] and requires them to pursue objectives consistent with Islam. Political parties based on ethnicity, language, Islamic school of thought, and religion were not allowed. At year's end there were 91 registered political parties. Parties generally were able to conduct activities throughout the country without opposition or hindrance, except in regions where antigovernment violence affected overall security. However, the International Crisis Group reported some instances of registration obstruction. [2h] [Section 2b]

- 6.17 The USSD 2007 report further stated that:

"In August 2006 Interior Minister Zarar called for two parties run by rival warlords, National Islamic Movement of Afghanistan, known locally as 'Junbish' and headed by General Abdul Rashid Dostum and the Freedom Party of Afghanistan, run by General Abdul Malik, to be disbanded after allegations surfaced connecting them to violence in the Northern provinces. Members of both parties protested and the parties were not dissolved." [2h] [Section 1a&2b]

A copy of the Political Parties Law may be accessed via the [Afghanistan Online](#) website. [66]

- 6.18 In June 2005, an International Crisis Group (ICG) briefing stated that:

"There are very few strong, non-militarised parties, and many influential political actors continue to favour deal-making over constituency building...Former mujahidin leaders, whose vote base is limited to their own ethnic groups and regions, lead many of the parties that are registered or seeking registration. That said, in multi-ethnic, multi-regional Afghanistan, political bargaining inevitably takes place along regional, ethnic and sectarian lines, and will likely continue to do so even when the democratic transition has been consolidated and mature parties have become vehicles for broader participation." [26e] (p7)

- 6.19 A report by the Afghan Research and Evaluation Unit (AREU) dated December 2005 stated that:

“Political parties are generally very weak institutions and the political orientations of their members often vary tremendously. For example, some parties like Jamiat-e-Islami and its numerous factions, whose origins were as a strongly Islamic fundamentalist party with links to the Muslim Brotherhood, now include members from the left of the political spectrum. Similarly, the secular Uzbek nationalist party, Junbesh-e-Milli, now also includes members who are Islamic fundamentalists. This is in part due to the impact of electoral politics and the imperative of winning seats.” [22c] (Section 2.1.2. p7) Furthermore the AREU report noted that most political parties currently have very few resources and even less power and influence. [22c] (Section 2.2. p9)

- 6.20 The AREU report additionally stated that:

“Political parties are also actively discouraged by President Karzai’s government, which is best illustrated by the selection of a voting system that made an already difficult situation for political parties even worse. But by far the biggest challenge confronting political parties in Afghanistan is their major image problem among Afghans, who associate them with the various communist or jihad-era political parties that have played such a negative role in Afghanistan’s tragic history...

“Another characteristic of most political parties in Afghanistan is their personalised and therefore factionalised nature. Individual personalities tend to dominate political parties rather than particular ideologies or policy agendas, and it is usually these individuals who win votes for parties, not parties that win votes for candidates. Parties often have difficulty accommodating many strong personalities, which contributes to the proliferation of party factions and splinter groups. Jamiat-e Islami, the largest political party in Afghanistan, is a good case in point. In the WJ [Wolesi Jirga] elections candidates affiliated informally and formally with the original Jamiat party won 47 seats, more than double the amount of any other party. These seats, however, were divided between approximately ten different factions of the party and new parties that have split off from Jamiat, which were relatively evenly distributed between those that either opposed or supported the government.” [22c] (Section 2.2. p9)

(See also [Annex B](#) for more information on political parties and organisations and a list of political parties approved by the Ministry of Justice)

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## Human Rights

### 7. INTRODUCTION

7.01 "The human rights situation in Afghanistan has improved since the collapse of the Taliban regime. There are continuing reports of human rights abuses concentrated in rural areas where the rule of law is weakest and armed militia groups are still active...." (Foreign & Commonwealth Office, *nd*) [4b]

7.02 "Throughout 2007, progress on human rights in Afghanistan was limited. The media and civil society have little scope to discuss human rights issues and to call Government officials and other power brokers to account. Some continue to argue that human rights contradict local traditions and are a 'luxury' Afghanistan cannot afford." (UN Secretary-General's report, 6 March 2008) [39x] (p10)

7.03 The US State Department (USSD) report 2007, published on 11 March 2008 recorded that:

"The country's human rights record remained poor due to a deadly insurgency, weak governmental and traditional institutions, corruption, drug trafficking, and the country's legacy of two-and-a-half decades of conflict.... While civilian authorities generally maintained effective control of the security forces, there were instances in which members of the security forces acted independently of government authority.... The government continued to develop and professionalize its army and police force. Increased oversight of police by internal and external monitors helped to prevent abuses, and human rights training became a regular element for police and army personnel. The Ministry of Interior (MOI) continued rank and pay reform efforts and removed officers involved in human rights violations and high-level corruption. International human rights groups stated that extensive reporting of human rights abuses led to increased arrests and prosecutions of abusers."

Human rights problems included:

- extrajudicial killings
- torture
- prison conditions
- official impunity
- prolonged pretrial detention
- increased restrictions on freedom of press
- restrictions on freedoms of religion, movement and association
- violence and social discrimination against women
- attacks on religious converts and minorities
- trafficking in persons
- abuse of worker rights
- child labor

[2h]

7.04 The United Nations Secretary General's report of 21 September 2007 stated that "The worsening security conditions and the absence of a consistent rule of law.... have had a negative effect on the enjoyment of human rights in

Afghanistan, especially the right to life and security, free movement, access to education and health and access to livelihood by communities.” [39q] (p11)

- 7.05 An August 2007 report by the Afghan Independent Human Rights Commission (AIHRC) stated that:

“Afghanistan is a party to the following main international human rights instruments:

International Covenant on Economic, Social and Cultural Rights (ICESCR) – ratified April 1983;

International Covenant on Civil and Political Rights (ICCPR) – ratified April 1983;

Convention Against Torture and other Cruel Inhuman or Degrading Treatment (CAT) – ratified June 1987;

International Convention on the Elimination of all forms of Racial Discrimination (CERD) – ratified August 1987;

Convention on the Rights of the Child (CRC) – ratified April 1994;

Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography – ratified October 2002;

Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) – ratified March 2003;

Optional Protocol on the involvement of Children in Armed Conflict – ratified September 2003.” [78f] (p4)

Afghanistan also ratified the International Criminal Court (ICC) Treaty on 10 February 2003. (Human Rights Watch, 2004) [17g]

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## 8. SECURITY SITUATION

### OVERVIEW

- 8.01 “The security situation in Afghanistan is assessed by most analysts as having deteriorated at a constant rate through 2007. Statistics show that although the numbers of incidents are higher than comparable periods in 2006, they show the same seasonal pattern. The nature of the incidents has however changed considerably since last year, with high numbers of armed clashes in the field giving way to a combination of armed clashes and asymmetric attacks countrywide. The Afghan National Police (ANP) has become a primary target of insurgents and intimidation of all kinds has increased against the civilian population, especially those perceived to be in support of the government, international military forces as well as the humanitarian and development community.” (UNDSS – Afghanistan, 13 August 2007) [39w] (p1)
- 8.02 In the UN Secretary-General's report, dated 21 September 2007, it was noted that:
- “143 civilians lost their lives to suicide attacks between 1 January and 31 August 2007. Suicide attacks have been accompanied by attacks against students and schools, assassinations of officials, elders and mullahs, and the targeting of police, in a deliberate and calculated effort to impede the establishment of legitimate Government institutions and to undermine popular confidence in the authority and capability of the Government of Afghanistan.” [39q] (p1-2)
- 8.03 However, the report further stated that “The successes of the counter-insurgency in conventional battles and in eliminating Taliban and other insurgent leaders are undeniable.... Following counter-insurgency operations in the south and east, the Taliban have lost a significant number of senior and mid-level commanders. In Hilmand, Kunar, Paktya and Uruzgan Provinces, insurgent leaders have been forced to put foreigners in command positions, further undermining the limited local bases of support. This has heightened the importance to the Taliban of the support it receives from the border regions of Pakistan.” [39q] (p1-2)
- (See also Section 11: [Anti-Coalition Forces](#), [Hizb-e Islami](#) and [Taliban](#))
- 8.04 The UN Secretary-General's report, dated 6 March 2008 stated that:
- “In 2007 the level of insurgent and terrorist activity increased sharply from that of the previous year. An average of 566 incidents per month was recorded in 2007, compared to 425 per month in the previous year. Of the over 8,000 conflict-related fatalities in 2007, over 1,500 were civilians.” [39x] (p4-5)
- 8.05 The report further noted that “The tactics of the anti-Government elements changed noticeably in 2007. The superiority of Afghan and international security forces in conventional battles has forced opposing groups to adopt small-scale, asymmetric tactics aimed largely at the Afghan National Security Forces and, in some cases, civilians: improvised explosive devices, suicide attacks, assassinations and abductions.” [39x] (p4-5)
- 8.06 Furthermore the report noted that:

“Provinces not affected by anti-Government violence have demonstrated an increasing capacity for delivering governance and economic development. In the eastern region, particularly the provinces of Nangarhar and Kunar, the local Government has been able to strengthen its relationship with local communities. ANA [Afghan National Army] and ANP [Afghan National Police] have begun to establish a presence in areas that were previously controlled by insurgents. Such intensified efforts by the Government to deliver security and basic services at the local level reflect increasing recognition that the public's confidence in the Government is essential to ensuring stability.” [39x] (p3)

8.07 The UN Secretary-General report also noted that:

“Afghanistan remains roughly divided between the generally more stable west and north, where security problems are linked to factionalism and criminality, and the south and east characterized by an increasingly coordinated insurgency. In fact, even within the south, conflict has been concentrated in a fairly small area: 70 percent of security incidents occurred in 10 per cent (40) of Afghanistan's districts, home to 6 per cent of the country's population. A worrying trend, however, was the gradual emergence of insurgent activity in the far north-west of the country, an area that had been calm, as well as encroachment by the insurgency into Logar and Wardak provinces, which border Kabul.” [39x] (p5)

8.08 The Human Rights Watch 2008 report on Afghanistan stated that:

“The Taliban increasingly relied on public executions to terrorize and rule populations living in areas under their influence. They carried out at least 28 beheadings, several of them filmed and broadcast on the internet. For instance, in April the Taliban distributed video footage of a clearly prepubescent boy beheading Ghulam Nabi, a Pakistani militant accused of betraying a top Taliban official killed in a December airstrike. The Taliban targeted humanitarian aid workers, journalists, doctors, religious leaders, and civilian government employees, condemning them as spies or collaborators. In June they publicly hanged four elders in Helmand province because they were perceived as cooperating with NATO forces. Insurgent groups killed at least 34 aid workers in Afghanistan in 2007.” [17a]

8.09 The US State Department (USSD) report 2007 (USSD 2007), published on 11 March 2008 recorded that:

“There were numerous reports that the government or its agents committed arbitrary or unlawful killings. The shortage of trained police, poor infrastructure and communications, and a weak justice system hampered investigations of unlawful actions and prevented reliable numerical estimates. Additionally, there were killings of civilians in conflict, high-profile killings by unknown actors, and politically motivated killings by insurgent groups during the year in connection with the ongoing insurgency....

“There were also reports of abuses by the Taliban and other insurgent groups. Media reports and firsthand accounts accused the Taliban of employing torture in interrogations of persons they accused of supporting coalition forces and the central government. According to media sources, the Taliban

reportedly claimed responsibility in such cases by contacting newspapers and television stations directly.” [2h] (Section 1a)

- 8.10 The Senlis Council’s, Afghanistan: Decision Point 2008 Report noted that:  
 “A significant proportion of Afghans are becoming more and more alienated in their own land, severely threatening the international community with the impending burden of a failed state for many years to come.

“A rise in support for the Taliban – be it active, tacit or coerced – shows little sign of slowing, particularly as the movement frequently appears to be the most efficient benefactor of the disenfranchised.” [20a] (p16)

- 8.11 The UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that:

“Government officials, including local and district officers, judges, and law enforcement personnel are increasingly targeted for intimidation and assassination, particularly in areas where the government’s presence is limited. Targets at times receive ‘night letters’ (See also section on [Night Letters](#)) warning them of attacks if they continue working for the Government or cooperating with international forces.” [11k] (p8)

- 8.12 Amnesty International, in a public statement dated 5 June 2008, noted their concern about the rise in civilian deaths caused by attacks from anti-government groups, including the Taleban (Taliban). The statement noted that “Suicide attacks by anti-government armed groups have led to increasing civilian casualties either because civilians or non-military objects such as bazaars and mosques have been deliberately targeted, or because the attackers cannot or do not discriminate between civilians and combatants.” [7e]  
 “Taleban and other armed groups, including Gulbuddin Hekmatyar’s Hezb-e-Islami, killed at least 120 civilians in 20 separate suicide attacks in the first three months of 2008, comparing to the first 20 suicide attacks of 2007, which claimed 20 civilian lives.” The statement further noted that “In March 2008, a purported Taleban spokesperson, Zabihullah Mujahid, reportedly threatened further attacks against ‘The foreign occupying forces and their Afghan slaves...this summer’, warning that ‘this year will be the bloodiest.’” [7e]

- 8.13 IRIN news reported on 22 July 2008 about the increasing attacks on aid agencies. The article noted:

“The increasing number of attacks on aid agencies is reducing their ability to deliver life-saving assistance to vulnerable communities; the consequences are ‘serious’ and could lead to a ‘humanitarian crisis’, aid workers have warned... ‘If insecurity continues to hamper NGO [non-governmental organisation] access, and needs remain unmet, we worry that the humanitarian situation will deteriorate into a crisis,’ Anja de Beer, the director of ACBAR [Agency Coordinating Body for Afghan Relief], a network of 100 local and international NGOs operating in Afghanistan, told IRIN on 21 July in Kabul.

“Beer’s concerns were echoed by Matt Waldman, Oxfam’s policy and advocacy adviser in Kabul: ‘Increasing attacks and threats against aid agencies hinder their ability to provide much needed relief, and if this continues it could have serious humanitarian consequences’.

“Concerns about NGOs’ security rose after two French aid workers working for Action contre la Faim (ACF), a French NGO, were abducted by unidentified gunmen in Nili, the capital of Daykundi Province in central Afghanistan, on 18 July [2008]. ACF has temporarily suspended its operations across the country for security reasons.” [36a]

- 8.14 On 23 July 2008, IRIN News reported on the increasing amount of health centre closures throughout the country due to insurgency, leaving up to 100,000 people without basic health services over the last four months. Abdullah Fahim, a spokesman for the Ministry of Public Health (MoPH), told IRIN that “Currently some 400,000 people in the country do not have access to basic health services because of attacks on health personnel and health centres, and also due to lack of security for health workers... About 32 health centres were torched, destroyed and/or closed down due to insecurity in 2007. Over the past four months 19 health facilities have been shut down or attacked... At present more than 50 health centres are inactive; some were torched or destroyed, others remain shut because of direct threats to health workers,” [36b]

(See also section 28: [Medical Issues](#))

- 8.15 On 1 August 2008 The Agency Coordinating Body for Afghan Relief (ACBAR) released a statement highlighting its concern over the insecurity of Afghan civilians. The statement noted that:

“WE, the 100 national and international NGO members of ACBAR, express our grave concern about the deteriorating security situation in Afghanistan and the serious impact on civilians. There has been a surge in the number of civilian casualties caused by all sides, a spread of insecurity to previously stable areas, and increasing attacks on aid agencies and their staff.

“So far this year the number of insurgent attacks, bombings and other violent incidents is up by approximately 50 per cent on the same period last year. The number of insurgent attacks for each of the months of May (463), June (569) and July is greater than the number of such attacks in any other month since the end of major hostilities following the international intervention in 2001. Prior to May 2008, the highest number of insurgent attacks in a single month was 405 in July 2007...

“Around two-thirds of the reported civilian casualties can be attributed to insurgent activities, especially the increasing use of suicide bombings and other indiscriminate attacks in civilian areas and the use of civilian property from which to launch attacks. The increased number of air strikes by international military forces, which are up by approximately 40 per cent on last year, has also contributed to the rising civilian death toll.” [101a]

- 8.16 News articles on the security situation and security incidents in Afghanistan are regularly published by the international press and are too numerous to detail individually in this report. See the Latest News page at the beginning of this report for information on the most recent reported incidents. The BBC News South Asia, Al Jazeera and Radio Free Europe/Radio Liberty web sites also gives details of incidents as they occur. See: [http://news.bbc.co.uk/1/hi/world/south\\_asia/default.stm](http://news.bbc.co.uk/1/hi/world/south_asia/default.stm)

<http://english.aljazeera.net/>  
<http://www.rferl.org/default.aspx>

## SECURITY SITUATION IN DIFFERENT REGIONS

### Kabul

- 8.17 In a BBC Online article dated 13 June 2008, it was reported that although Kabul City was build to accommodate 400,000 people, it is currently home to almost four million people. [25x]
- 8.18 A senior intelligence officer was believed to be the main target when he was wounded, along with twelve others, after a suicide bomber detonated his explosives in the main market of Kabul on 28 March 2007. At least four civilians were killed in the explosion. (BAAG Monthly review, March 2007) [71c]
- 8.19 On 15 January 2008, at least eight people were killed when the Taliban attacked a luxury hotel in the Afghan capital, Kabul. At the heavily guarded Sarena hotel, a suicide bomber detonated his explosives which were packed in his jacket. Two of the three attackers were killed along with a number of hotel guests and guards. However one attacker fled the scene after he had failed to detonate his explosives. He was, however, later arrested. (BBC, 15 January 2008) [25bk] [25bj]
- 8.20 Following this incident, some NGOs reviewed their security measures and imposed temporary restrictions on the movements of members of their international staff within Kabul. (IRIN News, 15 January 2008) [36ad]
- 8.21 On 31 January 2008 the BBC reported that a suicide bomb had been detonated in the Afghan capital Kabul, killing one person and injuring two others. The target was believed to be a bus carrying military personnel but the bomb went off early and only damaged the bus. [25bj]
- 8.22 On 13 March 2008 at least six Afghan civilians were reportedly killed and at least 35 civilians injured in a car bomb attack apparently aimed at US troops near Kabul airport. (Amnesty International, 5 June 2008) [7e]
- 8.23 On Sunday 27 April 2008, Hamid Karzai, Afghanistan's president escaped unhurt in an attack by the Taliban during a ceremony marking the defeat of the Soviet invasion of Afghanistan. At least six people, including a member of parliament and three attackers, were killed and nine others wounded in the assault near the presidential palace, Kabul.... Gunfire and explosions erupted after Karzai had taken the stage after an inspection of troops in what was meant to have been the largest annual parade of Afghanistan's military. [15c]
- 8.24 The BBC reported on 7 July 2008 that "A suicide bomber has rammed a car full of explosives into the gates of the Indian embassy in the Afghan capital, killing 41 people and injuring 141. Five embassy personnel were killed - India's defence attache, a senior diplomat and two security guards - as well as an Afghan man. Five Afghans died at Indonesia's embassy nearby. ... No-one has admitted being behind the attack, the deadliest in Kabul since the overthrow of the Taleban in 2001. Afghanistan has seen a sharp increase in violence, particularly in the south and east - and Taleban militants recently

vowed to step up their attacks in the capital.” [25p] The *Telegraph* reported that 141 people were injured in the incident. [59a]

- 8.25 On 22 July 2008, a suicide attack near the Babur’s Gardens containing the tombs of the Moghal Empire wounded three people who were riding in a minibus. One report said the bomber was on foot and he detonated his explosives when he saw a security checkpoint. The BBC reported that “Afghanistan has seen a sharp increase in violence recently. Taleban militants recently vowed to step up their attacks in the capital.” [25h]
- 8.26 Three civilians died when a suicide bomber attacker targeted a convoy of NATO-led forces on the eastern outskirts of Kabul on Monday 11 August 2008. The *New York Times* reported that this was the first suicide bombing in the capital since 7 July 2008 when the Indian Embassy was attacked, killing nearly 60 people. (*NYT*, 12 August 2008) [28d] On Thursday 14 August 2008, two civilians were injured when rockets fired by two militants landed on Afghanistan’s International Airport. The *China Daily* reported that the Taliban militants were not available to comment on the incident. [96a]
- 8.27 A UNHCR security update on 23 June 2008, noted that the Sarobi, Paghman (Arghad-e Bala and Arghand-e Payan), Khak-e-Jabar, Musahi and Charasyab districts of Kabul were assessed as being insecure after recent threats had been observed or reported in these areas. [11d]

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### The West and Herat

- 8.28 In a report dated September 2004, Human Rights Watch (HRW) noted that:
- “Until recently, western provinces in and around Herat were controlled by the militia of Ismail Khan, an Islamist mujahidin leader. Ismail Khan is loosely allied with Jamiat and Shura-e Nazar but has remained essentially autonomous. Until he was removed by President Karzai on September 12, 2004, he controlled almost all aspects of government and security forces in Herat and surrounding districts. He is still believed to have significant power over militia forces in the Herat area.” [17i] (p48)
- 8.29 On 15 June 2006, the Institute for War and Peace Reporting reported that Herat had formerly been considered one of the most stable major towns in the country:
- “But in recent months, it too has witnessed an upsurge in insurgency-related violence. ‘In the last three months, there have been three suicide attacks in Herat and 25 bomb explosions, as well as 10 people killed in private quarrels,’ said police spokesman Abdulrauf Ahmadi.
- “The most spectacular attack occurred in April [2006], when a suicide bomber exploded a car in front of the offices of the Provincial Reconstruction Team, PRT, in Herat, killing five people and wounding nine... In another attack in May, added Ahmadi, one American and one Afghan were killed...” [73v]

- 8.30 On 1 March 2007, three civilians were killed and 48 wounded when a roadside bomb exploded in the provincial capital of Farah, western Afghanistan. On 3 March 2007 two civilians were killed and 16 injured when a roadside bomb fixed to a bicycle exploded on a road normally used by ISAF and Afghan National Security Forces convoys in the western city of Herat. [71c] On 11 March 2007 one policeman was killed and three others wounded in Bala Buluk District in the western province of Farah when a suicide bomber attacked a joint ISAF/Afghan security forces convoy. The following day saw ten more policemen killed when their vehicle hit a roadside bomb while they were travelling to the district of Bakwa in the Farah Province. On 14 March 2007 a suicide bomber detonated his explosives near a police convoy in the eastern city of Khost, killing four and injuring 35. (British Agencies Afghanistan Group (BAAG), Monthly Review, March 2007) [71c]
- 8.31 On 30 April 2007, the BBC reported that US-led forces had killed at least 87 Taliban fighters in a 14-hour battle near Shinand, about 120km south of the city of Herat. The battles were reported to be the heaviest seen in the area in recent years. A further 49 Taliban fighters were killed in clashes two days earlier. [25bm]
- 8.32 The UN Secretary-General's report of 6 March 2008 stated that: "With the looting of convoys on the Kandahar-Farah road, WFP has faced problems in transporting food and other vital assistance to Herat, the hub from which aid is delivered to provinces in the western region, which have been most affected by harsh winter conditions."
- 8.33 An Amnesty International public statement dated 5 June 2008 reported that "On April 17 [2008], a suicide bomber blew himself up in a busy bazaar in the southwestern Afghan province of Nimroz, killing 23 people, including two senior policemen, andinjuring 35 others, including children and women. It is not clear which group was responsible for the attack." [7e]
- 8.34 A UNHCR security update on 23 June 2008, noted that the following western areas were assessed as being insecure after recent threats had been observed or reported:
- **Hirat:** The whole province except Hirat city, Kohsan, Kushke Rubat Sangi, Guzara and Engil districts are assessed as being insecure.
  - **Farah:** The whole province, except Farah city is assessed as being insecure. The highways from Hirat to Farah, from Nimroz to Farah and from Farah to Kandahar are also assessed as being insecure.
  - **Nimroz:** The whole province except Zaranj city and the highways from Hirat to Nimroz and Farah to Nimroz are assessed as being insecure.
  - **Badghis:** The whole province, except Qala-e-Naw (the provincial capital) Aab Kamari and Qadis districts are assessed as being insecure. The highway from Qala-e-Now (provincial capital of Badghis) to Faryab is also assessed as being insecure.
  - **Ghor:** The whole province, except Chakhcheran city, the provincial capital is assessed as being insecure. " [11d]

### Central

8.35 A UNHCR security update on 23 June 2008, noted that the following Central areas were assessed as being insecure after recent threats had been observed or reported:

- **"Ghazni:** The entire province including the highways from Kandahar to Ghazni and from Kabul to Ghazni is assessed as being insecure.
- **Maidan-Wardak:** The entire province and highways have been assessed as insecure.
- **Logar:** The entire province apart from the highway from Kabul to Gardez is assessed as being insecure.
- **Kapisa:** Alasay, Nijrab, Kohband and Tagab districts and the highway from Mahmood Raqi (the provincial capital of Kapisa) to the mentioned districts are assessed as being insecure.
- **Parwan:** Koh-e-Safi, Siya Gird and Shinwari districts are assessed as being insecure.
- **Daikundi:** Kiti and Kijran districts and the highway from Uruzgan to Daikundi are assessed as being insecure." [11d]

8.36 The BBC reported on 13 July 2008 that:

"Two Afghan women have been shot dead by Taleban militants in the country's central Ghazni province. Taleban fighters told the Associated Press that the women had been operating a prostitution ring for American soldiers and foreign contractors. They also claimed that the women had been working for the local police. A spokesman for the Ghazni governor said the dead women were 'innocent local people' and the US has also dismissed the allegations." [25j]

### South, South-East and East

8.37 "Following counter-insurgency operations in the south and east, the Taliban have lost a significant number of senior and mid-level commanders. In Hilmand, Kunar, Paktya and Uruzgan Provinces, insurgent leaders have been forced to put foreigners in command positions, further undermining the limited local bases of support. This has heightened the importance to the Taliban of the support it receives from the border regions of Pakistan." (UN Secretary-General's report, September 2007) [39q] (p2)

8.38 A Senlis Council report published in February 2008 stated that:

"To the east of Afghanistan, it is becoming increasingly clear that several parts of Pakistan's North West Frontier Province are morphing into semi-autonomous statelets beyond the reach of Islamabad. Militants once trained by Pakistan as part of their strategic arsenal against India have now fallen outside of their mentor's control. These loose cannons are posing a security risk to the people of Afghanistan and the forces of NATO-ISAF alike, and more

direct preventative measures aimed at blocking their passage to, and egress from, Afghanistan must now be implemented.” [20a] (p9)

- 8.39 The UN Secretary-General's report of 6 March 2008 stated that: “Owing to insecure conditions, United Nations agencies are unable to operate in 78 districts in the south of the country. United Nations road missions to almost all districts in the south have been suspended for several months. [39x] (p12)

- 8.40 On 21 September 2006, the US General commanding American forces in Afghanistan was reported by Deutsche Presse Agentur as saying that he had not anticipated the strength of the Taliban in the south of the country:

“The Taliban has been able to take advantage of the weakness of the Afghan government in the south to establish a presence that NATO and US forces have been working to roll back for months, Lieutenant General Karl Eikenberry [said]... NATO has inflicted heavy casualties on the Taliban since Operation Medusa began and forced them to retreat and disperse, the alliance's chief commander, US General James Jones, told reporters Wednesday...

“Defeating the Taliban has been complicated by the militia's ability to scurry across the border into Pakistan and then later launch raids. The porous border has been a source of tension between Afghan President Hamid Karzai and his Pakistani counterpart, Pervez Musharraf.” [40e]

- 8.41 “It was the sanctuary of this international border that allowed Taliban leadership to survive the 2001 war and regroup in the intervening years. Today, Taliban leadership and spokespeople operate brazenly in areas bordering Afghanistan's Pashtun belt in the south and east. Its fundamentalist religious schools, never reformed despite countless promises by President General Musharraf, offer almost limitless recruits.” (International Crisis Group, 17 August 2006) [26a]

- 8.42 The UN Secretary-General's report of 6 March 2008 stated that “On 17 February 2008, in the country's bloodiest attack since 2001, a suicide bomber killed 67 civilians and 13 ANP personnel, including the District Commander, and wounded 90 others in Arghandab district, near Kandahar. The next day, 35 civilians were killed and 28 other persons, including three ISAF soldiers, were injured when a vehicle-borne improvised explosive device hit an ISAF convoy in the border town of Spin Boldak.” [39x] (p5)

- 8.43 An Amnesty International public statement dated 5 June 2008, stated that “On 31 January 2008 in Lashkargah, capital of Helmand province a suicide attacker blew himself up inside a mosque, killing the deputy governor of the province, Haji Pir Mohammad, and five other people. Eighteen people were wounded including a four-year-old child.” [7e]

- 8.44 The Amnesty International Public Statement also reported that:

“On 17 February [2008] a suicide bomber blew himself up close to a crowd of around 500 people watching a dog fight in Arghandab, on the western outskirts of Kandahar city. According to Kandahar's governor, Asadullah Khalid, nearly 70 civilians were killed and dozens were injured. The Taliban denied responsibility for the attack, but senior Afghan officials believe the group was targeting the head of Kandahar's Auxiliary Police, Abdullah Hakim

Jan, and a militia leader opposed to the Taleban, who also died in the attack.” [7e]

- 8.45 The statement also recorded that “On 18 February [2008] a suicide car bomber in Spin Boldak, a district of Kandahar province bordering Pakistan, apparently targeting Canadian troops, killed 35 civilians and injured 27. Three Canadian soldiers were injured in this attack. The Taleban claimed responsibility but denied that civilians were killed.” [7e]
- 8.46 On 26 March 2008 the BBC reported that eight people had been killed and at least 17 wounded including five children, when a bomb exploded in an Afghan farmers market, in Gereshk district, Helmand Province. The Taliban [Taleban] were believed to be behind the attack. [25bp]
- 8.47 The BBC further reported on 29 April 2008 that at least 18 people were killed and 41 injured after a suicide attack in Nangarhar province, eastern Afghanistan. Eleven police officers were among those killed. The Taleban [Taliban] admitted they carried out the attack. [25bq]
- 8.48 A *Telegraph Online* article dated 14 June 2008 reported that:
- “A NATO spokesman said this morning that as many as 1,100 detainees had escaped after the Taliban attacked Sarposa Prison in Kandahar using suicide bombers, a truck bomb and rockets, killing at least nine security guards...The attackers struck with a bomb concealed in a water tanker that blew apart the prison gates, allowing a suicide bomber to dash inside and destroy two mud walls crushing police officers and guards. At the same time, Taliban fighters on motorbike fired rockets at the complex in what an Afghan minister [Qasim Hashimzai] described as the rebels’ ‘most sophisticated attack yet.’ In a sign of the Taliban’s confidence in the success of their attack, minibuses were waiting nearby to ferry the rescued prisoners to freedom. Others scurried away through the undergrowth. [59b]
- 8.49 The *Telegraph* article also reported that:
- “Qari Yousef Ahmadi, a Taliban spokesman, said hundreds of prisoners had escaped in the assault, which he said had been planned for the past two months ‘to release our Taliban friends’. ‘Today we succeeded,’ he said. The escaped prisoners ‘are safe in town and they are going to their homes.’ He said 30 insurgents on motorbikes and two suicide bombers staged the attack. He added that a handful of prisoners had not seized the chance to escape and had remained in the prison.” [59b]
- 8.50 The BBC reported that many of those that stayed were mainly women, children and political prisoners. Among those who escaped were high-ranking Taleban commanders. Afghan police and army carried out house to house searches while NATO forces secured the city and outlying districts. (BBC, 14 June 2008) [25am] The Afghan authorities were investigating the incident. [59b]
- 8.51 On 24 June 2008 The Institute for War and Peace Reporting (IWPR) also reported on a two-day clash where the “Taleban were engaged in a standoff against the Afghan National Army, ANA, and NATO in Arghandab [Kandahar province]. The insurgents had mined roads and blown up bridges, and many civilians had left in anticipation of violence. ...The insurgent presence in

- Arghandab increased dramatically following a daring prison break on June 13 [2008], in which at least 350 Taleban were freed, along with several hundred other inmates. ...Within days, there were close to 600 fighters gathered in Arghandab, according to residents." [73d]
- 8.52 The IWPR further noted on the incident that "For three days, the tension mounted as the Taleban predicted that they would shortly take Kandahar city, and NATO and the government downplayed the threat. On June 18 [2008], NATO moved into Arghandab, and by the following day it was all but over as the Taleban withdrew and the fighting stopped. Some ANA forces remained in the area to clean up. [73d]
- 8.53 On 13 July 2008 at least 50 civilians, many of them women and children were reported killed in a US airstrike while attending a double wedding between two families, according to Afghan authorities. The US said they had targeted insurgents but eyewitness reports said that the wedding group was passing through a narrow mountain pass which separated the two families. (BBC Online, 13 July 2008) [25aj]
- 8.54 The *Times Online* also reported on the incident, noting that:
- "An Afghan government investigation has concluded that 45 women and children and two men were killed when a US aircraft bombed a wedding party in eastern Afghanistan last Sunday. The nine-man investigation team appointed by the Afghan President, Hamid Karzai, found that only civilians were hit during the airstrike. Burhanullah Shinwari, the leader of the investigation team and the deputy speaker of Afghanistan's Upper House, said: 'We found that 47 civilians, mostly women and children, were killed in the airstrikes and another nine were wounded.' The claims of civilian casualties were initially strongly rebutted by the US military. A US military statement ... claimed: 'intelligence revealed a large group of militants operating in Deh Bala district. Coalition forces identified the militants in a mountainous region and used precision air strikes to kill them.'" [68e]
- 8.55 The Institute for War and Peace Reporting (IWPR) recorded that tribal leaders called for President Karzai to deliver justice to those responsible for the attack on the wedding party. Rai Khan an elder from Haskamena district said: "Karzai should hand over the murderers so that we can hang them, or else he should resign, ...If he does not do one or the other, then we will leave our homes and take matters into our own hands." The US were conducting their own investigation. [73a]
- 8.56 The BBC reported on 13 July 2008, that at least 21 people had been killed and 43 wounded in a suicide attack in a crowded market in Deh Rawaud district, Uruzgan province. Police reported that many of the dead were children. The suicide bomber was on a motorbike that struck a police vehicle, according to the provincial police chief, Jumma Gul. [25ai]
- 8.57 ReliefWeb reported on 27 July 2008, "NATO killed dozens of Taliban insurgents in an air strike on Sunday, [27July 2008] following an attack by the militants on a government building in southeastern Khost province near the border with Pakistan, the provincial governor said. The Taliban denied they suffered any losses, saying the group killed eight police in the raid on the building." [40g]

8.58 The article further noted that “Hours after the attack, a suicide bomber in a separate part of Khost blew himself up at the gate of an Afghan road construction firm, killing a guard and wounding six other people, another official said.” [40g]

8.59 A UNHCR security update on 23 June 2008, noted that the following areas in the south, south-east and east were assessed as being insecure after recent threats had been observed or reported:

#### “South

- All districts of Hilmand, Kandahar, Uruzgan and Zabul (the highways to these provinces and also from Kandahar to Nimroz through Delaram).

#### South East

- **Paktika:** The whole province and the highways from Ghazni to Paktika and from Paktia to Paktika are assessed as being insecure,
- **Khost:** The whole province except Khost city. The highway from Gardez to Khost is also deemed to be insecure.
- **Paktia:** The whole province except Gardez City...

#### East

- **Kunar:** The whole province except Asad Abad, Khas Kunar, Chawkai, Narang, Noorgal and Bar Kunar, (known as Asmar in the past) districts are assessed as being insecure.
- **Laghman:** Alishing, Alinegar, western parts of Mehtarlam and Dawlat Shah districts are assessed as being insecure.
- **Nangarhar:** Khogyani, Pacheer wa Agam, Deh Bala, Naziyan, Shirzad, and Kot districts are assessed as being insecure.
- **Nooristan:** Kamdish, Mandol, DoAba and Waigal districts are assessed as being insecure.” [11d]

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#### North and North-East

8.60 On 15 June 2006 the Institute for War and Peace Reporting reported that Taliban activity had spread further north:

“... to the formerly secure provinces of Balkh, Jowzjan, Sar-e-Pul, and even remote Badakhshan in the northeast – historically the only part of Afghanistan the Taleban never conquered.

“In late May [2006], two people were killed and two injured in an attack on a non-government organisation, NGO, in Badakhshan. Four employees of

Action Aid, an NGO helping with the national reconstruction programme in the north, were killed in Jowzjan, also in late May.

“Arson attacks on schools are also on the rise in the north: six have been burned down since the end of April, three in Sar-e-Pul, two in Balkh, and one in Faryab.” [73v]

(See also section 24: [Children – Education](#) for further information on attacks on schools)

8.61 The UN Secretary-General report dated 11 September 2006 stated that:

“Factional fighting between former commanders continues to pose a threat to security in some provinces such as Faryab, which was rocked by violent clashes between the Hizb-e-Azadi (Azadi) and National Islamic Movement of Afghanistan (Junbesh) factions. On 30 July [2006], a confrontation between armed groups linked to both parties resulted in the death of four Azadi members and the injury of three others. Fighting continued until 9 August, reportedly killing another Azadi member and three Junbesh members. Serious human rights abuses were also reported, including numerous rapes.” [39n] (p3)

8.62 Radio Free Afghanistan reported in March 2008, that seven de-miners from the UN-funded mine clearance teams were shot dead in two separate incidents in what were described as some of the deadliest attacks on non-government workers in months. “In Jawzjan province.... gunmen attacked a convoy of de-miners from the Afghan Technical Consultants (ATC) team, killing five and wounding seven. Two more employees of a separate mine clearing team, the Mine Detection and Dog Centre (MDC) were shot dead in an attack in Kunduz province.... No one has claimed responsibility for the attacks.” [29ad]

8.63 The UN Secretary-General's report of 6 March 2008 stated that “While the effects of insecurity in the south of the country have been widely reported, the Afghanistan Non-Governmental Organization (NGO) Safety Office has reported that in 2007 over half of fatalities of NGO personnel occurred in the north, mainly in connection with economically motivated crimes.” [39x] (p12)

8.64 A UNHCR security update on 23 June 2008 noted that the following areas in the north-west and north-east were assessed as being insecure after recent threats had been observed or reported:

#### “North West

- **Faryab:** Kohistan and Qaisar districts are assessed as being insecure.

#### North East

- **Baghlan:** Baghlan Jadid, Baghlan Kohna, Nahreen, Andarab (now divided to Banu, Deh Salah and Pul-i-Hesar districts), Khost, Fereng, Guzargah Noor, Jelga districts are assessed as being insecure
- **Kunduz:** Chardara and Akhtash area of Khan Abad districts are assessed as being insecure.” [11d]

- 8.65 On 1 August 2008, the Agency Coordinating Body for Afghan Relief (ACBAR) released a statement also highlighting its concern over the insecurity to Afghan civilians. The statement noted that “Insecurity has spread to areas which were previously relatively stable in parts of north, northwest and central Afghanistan, such as Badghis, Ghor, Farah and Kunduz, including to provinces close to and bordering Kabul, such as Ghazni, Logar and Wardak.”  
[101a]

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## 9. SECURITY FORCES

### DEVELOPMENTS FOLLOWING 11 SEPTEMBER 2001

- 9.01 In a report dated 27 September 2004, Save the Children recorded that “Twenty-five days after the terrorist attacks of 11 September 2001 against the USA, coalition troops were deployed to Afghanistan under OEF [Operation Enduring Freedom] – the US-led war on terrorism.” [50] (Section 3.4.1.)
- 9.02 The Save the Children report of September 2004 recorded “Since the fall of the Taliban regime three distinct formulations of military engagement have been pursued by the international community in Afghanistan: Operation Enduring Freedom (OEF); the International Security Assistance Force (ISAF); and the PRTs [Provincial Reconstruction Teams].” [50] (Section 3.4)
- (See also Section 9: [ISAF and PRTs](#) and [The role of PRTs](#) for more detailed information)
- 9.03 On 21 September 2004, the UN-appointed independent expert of the Commission on Human Rights reported:
- “The Government has distinct security forces: ANA [Afghan National Army], under the direction of the Ministry of Defence, the Afghan police services (composed of the National Police, the Border Police, as well as local and regional police), under the direction of the Ministry of the Interior, and an intelligence apparatus, the National Security Directorate (NSD), under the direction of the Presidency.” [39k] (para. 39)
- 9.04 The Human Rights Watch 2008 report on Afghanistan recorded that:
- “Taking into account Afghanistan’s population and size, the 40,000 NATO and US-led coalition forces in the country are a small fraction of the security forces deployed in other recent post-conflict areas like the Balkans and Timor-Leste. Many are limited by national laws to comparatively safe areas in Afghanistan or cannot act to protect ordinary Afghans adequately. Despite significant overlap between NATO and the European Union, the international security effort in Afghanistan has been hobbled by insufficient resources and the failure to effectively address the security concerns of the Afghan population. For instance, the 160 police trainers fielded by the EU were too few to train the needed number of officers, resulting in a police force rife with corruption and lacking in public legitimacy.” [17a]

## POLICE

### Structure and Reform

#### Afghan National Police (ANP)

- 9.05 “The Afghan National Police (ANP) is a centralized, militarilistic state organization under the direction of the Minister of Interior Affairs. It is modelled on the European police system. The present ANP owes its origins to Mohammed Zahir Shah who built up a professional, national police force in the 1960s and 1970s with German help. In 1989, the Federal Republic of

Germany built a police academy in Kabul. Three years later when Kabul was overrun by the mujahidin, the academy closed. During the period of conflict from the late 1970s to 2002, there was no effective civilian police. Generally, the military, intelligence agencies, Vice and Virtue Police, warlords, or other armed groups usurped the police function and emphasized their own political and security goals. After the fall of the Taliban in December 2001, the urgent need to re-establish security and civil society made police reform a priority. Germany agreed to lead international efforts to help the Afghan government reconstruct its national police force." (The World Police Encyclopedia, 2006 edition) [23] (p4-5)

9.06 However, a United Nations report dated 5 March 2007 noted that:

"The reform of the Afghan National Police (ANP) began with the selection of senior officers and provincial chiefs of police. While the overall exercise was successful, 14 individuals, some with links to criminal and illegal armed groups and records of human rights violations, were appointed despite having failed the selection process. Following concerns expressed by members of the international community, they were put on probation. In January 2007, all but three were recommended for removal. With assistance from UNAMA and the international community, police reform has progressed and UNAMA is now confident that at the time of writing there are no known human rights violators down to the rank of colonel in ANP. Challenges to creating a more professional police force remain as low pay, political interference, lack of discipline among officers and rampant corruption, among other concerns, continue to play a large role in the public's negative image of ANP." [39v] (p15)

9.07 The Afghanistan Research and Evaluation Unit's report, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, published July 2007 noted that:

"The Afghan National Police (ANP) is Afghanistan's over-arching police institution, which consists of the following forces: Afghan Uniformed Police (AUP) who are responsible for most day-to-day police activities; Afghan Border police (ABP); Afghan National Civil Order Police (ANCOP); and the Counter Narcotics Police of Afghanistan (CNPA). In 2006 a temporary force, the Afghanistan National Auxiliary Police (ANAP), was established separate from the ANP to support counter-insurgency operations. The ANP operate under the authority of the Ministry of Interior (MoI), which is also responsible for overseeing provincial and district administration and for implementing the government's counter-narcotics policies." [22d]

9.08 The UN Secretary-General's report of 21 September 2007, stated that:

"The development of the Afghan National Police has lagged behind that of the army; for this reason, additional measures have recently been taken to improve its performance. On 1 May, the Joint Coordination and Monitoring Board decided to increase the target force size of the police to 82,000. This newly authorized strength also includes 18,000 for the Afghan Border Police, 4,995 for the Afghanistan National Civil Order Police and 11,271 for the Afghan National Auxiliary Police." [39q] (Annex 1)

- 9.09 "There are four levels of police and gendarmes in the rank system and a number of ranks within each level. The first or highest level includes ranks equivalent to brigadier general or assistant deputy commissioner and above. The second level contains ranks equivalent to major or colonel or chief inspector to chief superintendent. The third level includes ranks equivalent to company sergeant major to captain, or police staff sergeant to inspector. The fourth level includes ranks equivalent to constable to sergeant." (The World Police Encyclopedia, 2006 edition) [23] (p4-5)
- 9.10 "The basic requirements for entering the police school are Afghan citizenship, age between seventeen and twenty-two years, good physical and mental health, height of at least 1.70 meters, no criminal record, and a minimum nine years of schooling. After the successful completion of one year of police training, a recruit can be appointed as a constable.
- "The higher the level in the police hierarchy, the longer the training. Non-commissioned officers train for a year at the police academy. Commissioned officers receive three years of academic training interspersed with a year of practical training between the second and third and another at the end of the third year, forming in total a training programme of five years. A U.S. screening and training programme was introduced in 2003 to ensure that former conscripts retrained in the ANP are suitable for police work and receive eight weeks of basic police training." (The World Police Encyclopedia, 2006 edition) [23] (p6)
- 9.11 The Afghan police do not generally carry firearms. However, they are issued weapons when required. "The Law of the Police and Gendarmes sets out the conditions in which firearms and explosives can be used by the police." [23] (p6)
- 9.12 A BBC report dated 13 July 2007 noted that a senior American army officer, Major-General Robert Durbin said that only about 40 per cent of the Afghan police force were properly equipped. The BBC report stated that "He attributed this to the fact that until 18 months ago, the international community had provided almost \$2bn for reforming Afghanistan's army, but less than a tenth of that had been invested in the police force. Maj-Gen Durbin said resources were now beginning to come in to properly equip the police." [25bn]
- 9.13 On 1 June 2006 the Institute for War and Peace Reporting (IWPR) reported that "Corruption is a growth industry for Afghanistan's police. They stand accused of extorting money from drug smugglers, gun runners, brothel owners and gamblers, in return for looking the other way. Those who refuse to pay can be arrested as part of an apparently virtuous clean-up campaign, and then released once they hand over the cash." The provincial Governor of the northern province of Balkh, Atta Mohammad Noor, was reported as saying that:
- "... high-level corruption in the police force meant that the Balkh authorities were unable to provide security for residents. He acknowledged that much of the new Afghan National Police is made up of former mujahedin, the forces who fought and ultimately triumphed over the Soviet invaders. Atta, a former leading militia commander himself, said it was partly out of respect for their past record that he had been reluctant to remove them." [73b]

- 9.14 The same IWPR article also stated that:

"Law enforcement officials argue that much has been done to improve the situation since the fall of the Taleban regime in 2001. Over the past four and a half years, police academies have been established in all of Afghanistan's main provinces. International trainers from the United States, Britain, and Germany have been working with the Afghan police to improve their performance.

"Police from the five northern provinces get their training at the Mazar-e-Sharif police academy, where they receive basic lessons in policing, human rights, penal law and traffic regulations... As of March 2006, over 57,000 had been trained, with the rest due to graduate by September.

"But Afghans brush aside the notion that trained police are any improvement over the old force... Analysts tend to agree, saying that despite the best efforts of the international community, the police system is riddled with corruption and nepotism." [73b]

- 9.15 The Afghanistan Research and Evaluation Unit's Report, *Cops or Robbers? The Struggle to Reform the Afghan National Police*, published July 2007 noted that:

"One of the big challenges confronting efforts to develop an effective police force in Afghanistan is the lack of policewomen. Of the 63,000 police being paid salaries in the spring of 2006, only 180 were women. Of these, many carry out menial tasks such as cleaning, cooking, and making tea for the men, rather than meaningful policing duties. A few have been trained and posted to search female passengers and their luggage at Afghanistan's airports.

"Afghanistan's conservative culture, which generally requires the strict segregation of men and women, makes the need for more policewomen extremely important. It is culturally unacceptable for male police to interrogate women, let alone search them. The lack of policewomen to question and search female suspects has reportedly resulted in an increasing number of women being used by drug traffickers to smuggle drugs." [22d]

(See also [Section 23](#): for further information on Afghan women)

- 9.16 "Within each province the police have significant power, especially now that the militias associated with the Ministry of Defence have been disbanded. Former warlords appointed as chiefs of police will appoint their own foot soldiers into the police, who therefore are often reappointed each time there is a change of power in an area. Although there is pressure from the Americans to improve the police forces, this is limited by the lack of desire to undermine traditional factional alliances. Training is limited (2–8 weeks) and purely technical in character, except for the Police Academy which has 1–3 years courses but so far has only graduated a limited number of trainees. As a result there are few professional police and it is very difficult to enforce standards, or agree crime reporting standards – hence some sections in Kabul report zero crime rates out of a desire to avoid communicating bad news." (Dr Antonio Giustozzi, Afghanistan Notes, 28 June 2006) [37]

- 9.17 On 11 September 2006 the UN Secretary-General reported that:

"The Afghan National Police force continues to make modest strides in its overall development as a dependable public security provider...The restructuring of the leadership of the Afghan National Police continued during the reporting period... On the whole, the second tier restructuring has been a positive step and has resulted in the appointment of a more professional core group of police officers to critical positions. There have been, however, some deficiencies. Fourteen officers who had failed in the selection process were added to the final list at the last minute and were appointed to key positions within the Afghan National Police force. They include a small number of well-known human rights offenders and officers with links to criminal and illegal armed groups. Following concern expressed from within the Government and démarches by several members of the international community, the Ministry of the Interior agreed that the 14 officers would be appointed for a probationary period of only four months, after which their performance would be reviewed...

"The challenges facing the Afghan National Police remain daunting: command and control arrangements are weak; administrative and logistical support capacity lags behind operational capability; lack of discipline is common; corruption remains rampant; and disregard for human rights and due process are also major concerns. As a result, the level of public trust in the police remains very low. The Government continues to struggle to provide adequate equipment and logistical support to the Afghan National Police." [39n] (p7-8)

- 9.18 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers dated December 2007, noted that:

"On 16 August 2006, President Karzai announced that locally recruited temporary auxiliary police forces would be established to strengthen Afghanistan's permanent police force. The overall strategy was to integrate the auxiliary police forces into a unified chain of command and control of the Ministry of Interior. The programme was initiated in six priority insurgency-affected provinces: Farah, Ghazni, Helmand, Kandahar, Uruzgan and Zabul. It was subsequently extended to the provinces of Herat, Kunar, Laghman, Logar, Nangarhar, Nuristan, Paktya and Paktyka. Although the aim was to train and deploy 9,063 auxiliary policemen by 1 May 2007, only 3,212 had been trained, equipped and deployed, by June 2007." [11k] (p33)

- 9.19 The US Department of State's Report on Human Rights Practices 2007 stated that:

"The ANP played a major role in providing security in the country. Rank and pay reform procedures put in place in 2006 continued, resulting in the removal of more than 80 senior officers in the past two years. International support for recruiting and training of new ANP personnel was conditional upon new officers being vetted in a manner consistent with international human rights standards to generate a more professional police force. The international community worked with the government to develop training programs and internal investigation mechanisms to curb security force corruption and abuses. At the end of the year [2007], more than 73,000 ANP members had been trained in basic literacy, professional development, and fundamental standards of human rights. Nevertheless, human rights problems persisted." [2h] (Section 1d)

- 9.20 The Foreign and Commonwealth Office noted in a letter dated 17 March 2008 that: "The Head of the Police Professional Standards Dept (PPSD) at the Afghan Ministry of Information advises that they investigated 200 complaints against police officers from members of the public this Afghan calendar year (21 March 07-20 March 08). Complaints ranged from minor assaults to using status to demand sexual favours.... 4 out of the 200 have been 'proven' and these have been referred to prosecutors within the Ministry to instigate court proceeding." Complaints involving bribes or corruption however are handled by another department in the Ministry. [4d]

#### **Afghan Uniformed Police (AUP)**

- 9.21 "The AUP is the largest force within the ANP and is responsible for day-to-day police activities at the provincial and district levels. AUP responsibilities include maintaining public order and security, preventing and discovering crime, arresting suspects, protecting public and private property, and regulating road traffic. The strength of the AUP envisioned in the Afghanistan Compact was 31,000, but this number is being revised upward to 45,000." (AREU, July 2007) [22d] (p11)

#### **Afghan Border Police (ABP)**

- 9.22 "The function of the ABP is to secure Afghanistan's borders and its international airports. It is responsible for providing border security, surveillance and control, including the prevention of smuggling, drug trafficking and the crossborder movement of insurgents. The ABP are currently organised into eight brigades, but will be reorganised into five border zones that correspond with the five ANP and ANA regional commands. The ABP are responsible for manning 13 border checkpoints, which may be increased to 14, and conducting patrols along the border. The ABP's current strength is 7,900, and the target is 12,000, but the latter number is being revised upward to 18,000." (AREU, July 2007) [22d] (p12)

#### **Afghan National Civil Order Police (ANCOP)**

- 9.23 "The ANCOP is a new police force that was conceived in mid-2006. The mission of the ANCOP is to maintain civil order in Afghanistan's seven largest cities, to provide a robust and mobile police presence in remote high-threat areas, and to serve as a rapid-reaction force to support other police in an emergency. The ANCOP will have strong leadership and be better trained (16 weeks of training) and better equipped than the AUP and ANAP, eventually with special weapons and tactics (SWAT) capabilities. The expectation is that such a force will be able to respond effectively to urban unrest and rioting, in contrast to the ANP's ineffective response to the May 2006 riots in Kabul. The first class of 557 ANCOP officers graduated in June 2007, and the proposed end strength is 5,000 by December 2008." (AREU, July 2007) [22d] (p12)

#### **Standby Police**

- 9.24 "The function of the Standby Police was to serve as a rapid-reaction force that could be deployed as required throughout the country. A decision was taken in 2006 to phase out the Standby Police, which had an authorised strength of 4,116, and for the ANCOP to take on their responsibility as a rapid-reaction force by the end of 2008." (AREU, July 2007) [22d] (p12-13)

### Afghan Highway Police (AHP)

- 9.25 “.... the AHP were responsible for ensuring security on Afghanistan’s major highways. In part due to their corruption and ineffectiveness, the AHP were phased out in mid-2006. The plan was to integrate the AHP’s 3,400 personnel into the AUP and redeploy them to border police brigades or high-threat provinces in the south. Many refused to redeploy, however, and reportedly deserted along with their uniforms and weapons.” (AREU, July 2007) [22d] (p13)

### Counter Narcotics Police of Afghanistan (CNPA)

- 9.26 “The function of the CNPA, which has an approved force size of 2,264, is counter-narcotics investigation and enforcement. Unlike all the other police forces, which report to the Mol’s Deputy Minister for Security, the CNPA reports to the Deputy Minister for Counter Narcotics. The CNPA includes a National Interdiction Unit (NIU), established in October 2004 that conducts interdiction raids across Afghanistan.” (AREU, July 2007) [22d] (p13)

### Afghanistan National Auxiliary Police (ANAP)

- 9.27 “The ANAP is a recently established temporary police force that is separate from the ANP. It was created in 2006 as a quick fix measure to help address the growing Taliban-led insurgency in southern Afghanistan, and as a way to bring militia groups loyal to local governors under the control of the central government. The approved ANAP force size is 11,271. Recruits are hired locally in 124 high-risk districts, initially with a focus on six provinces in southern Afghanistan. New recruits initially receive only ten days of training — five days of classroom instruction and five days of range firing — followed by one week of additional training each quarter during their one-year contract.

“Upon completion of this brief training, ANAP recruits are issued an AK-47 assault rifle and a standard ANP police uniform, although with a distinctive patch. They are entitled to the same US\$70 monthly salary as a regular ANP patrolman. ANAP is presently viewed as a temporary force and recruits are only given contracts for one year, but they are likely to be incorporated into the regular ANP at the end of that year. The first ANAP class graduated in October 2006 in Zabul province, where the programme was first piloted.” (AREU, July 2007) [22d] (p13)

### Torture

- 9.28 The US State Department (USSD) report 2007 published on 11 March 2008 recorded that: the constitution prohibits torture and other cruel, inhuman, or degrading treatment or punishment;

“However, there were reports of abuses by government officials, local prison authorities, police chiefs, and tribal leaders. NGOs reported that security forces continued to use excessive force, including beating and torturing civilians. During the year human rights organizations reported that local authorities in Herat, Helmand, Badakhshan, and other locations continued to torture and abuse detainees. Torture and abuse included pulling out

fingernails and toenails, burning with hot oil, beatings, sexual humiliation and sodomy.” [2h] (Section 1c)

- 9.29 The USSD 2007 report further noted that “There were numerous reports of abuse by Afghan National Police (ANP) officers. In September in Ghazni Province, police beat two prisoners in custody. The cases were referred to the MOI’s human rights unit and investigations continued at year’s end. [2h] (Section 1c)

(See also Section 9: Security Forces - National Security Directorate (NSD) (Amnat-e Melli))

### Extrajudicial Killings

- 9.30 The US Department of State’s 2007 report on Afghanistan noted that extrajudicial killings continued in Afghanistan. [2h]
- 9.31 “A special rapporteur of the UN Commission on Human Rights has said hundreds of civilians have been unlawfully killed by the Afghan police, militias, international forces, foreign intelligence agents and Taliban insurgents in the past four months. Philip Alston - UN rapporteur on extrajudicial, summary and arbitrary execution, who visited different parts of Afghanistan and held extensive talks with commanders of the international forces based in Afghanistan, Afghan government officials, tribal elders and other actors - said at least 300 civilians had been killed by insurgents and about 200 others had been killed by international forces in 2008.” [36p] “ ‘A key reason for these failures to act is the extent to which senior government and international officials focus on ‘stability’ and ‘security’ rather than ‘human rights,’ he said. ‘No one in the government has any interest in investigating, much less prosecuting, those responsible [for unlawful killings]...and no one in the international community seems prepared to change that situation,’ he said...” (IRIN News, 19 May 2008) [36p]

### ARMED FORCES

- 9.32 On 12 August 2005, the UN Secretary-General stated:
- “On 1 December 2002, President Karzai signed a decree establishing the Afghan National Army (ANA). The decree brought all Afghan military forces, mujahideen and other armed groups under the control of the Ministry of Defence. The reform of the Ministry and general staff began in the spring of 2003 with the aim of creating a broad-based organization staffed by professionals from a balance of ethnic groups. The training of the Afghan National Army, led by the United States of America with support from France and the United Kingdom of Great Britain and Northern Ireland, continues to progress... An increasingly capable force, ANA participates in joint combat operations with coalition forces. The composition of the Afghan National Army today mirrors the ethnic and regional diversity of Afghanistan.” [39c] (p8)
- 9.33 The Afghanistan National Army website accessed on 30 July 2008, noted that:
- “Upon becoming president of Afghanistan, Hamid Karzai set a goal of an army of 70,000 men by 2009. By January, 2003 just over 1,700 soldiers in five kandaks (Pashtun for battalion) had completed the 10-week training course,

and by June 2003 a total of 4,000 troops had been trained. Initial recruiting problems lay in the lack of cooperation from regional warlords and inconsistent international support. The problem of desertion dogged the force in its early days: in the summer of 2003, the desertion rate was estimated to be ten percent and in mid-March, 2004 estimate suggested that 3,000 soldiers had deserted". [12]

9.34 The ANA website further noted:

"As of September 2005, 28 of the 31 Afghan National Army Battalions were ready for combat operations and many had already participated in them. At least nine brigades are planned at this time, each consisting of six battalions. By March 1, 2007 half of the planned army of 70,000 ANA soldiers has been achieved with 46 Afghan battalions operating in the fore or in concert with NATO forces. A total of 14 brigades that will primarily be regionally oriented are planned for 2008.

"Five Corps exist, serving as regional commands for the ANA: the 201st Corps based in Kabul, the 203rd Corps based in Gardez, the 205th Corps based in Kandahar, the 207th Corps in Herat, and the 209th Corps in Mazar-e-Sharif. Each of the four outlying Corps will be assigned one brigade with the majority of the manpower of the army based in Kabul's 201st Corps." [12]

9.35 A Report by the UN Secretary-General dated 21 September 2007 stated that:

"The Afghan National Army has a current strength of around 40,360 troops, of which approximately 22,000 are consistently present for combat duty. The Afghanistan Compact calls for a target of 70,000 troops by 2010. A formalized leave, training and deployment cycle, together with a pay increase, have improved the retention of trained forces, although the strain of continual commitment to the intense pace of operations continues to contribute to desertions. Increased training and mentoring has improved the army's capacity to plan and conduct joint operations with coalition forces and the North Atlantic Treaty Organization (NATO)/ISAF. Regular participation by the Ministry of Defence, the Ministry of the Interior and the National Directorate for Security in coordination and intelligencesharing meetings indicates a maturing of the national security architecture." [12] (p7)

## OTHER GOVERNMENT FORCES

### National Directorate of Security (NDS) (Amniat-e Melli)

9.36 A report by Amnesty International dated November 2007 stated that:

"The intelligence service was established during the Presidency of Daoud Khan in the 1970s and was reformed after the Soviet invasion in 1979 when, having received significant assistance from the Soviet intelligence agency the KGB, it was renamed Khadamat-e Etela'at-e Dawlati KhAD (State Information Service). In 2001 the organization was renamed the National Directorate of Security. The NDS's first director general after the fall of the Taleban was Mohammad Arif Sarwari, who was replaced by Amrullah Saleh in February 2004.

"The NDS is one of the largest security sector agencies in Afghanistan. With its headquarters in Kabul, the NDS has sub-offices across the country and 30 departments with approximately 15–30,000 staff. The NDS is presumed to report directly to President Karzai, although the mandate of the NDS is outlined in a Presidential decree that has not been published and remains secret. Amnesty International has also been informed that the NDS also operates under a law promulgated in 1987, 'Law of Crimes against Internal and External Security of the Democratic Republic of Afghanistan', but that its current functions are much broader than this 1987 law would suggest." [7q] (p33)

9.37 The Amnesty report further noted:

"Public knowledge of the organization and oversight mechanisms of the NDS remains limited, but its powers to detain, prosecute, sentence and imprison people appear to reach far beyond the mandates of many intelligence agencies around the world. Amnesty International is particularly concerned that the NDS's powers of investigation and detention are not separated from its powers of prosecution and imprisonment, and that this improper overlapping of functions violates the right to a fair trial, facilitates impunity for perpetrators of human rights violations and undermines the rule of law." [7q] (p34)

9.38 Furthermore the report noted that:

"Amnesty International has received reports of torture, other ill-treatment, and arbitrary detention by Afghanistan's intelligence service, the National Directorate of Security (NDS). Detainees are transferred from international forces operating in Afghanistan as part of the International Security Assistance Force (ISAF) to Afghan authorities. By transferring individuals to a situation where there is a grave risk of torture and other-ill treatment, ISAF states may be complicit in this treatment, and are breaching their international legal obligations..."

"Concerns about the NDS first emerged in 2002, shortly after it was reformed from the previous Afghan intelligence institution, with a UN call for robust reform. The UN reiterated its concerns about the NDS as recently as September 2007 when it called for investigations into allegations of torture and other ill-treatment by the NDS. The full mandate of the NDS is not made public but appears to include powers to arrest, charge, prosecute and judge individuals for a variety of security-related offences. It also operates its own detention facilities." [7q] (Frontpage)

(See also Section 14: [Prison conditions](#) for further information on the NDS)

## INTERNATIONAL FORCES

11.39 HRW also published a report in April 2007 that noted:

"At least 230 civilians were killed during coalition or NATO operations in 2006, some of which appear to have violated the laws of war. While there is no evidence suggesting that coalition or NATO forces have intentionally directed attacks against civilians, in a number of cases international forces have

conducted indiscriminate attacks or otherwise failed to take adequate precautions to prevent harm to civilians.” [17m]

### **International Security Assistance Force (ISAF) and Provincial Reconstruction Teams (PRTs)**

9.40 An Amnesty International Report dated 11 November 2007 noted that:

“On 7 October 2001, the US-led OEF [Operation Enduring Freedom] was launched as a response to the attacks on the US on 11 September 2001. Security Council Resolution 1368 adopted on 12 September 2001 granted international legal authority for OEF, condemning the 11 September attacks and affirming the right of states to individual and collective self-defence. OEF aimed at ousting the Taliban government which had provided a safe haven for Osama bin Laden and al-Qa’ida. US forces were supplemented by ISAF forces in 2001.

“ISAF’s establishment, and its powers of detention, flow from UN Security Council resolution 1386 of 20 December 2001. In accordance with the Bonn Agreement and UN Security Council Resolution 1386, ISAF was established to ‘assist the Afghan Interim Authority in the maintenance of security in Kabul and in surrounding areas’ under Chapter VII of the UN Charter. ISAF was also allowed to ‘take all necessary measures to fulfil its mandate’. This authority was expanded to cover the whole of Afghanistan by UNSC resolution 1510 on 13 October 2003.

“Just prior to the expansion of ISAF’s mandate NATO, in its first mission outside of Europe, assumed control over ISAF on 11 August 2003. The ISAF mission has, in four stages, taken over from the US-led OEF as its geographical scope has grown from Kabul in 2001 to the entire country by October 2007. ISAF forces initially moved to the north of Afghanistan (October 2004), then to the west (September 2005), then the south (July 2006) and finally took over from OEF forces in the east in October 2006. At present ISAF is made up of more than 35,000 personnel drawing resources from 37 states, including the 26 NATO Member States.

“ISAF and the remaining OEF forces are co-operating and conducting joint operations with Afghan security forces, including with the Afghan National Army (ANA), the Afghan National Police (ANP) and the NDS. Due to the lack of ANA forces, ANP and NDS are sometimes deployed to take part in military operations.” [7q] (p4)

9.41 “The Afghan authorities have the primary responsibility for security. For its part, ISAF’s role is to support the Government of the Islamic Republic of Afghanistan (GIRA) in providing and maintaining a secure environment in order to facilitate the re-building of Afghanistan and the establishment of democratic structures, and to assist in expanding the influence of the central government across the country.

“More specifically, ISAF’s main security tasks include:

- The conduct of stability and security operations
- Support to the Afghan National Army (ANA)

- Support to the Afghan government programmes to Disarm Illegally Armed Groups (DIAG)
- Support to the Afghan National Police (ANP), within means and capabilities”

(NATO, updated March 2008) [63a]

- 9.42 Radio Free Europe/Radio Liberty (RFE/RL) reported on 28 July 2006, that pending the expansion of NATO into the south of the country “...the rules of engagement for NATO troops in Afghanistan have been expanded dramatically beyond those of a peacekeeping mission. Appathurai [NATO spokesman] says NATO action will be ‘robust.’.... He notes that NATO commanders have the authority to order preemptive strikes if they deem it necessary.” [29p]

### The Role of Provincial Reconstruction Teams (PRTs)

- 9.43 “Provincial Reconstruction Teams (PRTs) are the leading edge of NATO-ISAF’s presence in Afghanistan. These are small teams of civilian and military personnel working in Afghanistan’s provinces to provide security for aid workers and help reconstruction work. They are a key component of a three-part strategy for Afghanistan – security, governance and development – helping to spread stability across the country.

“In addition to regular patrols and security operations, NATO-ISAF PRTs also assist in rehabilitating schools and medical facilities, restoring water supplies, providing agricultural technical assistance and many other civil-military projects.

“At present, NATO is leading the military components of 13 PRTs in the north [Mazar-e-Sharif, Feyzabad, Konduz, Pol-e Khomri, Maimana], west [Herat, Farah, Qal-e-Now, Chaghcharan] and south [Kandahar, Lashkar-Gah, Tarin Kowt, Qalat] of the country.” (NATO, 1 August 2006) [63b]

- 9.44 The US Department of State released a factsheet on 31 January 2006 noting that there were 23 PRTs currently in Afghanistan; 14 run by coalition forces and nine by NATO. [2d]

- 9.45 A 2005 report by the Danish Institute for International Studies concluded that:

“... the PRTs are successful because they have helped to extend the authority of the Afghan government beyond Kabul, facilitated reconstruction and dampened violence. At the same time, it is equally clear that they cannot address the underlying causes of insecurity in Afghanistan. The PRTs only make sense as part of an overall strategy in which they serve to buy time while other instruments are employed to tackle the military threat posed by the Taliban and Al Qaida; the infighting between the warlords; the increased lawlessness and banditry; and the booming opium poppy cultivation and the drug trade.” [104] (p9-10)

- 9.46 “Looking ahead, PRTs will remain the main vehicle through which ISAF expansion will take place. While relatively new and subject to some criticism in the early stages of international military deployment to Afghanistan, the PRT concept, in general, has evolved and is seen as a highly effective means of assisting the Afghan government extend its influence to the provinces. As joint

military-civilian teams varying in size and led by different lead nations, they are deployed to selected provincial capitals of Afghanistan and provide a viable alternative to a full-fledged international peacekeeping presence, which is not an option for Afghanistan nor part of the ISAF mandate. ISAF's current PRTs are run by Germany, Italy, Lithuania, the Netherlands, Norway, Spain, Sweden and the United States. Several other NATO Allies and Partners make important contributions with either military or civilian personnel. ISAF-led PRTs have helped with countless reconstruction projects; they have mediated between conflicting parties; contributed to the disarmament process of Afghan militias; assisted with the deployment of national police forces and the Afghan National Army (ANA); and generally helped improve the security environment through contacts with local authorities and population." (NATO, 22 June 2006) [40n]

## AVENUES OF COMPLAINT

- 9.47 A new government department called the Bureau of Complaints was officially opened to receive and consider complaints from the Afghan public and pass them on to the Office of the President. The new Bureau of Complaints has 23 staff and is currently based in the capital, Kabul. (BBC, 10 March 2008) [25br]
9. 48 "According to Article 58 of the 2004 Constitution of Afghanistan, the Afghan Independent Human Rights Commission [AIHRC] was established with the purpose of 'monitoring the observation of human rights in Afghanistan, to promote their advancement and protection.'" [78f] "The Commission receives complaints from people around the country and seeks to resolve them through negotiation, court cases, complaints to government ministries and general social activism." (UN-appointed independent expert, 21 September 2004) [39k] (para. 42)
- 9.49 The AIHRC Monitoring and Investigation Unit, in close co-operation with Ministry of Justice, prepared a list of 2,392 people who were in prisons after the completion of their sentences or were illegally detained and their destinies were not determined. The AIHRC gave the list to the President who appointed a commission headed by Mawlawi Fazl Hadi Shenway to investigate the issue. Recently, this commission released a report on the situation of those people, releasing 819 people, who were illegally detained or imprisoned in Kabul and determining the sentences of an estimated 1,573 people after the investigation. (AIRC Annual Report, 2007) [78i]

(See also Section 18: [Afghanistan Independent Human Rights Commission](#))

- 9.50 A May 2006 report by the AIHRC, based on research between January and December 2006, "...conducted over 11, 000 interviews in 32 out of 34 provinces of Afghanistan paying particular attention to vulnerable groups and people living in remote areas..." and found that "The majority of interviewees (65.4%) stated that their family was living in inherited houses (7,318); 10.2% of interviewees (1,138) in relatives/friends' houses, 8.0% of interviewees (892) purchased their house and 7.4% of interviewees (824) lived in rented houses...

"36.3% of all interviewees (4,030) stated that they had some form of problem with their property whilst 63.6% of all interviewees (7,060) stated that they had

no problems...the main issues identified by those who stated they had problems relate to the following aspects of the right to adequate housing:

- Habitability – 50.7% of interviewees (2,452): not enough space; damaged / destroyed or burnt.
  - Security of tenure – 28.9% of interviewees (1,142): house / land occupied; multiple ownership claims; facing eviction; sold unauthorized; were forced to sell his/her land; no documentation.
  - Affordability – 12.5% of interviewees (607): unable to pay the rent.”
- [78f] (p21-22)

- 9.51 The report further noted that “The overwhelming majority (96%) of interviewees who had disputes over house and land (259) stated that their disputes were not solved and only 4.0% of the interviewed (10) said that their problems have been solved. 37.8% of those who answered the question (230), had no faith that their dispute would be resolved while 37.0% said that they were positive on the possibility to solve the dispute.

“More broadly, when interviewees were asked if they ever had to solve a dispute, 92.9% answered negatively while only 7.1% stated that they had tried. Of these, 55.6% stated that disputes were related to house and land and 44.4% to water.” [78f] (p22-23)

- 9.52 “In the tribal environment, disputes might be settled by going to village elders. The preferred solution is that a culprit should be executed by his own family, to avoid the start of a blood feud or any form of rivalry. This is more likely to happen in the case of women. However, according to the tribal code, negotiation is always possible and even the worst crime can be forgiven in exchange for an agreed payment, whether cash, land or women. In the non-tribal areas of the countryside (mainly among Tajiks), Islamic law is more likely to be followed, which is more rigid and does not allow for compensation. Executions even by stoning are still common in the countryside. In the cities, matters such as these would be referred to the police in the majority of cases, but it has to be taken into account that continuing rural immigration into the cities blurs the distinction between rural and urban. Even in some neighbourhoods of Kabul the police have little influence and matters are still dealt with in the traditional way.” (Dr Antonio Giustozzi, Afghanistan Notes, 28 June 2006) [37]

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## 10. MILITARY SERVICE

- 10.01 A UNHCR paper dated June 2005, recorded that in 2002, "In order to prevent forced recruitment by the local commanders, respond to the nature of military service in the new army of Afghanistan, and make this service for the first time in history of the country a voluntary military service, a Presidential Decree on 'Voluntary Military Service' was issued." [11b] (p26)

(See also Section 9: [Security Forces – Armed Forces](#) for information on the Afghan National Army (ANA) or Section 24: [Children for information on child soldiers](#))

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## 11. NON-GOVERNMENT ARMED FORCES

### WARLORDS AND COMMANDERS

- 11.01 On 21 September 2004 the UN-appointed independent expert of the Commission on Human Rights reported:

“As a result of decades of armed conflict, ethnic allegiances and the prolonged absence of a legitimate centralized State, local and regional power within Afghanistan is subject to the authority exercised by a variety of armed actors commonly referred to as warlords. These warlords’ local commanders wield authority through a combination of arms, mutually supportive relationships with other armed actors, social networks and ethnic allegiances. Some key figures in Afghan politics might be described as classic warlords through their exercise of a monopoly of economic and military authority over a sizeable area. Others, who might be termed petty warlords or local commanders, exercise authority over a relatively small area and have only minor backing by genuine force. Often, the power of less dominant commanders is the result of linkages and networks with a number of armed actors. Overall, there exist numerous non-State armed groups throughout the country. Alone, few of these groups and their leaders pose a fatal threat to a unified, central Government, but combined, they do. They also present a significant impediment to a unified national Government capable of preventing these groups from committing gross violations of fundamental human rights.” [39k] (para. 29)

- 11.02 A report by the UN-appointed independent expert dated 11 March 2005 stated that “While the Government is making progress in delegitimizing and disarming some of these actors, they continue to pose a threat to national security and human rights, especially in light of their involvement in the rapidly expanding drug trade.” [39i] (para. 16)

- 11.03 A UNHCR paper dated June 2005 recorded:

“Commanders continue to pose a threat to national security and human rights, in particular in light of their involvement in, what is considered, a rapidly expanding drug trade. Concern has been expressed by observers that such individuals and groups have been allowed to gain access to political power and are now, in several areas, within or parallel to the local administration. In its Common Country Assessment, the United Nations considers the continued influence of non-statutory forces and persistence of incidents of armed violence the most significant threat to security for Afghans, causing a general climate of impunity and limited power of sanction by the central state. Parts of the country remain under the control of armed commanders and by groups engaged in illicit drug trade. As a result, local commanders continue to act with near impunity and use their positions to for [sic] factional and personal interest. The power and influence of armed political groups, commanders and militias extends into the formal and informal justice systems, leaving Afghans in many areas of the country with little ability to access justice.” [11b] (p28-29)

- 11.04 An International Crisis Group report dated 15 May 2006 stated that:

“The glaring downside of the new body [the National Assembly] is the presence of warlords, drug dealers and human rights violators – many of

whom continue their abuses with impunity. The deputy head of the Afghanistan Independent Human Rights Body, Ahmad Fahim Hakim, has estimated that more than 80 per cent of members from the provinces and more than 60 per cent from Kabul have links to armed groups.” [26h] (p6)

- 11.05 On 21 August 2006, Radio Free Europe/Radio Liberty reported that “A decision by the Afghan Interior Ministry to request the disbandment of two political parties could signal an attempt by the government to curb ‘warlordism.’” The article stated that Interior Minister Zarar Ahmad Moqbel had called for Abdul Rashid Dostum’s and General Abdul Malik’s political parties to be disbanded following recent armed clashes in the northern Faryab province. Minister Moqbel argued that:

“... the two parties – Dostum’s National Islamic Movement of Afghanistan (Hizb-e Junbish-e-Melli-ye Islami-ye Afghanistan), known as Junbish, and Malik’s Freedom Party of Afghanistan (Hizb-e Azadi-ye Afghanistan) – continue to maintain military wings and that these militia are responsible for the unrest in the northern province of Faryab...

“Warlords have been the bane of centralization efforts for decades. It is too early to say whether this move signals a new government willingness to tackle ‘warlordism,’ and curb the power of militias.” [29z]

- 11.06 “Afghans throughout the country have told Human Rights Watch that they view regional warlords, ostensibly allied with the government, as a major source of insecurity. In southern Afghanistan, tribal chiefs, like Sher Mohammad Akhundzada the former governor of Helmand province who was removed due to allegations of corruption and involvement in the drug trade, have been allowed to operate private militias with the blessing of President Karzai. Warlords with records of war crimes and serious abuses during Afghanistan’s civil war in the 1990s, such as parliamentarians Abdul Rabb al Rasul Sayyaf and Burhanuddin Rabbani, General Abdul Rashid Dostum, and current Vice President Karim Khalili, have been allowed to hold and misuse positions of power, to the dismay of ordinary Afghans.” (Human Rights Watch, 27 September 2006) [17f]
- 11.07 The US State Department (USSD) report 2007 published on 11 March 2008, stated that, although the Afghan National Police had primary responsibility for internal order, “.... In some areas powerful individuals, some of whom reportedly were linked to the insurgency, maintained considerable power as a result of the government’s failure to assert control. During the year [2007] the government expanded its reach to new areas, including the eastern border region with Pakistan, through the use of auxiliary police.” [2h] (Section 1d)
- 11.08 The Institute for War and Peace Reporting recorded on 9 July 2008 that:

“The Afghan government scored a minor victory last month by reeling in a rebellious ‘warlord’ who led a band of warriors over nearly three decades. What really set this case apart is that the militia commander is a woman. The authorities’ decision to co-opt rather than capture Bibi Aysha, who goes by the nickname Kaftar (‘the pigeon’), has upset locals who say that given her record, she is unlikely to accept the strictures of civilian life, still less a job as a public servant. Kaftar probably never meant to strike a blow for gender equality, but

over the years she has shown that an Afghan woman can make just as tough and ruthless a warlord as her male counterparts. Now 55, Kaftar has fought almost everyone from the Russians and the Taleban to the present government of President Hamed Karzai. Until recently, she had the dubious distinction of being the only paramilitary commander – outside the Taleban and its allies – still in open confrontation with the Afghan state. Last month, she surrendered to the government together with five armed men, most of them her relatives. It was the second time she had laid down her weapons since the fall of the Taleban regime in 2001.” [73c]

11.09 The IWPR article continued:

“Kaftar is a well-known figure in her native Baghlan province, which lies due north of the capital Kabul. Legend has it that she became a fighter by accident, when she grabbed a gun to kill the Soviet soldiers who had shot her son during the mujaheddin war of the Eighties. Her success later led to her appointment as local commander for the Jamiat-e-Islami faction, whose military leader was Ahmad Shah Massoud. After Taleban forces captured Kabul in 1996 and pushed north, Kaftar claims to have commanded 2,000 armed men resisting their advance. After the United States-led invasion sent the Taleban running, Kaftar surrendered her weapons under a government-run demobilisation programme. She even entered political life briefly, representing Baghlan’s Nahrin district during the Emergency Loya Jirga, the 2002 assembly that hammered out a structure for government and confirmed Karzai as head of state pending an election... The whereabouts of the rest of Kaftar’s militia remains a mystery. According to local residents and officials, she had more than 200 armed men under her command.” [73c]

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## WAR CRIMES AND HUMAN RIGHTS ABUSES PRIOR TO 2001

- 11.10 Since taking power in 2002, the administration has faced the question of how to deal with perpetrators of past abuses. The cabinet in 2005 approved an Action Plan on Peace, Justice, and Reconciliation, including commemoration for victims, truth-seeking and justice mechanisms, and the vetting of potential state employees, but the plan was not formally launched until December 2006. Many perpetrators were elected to the National Assembly despite calls for them to be disqualified, and some, such as warlord Abdul Rasul Sayyaf, have established dominant positions in the new parliament, making any attempt at prosecution difficult. In March 2007, President Karzai signed a law initiated by parliament that provides a sweeping amnesty for war crimes committed prior to 2002, drawing criticism from human rights groups and some lawmakers. (Freedom House, 2008) [41a] (p8)
- 11.11 The Freedom House 2008 Afghanistan Country report further stated that Warlords in the parliament joined forces in early 2007 to push through controversial legislation granting immunity for past war crimes. [41a] (p1)
- 11.12 The UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007, stated that:

"Many of the activities of members of armed groups resisting the communist regimes and the Soviet occupation – from 27 April 1978 until the fall of Najibullah in April 1992 - amounted to war crimes and crimes against humanity, both against combatants of rival factions and against civilians. Similarly, between 1992 and 1996 armed conflict between various factions was also accompanied by serious violations of international human rights law and humanitarian law." [11k] (p10)

- 11.13 Amnesty International's Afghanistan Country Report 2008, covering events from January to December 2007 stated that:

"A culture of impunity continued, boosted in February [2007] by the introduction of the Amnesty Bill, which absolves the government of responsibility for bringing to justice suspected perpetrators of past human rights violations and crimes under international law, including war crimes and crimes against humanity. In December [2007], President Karzai stated that his administration did not yet have the capacity to arrest and prosecute many of those responsible for past and continuing human rights abuses. Those accused of such abuses included members of parliament as well as provincial government officials." [71]

- 11.14 A report by the Afghanistan Justice Project (AJP) dated 17 July 2005 gives details of human rights abuses committed between 1978 and 2001. The report gives the names of commanders during this period who were involved in the abuses and states:

"To say that all of the armed forces that fought in Afghanistan committed war crimes is not to say that every single fighter has been guilty of such actions. What the Afghanistan Justice Project has documented are incidents in which senior officers and commanders ordered actions amounting to war crimes by their forces, or allowed such actions to take place and did nothing to prevent or stop them. The Afghanistan Justice Project's intent in documenting these incidents is not to impugn the cause for which any of the armed groups fought, but rather to call for accountability where those actions amounted to war crimes." [13b] (p4)

(For detailed information refer to source [13b])

(See also Section 16: [Treatment of former KHAD members](#))

## DISARMAMENT, DEMOBILISATION AND REINTEGRATION PROGRAMME (DDR)

- 11.15 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, dated December 2007 recorded that:

"The disarmament, demobilization and reintegration (DDR) process of the Afghan Militia Forces (AMF) was completed in June 2006. This process included the safe removal and cantonment of over 10,880 heavy weapons. Cities such as Gardez, Mazar-e Sharif and Bamyan are now largely free of operational heavy weapons. The cantonment of these weapons, coupled with the demobilization of Afghan militia forces, has reduced opportunities for factions to engage in clashes of the scope and intensity that affected the Northern provinces in the period 2002-2004, and the Western provinces in 2006." [11k] (p37)

- 11.16 “The Disarmament, Demobilisation and Reintegration [DDR] programme began in October 2003, with the aim of replacing the former armed forces of Afghanistan with a new, professional Afghan National Army.” (United Nations Assistance Mission in Afghanistan (UNAMA), 7 July 2005) [40aa]
- 11.17 “DDR supported the disarmament of 63,380 former officers and soldiers of the Afghan Military Forces (AMF) as well as the decommissioning of 259 AMF units. Fifty-five thousand eight hundred and four (55,804) ex-combatants chose one of the reintegration options, which further benefited 53,415 of them, leaving aside 2,759 drop-outs.
- “The approach to reintegration has been holistic and reintegration options have ranged from agriculture, vocational training and job placement, small business opportunities, demining, teaching, government jobs, wage labor and joining [the] Afghan National Army (ANA) or the Police.” [40o]
- 11.18 The International Crisis Group commented in July 2005, “DDR has had a positive impact on the democratic political process... While imperfect, this progress has undoubtedly enhanced political space, since thousands of armed men no longer have to be factored into the security equation. But because the DDR process was mandated to disarm only the formally recognised armed groups on the government payroll, other militias, now termed Illegal Armed Groups, still pose a significant threat.” [26c] (p20)

#### DISBANDMENT OF ILLEGAL ARMED GROUPS (DIAG)

- 11.19 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, dated December 2007 recorded that:
- “In July 2004, through Presidential Decree No. 50, the remnants of the AMF and armed groups, not part of the AMF, were declared illegal. It was estimated that there could be up to 120,000 persons operating in over 1,800 illegal armed groups. By targeting these groups, the disbandment of illegal armed groups (DIAG) aims to contribute to the re-establishment of the rule of law through the promotion of good governance” [11k] (p37)
- 11.20 The UNHCR's Eligibility Guidelines further noted that:
- “However, the disarmament of illegal armed groups is very much incomplete. Piloted during the run-up to the parliamentary and provincial council elections in 2005, its main phase was launched between 1 May and 7 June 2006. From September 2006 to 25 February 2007, only 4,496 light and heavy weapons had been submitted. By the end of 2006, illegal armed groups in just three districts of the five-targeted provinces were deemed by the Disbandment Joint Secretariat (the body overseeing the DIAG programme) to have complied with the programme's objectives. The pace of weapons submission and overall disbandment compliance, particularly in the north, was thought to have suffered from the overall deterioration of the security situation. In response to stalled implementation, a joint review of the disarmament programme was undertaken by key stakeholders. The recommendations of the review were reflected into an action plan, which President Karzai endorsed on 7 February 2007. The plan attempts to put new impetus in the disarmament process in part by giving the national security adviser a ministerial coordination and

reporting role and the Ministry of the Interior the lead role in the implementation of the disarmament programme.” [11k] (p37)

- 11.21 The UN Secretary-General's report, dated 6 March 2008 noted that:

“Progress has been made on the disbandment of illegal armed groups. Out of 51 targeted districts, 21 have complied with the programme, and 161 illegal armed groups were disbanded. Over 1,050 individuals were arrested or disarmed and 5,700 weapons confiscated. The Afghanistan New Beginnings Programme supported by the United Nations Development Programme (UNDP), continues to promote capacity-building, in particular through the establishment of a dedicated cell for the disbandment of illegal armed groups, within the Ministry of the Interior, to support the transition to full Government control of the disarmament process.” [39x]

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## ANTI- GOVERNMENT AND ANTI-COALITION FORCES (ACF)

### Overview

- 11.22 The tactics of the anti-Government elements changed noticeably in 2007. The superiority of Afghan and international security forces in conventional battles has forced opposing groups to adopt small-scale, asymmetric tactics aimed largely at the Afghan National Security Forces and, in some cases, civilians: improvised explosive devices, suicide attacks, assassinations and abductions. There were 160 actual suicide attacks in 2007, with a further 68 thwarted attempts, compared to 123 actual and 17 thwarted in 2006. (UN Secretary-General's report, 6 March 2008) [17a]

- 11.23 The Human Rights Watch Afghanistan Country Summary 2007, published on 31 January 2008 stated that “Afghans face escalating violations of their human rights at the hands of a variety of abusers: the Taliban and other anti-government insurgent groups, including Gulbuddin Hekmatyar's Hezb-e Islami and tribal militias, criminal groups and local warlords (many with government affiliations), and, increasingly, the Afghan government itself...

“2007 was a bloodier year than any since the US-led forces ousted the Taliban in 2001. Casualty rates were at least 25 percent higher than the previous year. Civilians were increasingly caught in fighting between anti-government forces and government forces and their international supporters. Anti-government forces also routinely violate the laws of war by launching attacks from civilian areas, or retreating to such areas, knowingly drawing return fire. NATO and US-led Coalition forces killed more than 300 civilians, although it is possible that the number is higher, given the difficulty of Western forces in distinguishing combatants from civilians and their extensive use of airpower. (See also section on International Forces) The Taliban began using anti-personnel mines in Helmand province again, complicating efforts to eradicate mines from one of the most mine-infested countries in the world.” [17a]

- 11.24 The UN Secretary-General's report dated 15 March 2007 stated that:

“Insurgency-related violence peaked in September 2006 and receded thereafter due to intense security efforts and the onset of winter. The incident levels during the winter months nevertheless stood well in excess of those recorded for previous years. The figures for January 2007, for example, were more than double those in January 2006. The insurgency-related violence resulted in 2,732 fatalities between 1 September 2006 and 25 February 2007. Since the last reporting period, there was a marked increase in insurgent forces prepared to engage in conventional combat operations against Government and international security forces, and a significant improvement in the insurgents’ tactics and training.

“Despite high losses of personnel during the past year, indications pointed to an insurgency emboldened by their strategic successes, rather than disheartened by tactical failures. They continue to mount widespread roadblocks on the ring road connecting Kabul to Kandahar and Herat and to target senior public officials and community leaders. The head of the Kandahar Department of Women’s Affairs and the Governor of Paktya province were assassinated in September and October 2006, respectively. In the central and south-east regions, military operations conducted by Government and international military forces managed to clear areas only temporarily. The insurgents’ leadership structure remained intact, despite the capture or killing of a few senior commanders.” [39p]

11.25 The report further noted that:

“Local communities have begun to enter into accords with the Government and the insurgents in order to limit the damage of warfare. Such agreements were concluded in the Zadran-populated districts in Paktya and Khost provinces, and in the Narhai district in Kunar province, where tribal elders from both sides of the border with Pakistan negotiated a non-aggression pact. An agreement of September 2006 with local elders from Musa Qala district, Helmand province, stipulating that the district would not be used as a staging ground for insurgent attacks in exchange for the withdrawal of international military forces from a radius of five kilometres from the district centre, led to five months of relative stability. However, on 2 February 2007, the Taliban successfully seized Musa Qala. At the time of writing of the present report, the International Security Assistance Force (ISAF) was allowing provincial governor Asadullah Wafa and tribal elders the opportunity to negotiate a withdrawal of the Taliban.” [39p]

11.26 The United State Department report, published on 11 March 2008, recorded that during 2007:

“Terrorists and insurgents, including Taliban, al-Qa’ida, and Hizb-e-Islami Gulbuddin, killed numerous civilians during their attacks. There were reports that the Taliban and its allies summarily executed NGO workers and other persons. Attacks on international organizations, international aid workers and their local counterparts, and foreign interests and nationals increased significantly during the year and prompted some organizations to leave.” [2h] (Section 1a)

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**Taliban/neo-Taliban**

- 11.27 “The name ‘Taliban’ (students) refers to the religious scholars who led the strict Islamist movement that ruled Afghanistan from 1996 and 2001. The Taliban can be described as a semi-spontaneous movement lacking deep ideological roots, whose political purposes derived from a fundamentalist interpretation of the Koran. Although small in number at first, the Taliban succeeded in building alliances with local warlords and progressively acquired power. However, although the number of alleged Taliban increased, not all shared the original hyper-conservative beliefs.” (The Senlis Council, 5 September 2006) [20b] (p54)
11. 28 The Taliban first came to prominence in 1994 to fight against the warlords known as the Mujahideen who forced the Soviet troops out of Afghanistan. Their objective once in power, would be to restore peace and security and enforce the Sharia or Islamic law. They emerged with high popularity by stamping out corruption, curbing lawlessness and making roads and areas under their control safe for commerce and by 1998 they were in control of almost 90 percent of the country. However, after losing power in 2001 the Taliban is now re-emerging as a hardline Islamic Movement mounting an insurgency against the government. (BBC, 2 September 2006) [25s]
- 11.29 A June 2005 UNHCR report recorded that:
- “A combination of US and coalition-bombing, ground military actions, which started on 7 October 2001, military support to Afghan factions and other commanders belonging to Northern Alliance and the retreat or hand-over of power by the Taliban to local groups resulted in the effective collapse of the Taliban regime. Some Taliban and Al-Qaeda elements escaped, largely into border-areas with Pakistan, where they set-up [sic] bases and re-grouped. There, military activities in response to infiltration of anti-government elements are continuing by US and Coalition-forces, at times jointly with Afghan national forces.” [11b] (p8)
- 11.30 The Senlis Council report dated 5 September 2006 noted that:
- “A significant number of the original Taliban militants were killed during Operation Enduring Freedom’s initial phases, and the Taliban defeat was guaranteed by the defection of the many warlords to the US-sponsored Northern Alliance. Since late 2001, the remnants of the Taliban have been based mainly in Pakistan, and have been supported by a loose coalition comprising Afghans loyal to the former Taliban regime, disenchanted and nationalist Pashtuns, religious conservatives, criminal gangs, opium traffickers, and a new generation of Pakistani and Afghan scholars educated in the madrassas along the Pakistan-Afghan border. This coalition of supporters can be described as the neo-Taliban.
- “Both the original Taliban and the neo-Taliban share a common faith in an extreme interpretation of Sunni-Islam. The cohesion of the two Taliban groups, and their local support, is based on a common dislike of political leaders such as the warlords of the 1990s, or the current US-backed Karzai government. However, the tactics employed by the neo-Taliban differ from those of the original Taliban. The neo-Taliban has adopted high-impact terrorist tactics,

and has indiscriminately targeted civilians, rather than specific groups of people like the teachers, criminals and Hazara people targeted by the Taliban.

"As a disparate assemblage of several different groups, the neo-Taliban movement has no clear political purpose. However, the strength of their current offensives against NATO-ISAF troops indicates an increase in coordination and military preparation between these groups. Indeed, field research indicates that the composition of the neo-Taliban exposes a proxy war dynamic, especially given the well-funded, highly organised and technologically sophisticated nature of parts of the insurgency. On closer inspection, there appear to be two aspects to the insurgency. One aspect is highly funded, and technologically sophisticated, while the other conforms to low-level, classic guerrilla-warfare techniques. Pakistan has been implicated in the coordination, financing and organisation of the insurgency.

"The Karzai government tried to create divisions inside the neo-Taliban by offering and making [a] distinction between 'good Taliban' and 'bad Taliban'. So far, the strategy for reconciliation has produced no substantial results in softening the insurgency." [20b] (Chapter 1, p55-56)

- 11.31 The Human Rights Watch Afghanistan Country Summary 2007, published on 31 January 2008 stated that:

"The Taliban increasingly relied on public executions to terrorize and rule populations living in areas under their influence. They carried out at least 28 beheadings, several of them filmed and broadcast on the internet. For instance, in April the Taliban distributed video footage of a clearly prepubescent boy beheading Ghulam Nabi, a Pakistani militant accused of betraying a top Taliban official killed in a December airstrike. The Taliban targeted humanitarian aid workers, journalists, doctors, religious leaders, and civilian government employees, condemning them as spies or collaborators. In June they publicly hanged four elders in Helmand province because they were perceived as cooperating with NATO forces. Insurgent groups killed at least 34 aid workers in Afghanistan in 2007." [17a]

- 11.32 "On 9th August [2006], a spokesman of the US-led coalition forces stated that there were widespread reports that the Taliban were forcing young men in the province of Ghazni to join the insurgency. If these reports are credible, this would indicate that the Taliban are returning to a practice which was common during the latter period of their rule." (British Agencies Afghanistan Group, August 2006) [71a] (p5)

- 11.33 A Senlis report published on 5 September 2006 stated that the Taliban was using a mixture of threats and compensation to gain new recruits, particularly in the south of the country where their offensive had intensified:

"These recruits have different motives. They may share the religious beliefs of the combatants. They may also be attracted by the nationalist rhetoric against the foreign troops. They can also join the Taliban because of family or tribal relations. Similarly, the Taliban have generated support by giving poppy farmers protection and financial compensation when their crops are eradicated...

"In addition, anti-government elements use money to enrol Afghan people in their combat units. The Taliban are also recruiting trained Afghan policemen and guards, who are offered a choice between fighting for the Taliban, and facing death...

"They [the Taliban] have achieved success because the Afghan Government, backed by US and NATO-ISAF forces, has shown itself incapable of keeping its promises and responding to people's needs." [20b] (p69-70)

- 11.34 IRIN News reported on 27 February 2008 that high levels of rural poverty or unemployment are probably helping to drive young people to join the Taliban, who are offering mobile phones, money and other financial incentives to young men to join their ranks. [36a1]
- 11.35 In February 2008 the BBC reported that Mansoor Dadulla, a top Afghan Taliban militant had been captured after militants had crossed over to Pakistan to the village of Gawal Ismail Zai and opened fire on security forces. Mansoor Dadullah who was seriously injured in the incident, was reportedly sacked in December after disobeying orders. [25bs] In April 2008 the BBC then reported that the Pashtun rebel commander, Mullah Naqibullah had been arrested in the southern province of Helmand after insurgents attacked the police in Lashkar Gah. Three militants were killed and two officers injured in the clash. [25bt]

### Former Taliban Members

- 11.36 The Danish fact-finding mission to Kabul in March/April 2004 reported in November 2004 that, according to UNHCR, former members of the Taliban who were guilty of human rights abuses were likely to encounter problems with the local community. However:

"The source mentioned that low profiled, or ordinary Taliban members generally do not face problems when integrating in the local community...The Norwegian Chargé d'Affaires pointed out that not all Taliban supporters committed crimes. The source was of the opinion that many ordinary people choose [sic] to join the Taliban just in order to get a job and are therefore not necessarily guilty of human rights abuses. The source found that at the present time there is very little persecution going on of the Taliban supporters. They have adapted to the society and have no problems solely because they are former members of the Taliban." [8] (Section 6.7)

- 11.37 The Danish report further noted:

"The UNHCR explained that it is most likely that some of the people who earlier supported the Taliban are now living in Kabul and other areas without having difficulties with the existing people in power. However the UNHCR pointed out that people who are known for having supported the Taliban run the risk of receiving serious threats if they return to the areas of Faryab, Badghis, Bamian and Ghazni in northern, north western and central Afghanistan. The source explained that a number of the acts of revenge related to the conflicts that aroused [sic] during the Taliban period is [sic] being carried out. The source [k]new of episodes where the local population had imposed certain conditions towards a refugee wishing to return, whom they believed had committed human rights violations." [8] (Section 6.7)

11.38 The Danish report also stated:

“The UNAMA found that the situation for former members of the Taliban is complex. The questions as to whether a former member will have problems in Afghanistan today depends on whether the person concerned has a solid network, and is in a position to persuade that he has changed side [sic] to the people in power. An international NGO mentioned that people who formerly worked for the Taliban can have problems in Afghanistan today, but that the extent of the problems depends on how highly placed the person was.”  
[8] (Section 6.7)

11.39 The September 2004 UN independent expert’s report noted that on 12 September 2004 President Karzai had ordered the release of all detainees transferred from Shiberghan prison in May 2004 and held in Pol-e Charkhi prison. The report noted:

“The detainees were Taliban combatants who were captured in 2001 by Northern Alliance forces under the command of General Dostum. They had been held for over 30 months in violation of the Geneva Conventions. Originally, the detainees numbered between 3,200–4,000, and were kept in the Shiberghan prison facility under the control of General Dostum. Many prisoners obtained their release by paying ransom. Others died under conditions that have been described as murder and torture, such as those who reportedly died of suffocation in metal cargo containers.” [39k] (para. 65)

(See also section: [Prison Conditions](#))

11.40 In a June 2005 report, UNHCR stated:

“It can be presumed that most of the ‘rank and file’ Taliban has already returned to their communities of origin, either in Afghanistan or in Pakistan. Many former Taliban fighters have been released from detention on grounds that they were conscripts and ‘innocent,’ starting in 2002 and in smaller groups since. There are also attempts to include a number of moderate Taliban in the political process to further national unity. To this end, a Commission, headed by Sigbatullah Mojadeddi, has been established, which follows issues of reconciliation, including questions related to amnesties for specific Afghans wishing to return to and participate in the political process in Afghanistan. However, the country has seen surges in the level of violent incidents in some parts directed against the transition process, against the Government and its institutions, which is largely attributed to remnants of the Taliban as well as segments of the Hezb-e-Islami (Hekmatyar). The factions openly oppose and try to disrupt the process toward democracy, and object in particular to the presence of US military forces in Afghanistan. Active association with Taliban or other anti-Government elements may therefore entail serious consequences for the individual concerned, including arbitrary and prolonged detention, ill-treatment and torture, intimidation and extortion by military forces. There are reports from the Eastern and Southeastern regions that Afghans are falsely accused of supporting active Taliban networks. The accusers may be local commanders or members of security forces intent on extorting money from influential and rich Afghans. The co-operation, in many instances, of these local commanders, with Coalition forces to counter remnants of the Taliban and Al-Qaida, has increased the real and perceived authority of these.

In other instances, accusations may be a means to take revenge against an Afghan individual for private reasons. [11b] (p48-49)

(See also Section 32: [UNHCR guidelines](#))

- 11.41 A Radio Free Europe/Radio Liberty (RFE/RL) news report dated 23 November 2005 stated that President Karzai had renewed calls for the armed opposition to the Afghan Government to join the national reconciliation programme, announced in early 2003:

“In April 2003, Karzai urged Afghans to draw a ‘clear line’ between ‘the ordinary Taliban who are real and honest sons of this country,’ on one hand, and those ‘who still use the Taliban cover to disturb peace and security in the country,’ on the other ... While the reconciliation program has garnered some success in attracting a limited number of the latter (neo-Taliban), most of the major success cases have represented former detainees or low-level figures within the insurgency.

“The reconciliation policy, articulated more clearly by Karzai after April 2003, initially maintained that some 100-50 former members of the Taliban regime are known to have committed crimes against the Afghan people; all others, whether dormant or active within the ranks of the neo-Taliban, could begin living like normal citizens by denouncing violence and renouncing their opposition to the central Afghan government...

“Then in May, Sebghatullah Mojaddedi, who heads the Peace Commission, said that government policy had been changed and that the amnesty offer included all members of the Taliban regime – including its spiritual leader, Mullah Mohammad Omar ... Karzai initially backed Mojaddedi’s comments before—seemingly on the heels of domestic and international outcry—both backed away from their statements.” [29t]

- 11.42 Reuters reported on 14 November 2005 that Taliban fighters had rejected President Karzai’s call for them to join the reconciliation process. [40f] BBC News reported on 9 January 2006 that a further offer of talks from President Karzai had been rejected by claimed Taliban spokesman, Mohammed Hanif. [25u]
- 11.43 On 4 March 2005, Radio Free Europe/Radio Liberty (RFE/RL) reported that four senior former Taliban members who had fled to Pakistan after the Taliban were driven from power in late 2001, had responded to an amnesty offer by the Afghan Government: Habibullah Fawzi, a former Taliban diplomat; Abdul Hakim Mujahid, a former envoy to the United Nations; Arsullah Rahmani, the former Deputy Minister of Higher Education; and Rahmatullah Wahidyar, a former Deputy Minister of Refugees and Returnees. [29b]
- 11.44 The RFE/RL report also stated that “The former Taliban officials distance themselves from militants who are continuing attacks in the southern and eastern regions of the country. They say they are talking to the government in the name of their party – not as Taliban members. ‘We talked to the government representing the Khuddam ul Furqan [Servants of the Koran] – not the Taliban,’ Fawzi says.” [29b]

- 11.45 On 21 April 2005 Agence France-Presse reported the surrender of two more senior members of the former Taliban regime under the amnesty offer. They were named as Mullah Mohammed Naseem, the former governor of Zabul province and former police chief of Farah province Akhtar Mohammed. It was also reported that another Taliban commander, Mullah Abdul Wahid, had surrendered last month in Helmand. The Afghan Interior Ministry spokesman was quoted as saying that many Taliban had come forward under the amnesty offer. [40ac]
- 11.46 An article by an independent journalist in the *New York Times*, dated 20 March 2005, also reported on the reconciliation programme:
- “Although many senior officials in the frontline provinces were initially skeptical last year when Mr. Karzai spoke of an amnesty for all except the Taliban senior leadership, many of them now voice support for the policy. In the absence of the federal program, some provincial and even national law enforcement officials around the country have been welcoming the former Taliban officials and fighters home if they promise to eschew violence and support the government.” [28a]
- 11.47 The *New York Times* article also reported a former Taliban recruiter as saying that a lot of people have not joined the process because their friends and relatives are still in Bagram [Afghanistan] and Guantanamo [Cuba] prisons and they fear they will also be arrested and jailed. The article further noted:
- “The American military, recognizing that there is some risk involved, has released a few former Taliban with the assurances of tribal elders that they will vouch for the men’s good intentions. Two of those freed have been appointed district police chiefs in the border provinces most prone to Taliban-led incursions. A third man had been accused of involvement in an explosion in Paktika Province last October that killed five people, including a local doctor who was a senior election official.” [28a]
- 11.48 The RFE/RL article of 23 November 2005 also stated that:
- “At the November meeting of provincial officials in Kabul, Karzai singled out the presence among attendees of former Taliban Foreign Minister Mawlawi Wakil Ahmad Mutawakkil as a positive development in the work of the [reconciliation] commission, which Mojaddedi says has managed to offer reconciliation to around 700 opponents of the government. While Mutawakkil was an important figure within the Taliban regime, he was not part of the neo-Taliban; in fact, he was arrested in Pakistan soon after the collapse of the Taliban government and handed over to U.S. authorities, who imprisoned him before releasing him in October 2003 as part of Karzai’s early attempts to make peace with resurgent militants. Moreover, the 700 figure presented by Mojaddedi does not include any key figures from among those who have kept parts of southern and eastern Afghanistan in a constant state of insecurity.” [29t]
- 11.49 Radio Free Europe/Radio Liberty also reported that “As Kabul has sought to garner support from among the ranks of neo-Taliban or former members of the Taliban regime, government sources have gradually begun to refer to the armed opposition - which calls itself either ‘mujahedin’ or simply ‘Taliban’ - as

‘antigovernment forces’ or ‘enemies of Afghanistan’s peace and prosperity.’”  
[29t]

- 11.50 On 14 January 2006, BBC News reported that Mullah Abdul Samad Khaksar, a former Taliban intelligence chief who defected to the new Afghan government, had been shot dead by two unknown gunmen on a motorbike in Kandahar. The report noted that Mullah Khaksar is the most senior Taliban defector to be killed and had previously told the BBC that he had received threats from the Taliban. [25f]
- 11.51 The former Taliban envoy to Pakistan, Mullah Abdul Salem Zaef, was released from Guantanamo Bay detention centre on condition that he remain in Afghanistan and not join the Taliban or participate in attacks against the US, its allies or the Afghan Government. He was reported as saying that he did not want to join the Taliban in waging war against coalition and Afghan forces but would always remain a talib, “a student of truth and knowledge.” Mullah Zaef now lives in Kabul with his family. (Radio Free Europe/Radio Liberty, 11 September 2006) [29y]
- 11.52 In March 2007, President Karzai signed a Bill providing sweeping amnesty for war crimes committed over more than two decades of conflict in Afghanistan allowing that “all parties involved in the pre-2002 conflicts are granted legal and judicial immunity.” And furthermore, “the Taliban as well as warlords who have been accused of grave human rights violations are exempt from prosecution for crimes committed before the establishment of the December 2001 Interim Administration in Afghanistan.” However, the Bill has been criticised by legislators who are concerned that “MP’s [S/c] opposing the immunity law were explicitly threatened by powerful warlords in the national assembly.” (IRIN News, 11 March 2007) [36u]

### Former Taliban Participation in 2005 Elections

- 11.53 The European Union Election Observation Mission final report on the 2005 parliamentary and provincial elections, published on 10 December 2005, stated that the new parliament included “...a handful of former Taliban, although several prominent ex-Taliban candidates were soundly defeated at the polls.” [98] (p34) A *New York Times* article dated 23 October 2005 stated that four former Taliban commanders had gained seats in the Wolesi Jirga or lower house of parliament. [28c]
- 11.54 Pajhwok Afghan News reported on 13 November 2005 that successful former Taliban figures and supporters in the September 2005 parliamentary elections included Mullah Abdul Salam Rocketi (Zabul), who acquired the nickname “Rocketi” because of his skill in handling rockets. Other successful candidates included former Bamyan governor Maulavi Mohammad Islam Mohammadi (Samangan), Deputy Planning Minister Haji Moosa Hotak (Maidan Wardak), army division commander Maulavi Hanif Shah (Khost), military commander Mullah Tarakhail Kuchi, provincial revenues department chief Khiyal Mohammad Hussein (Ghazni), Ustad Akbari (Bamyan) and Sangar Dost (Maidan Wardak). [95d]

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**Hizb-e-Islami (Hizb-e-Islami/Hezb-e-Islami/Hizb-i-Islami)**

- 11.55 In September 2004 the UN-appointed independent expert of the Commission on Human Rights noted that Hizb-i-Islami is one of the groups in addition to the Taliban and Al-Qaida known as 'anti-Coalition forces' or 'anti-Government forces' which represent a significant security threat in Afghanistan. "They have engaged in steady acts of relatively small-scale violence, targeted assassinations, bombings, rocket attacks and occasional armed assaults." [39k] (para 36)
- 11.56 A Danish fact-finding mission to Kabul in March/April 2004 reported in November 2004 that "The ICG [International Crisis Group] was of the opinion that Hezb-e-Islami does not exist today as a political party, but could be characterized better as a loose structure of individual warlords." [8] (Section 6.8)
- 11.57 A Report by the Afghanistan Justice Project (AJP) published on 17 July 2005 [13a] gives detailed information on war crimes committed by various individuals and parties, including Hizb-i-Islami, during the years of conflict (1978-2001) in Afghanistan. The report should be referred to directly if further information on the activities of Hizb-i-Islami during those years is required. (See [Annex F](#) source numbers) [13a]
- 11.58 On 13 June 2005, the Xinhua News Agency reported that, according to a state-run newspaper, Anis,<sup>18</sup> opposition commanders affiliated with Hekmatyar had laid down their arms and joined the Government. The report said that the commanders surrendered to the Government in Paktia's provincial capital Gerdiz the previous day: "All of them have expressed their readiness to defend the government against enemies." [40p]

**Former Hizb-e-Islami Members**

- 11.59 The Danish fact-finding mission of March/April 2004 reported the views of various sources on the position for people with connections to Hezb-e-Islami in their report published in November 2004. According to UNHCR, ex-Hezb-e-Islami, including former commanders, do not have any problems with the Government in Afghanistan today if they make it clear that they are no longer working with Hekmatyar. UNHCR was reported as saying that "A number of ex-Hezb-e-Islami members occupy high positions within the government. As an example the source mentioned that Hekmatyar's former right-hand [man] currently holds a high position in the government. The present situation taken into consideration, the source found that it depends on the history of a former member of the Hezb-e-Islami whether or not he/she risks being persecuted in Afghanistan." [8] (Section 6.8)
- 11.60 The Danish report also noted that, according to UNHCR, Hezb-e-Islami (Hekmatyar) previously had a lot of civil servants attached to the group and it was likely that President Karzai would include such former officials in the Government:

"President Karzai has among other things appointed various former supporters of the Hekmatyar as governors. The question as to whether a former member of Hezb-e-Islami risks being persecuted today, depends on the person's connection with Hekmatyar, and to what extent the person still is in conflict with powerful people in Afghanistan." An international NGO agreed that the

scope of the problems that may be experienced by people who formerly worked for Hezb-e-Islami would depend on their connections to Hekmatyar and whether or not they were currently in conflict with people in power. [8] (Section 6.8)

11.61 The Danish fact-finding mission also reported:

“The UNAMA mentioned a case in which a person had been arrested by the ANA [Afghan National Army] and was accused of being connected with Hezb-e-Islami. The person was released because his brother was able to prove to the ANA that the person in question no longer supported the Hezb-e-Islami. The source stated that if the security forces believe that one is connected to the Hezb-e-Islami’s Hekmatyar faction, one risks being arrested. There is also a risk that people will accuse others of having connections to Hekmatyar for personal motives.” [8] (Section 6.8)

11.62 The Danish report also noted:

“The CCA [Co-operation Centre for Afghanistan] confirmed that there are people connected with the government who earlier belonged to Hezb-e-Islami. The source mentioned that one of President Karzai’s advisors was formerly the deputy head of Hezb-e-Islami’s security forces in Peshawar. The source was of the opinion that a former member of the Hezb-e-Islami who has changed side, and who is clearly expressing his support for the government can remain in Afghanistan without being involved in problems. However, it is a pre-condition that one is no longer connected with the party. People who are currently active for the Hezb-e-Islami are considered to be at war with the current government like the Taliban supporters. They will not be able to remain in the country without encountering problems.” [8] (Section 6.8)

11.63 Notes on Afghanistan, presented on 28 June 2006 at a Country of Origin Information Conference by Dr Antonio Giustozzi, an expert on Afghanistan, stated that Hezb-e-Islami, like most Afghan political groups, were known to recruit by way of family connections:

“Current activists will approach former members, perhaps right up to the age of 45–50 years, with a view to asking them to collaborate with political or terrorist activities. The security services (NSD) are aware of this policy, and try and keep track of their progress. The NSD have stated their ambition is to have an informant in every village, but this remains an ambition due to budget constraints and to the difficulty of recruiting in areas of the country where the population is hostile.

“The security services in Communist times enjoyed significant resources and strong intelligence, but now have to rely more exclusively on more basic methods. Physical beatings are common to try and obtain information, both within the NSD and the police. Occasionally deaths in custody are reported. Those formerly associated with the Hezb are singled out for harassment, either to obtain intelligence or simply to intimidate them into avoiding future associations – the message being sent is that ‘We are with the government, we can hurt you.’” [37]

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### Former Hizb-e-Islami Members' Participation in the 2005 Elections

- 11.64 On 26 September 2005, Eurasia Daily Monitor reported that it was suspected that as many as 20 per cent of candidates in the parliamentary elections of 18 September 2005 were from Hizb-i-Islami (Asia Times Online, 19 September 2005). The article stated that Hizb-i-Islami had deep links to Pakistan's Intelligence Service (ISI): "The speculation is that with the ISI's backing, Hekmatyar is pursuing 'a two-pronged strategy: mounting terrorist strikes against Kabul, while also planting a foot firmly within the emerging democratic structure.' Hizb-i-Islami's 'democratic incarnation' is led by none other than Hekmatyar's son-in-law and close confidant, Humayun Jarir, who was a candidate from Kabul (*Indian Express*, September 19)." [101] The final election results from the Joint Electoral Management Body (JEMB), however, showed that Humayun Jarir was unsuccessful in the elections. [74b]
- 11.65 An article dated 11 November 2005 from Pajhwok Afghan News reported that other Hezb-i-Islami followers contested the elections from Kabul but were also unsuccessful. Analysts were reported as attributing their failure in the capital to the fighting in Kabul during 1992 which claimed more than 60,000 lives; tough opponents, a dispute with the Government and officials of the Electoral Commission and quarantined ballot boxes. [95c]
- 11.66 However, the same Pajhwok Afghan News article also reported that in other parts of the country "As many as 40 seats in the new Afghan parliament have been won by candidates loyal to the Hezb-i-Islami led by fugitive warlord Gulbadin Hekmatyar. The MPs-elect have been associated with the Hezb during the jihad era and the ensuing civil strife." [95c] The Afghan Research and Evaluation Unit analysis of the parliamentary elections gave an estimate of factional alignments in the Wolesi Jirga (WJ), which stated that 'pro-Government' Hezb-i-Islami factions had won 12 seats in the WJ. [22c] (section 2.1.1)
- 11.67 The Pajhwok Afghan News article of 11 November 2005 stated that the Ministry of Justice had initially turned down a registration request from Hezb-i-Islami's splinter group to be registered to participate in the elections and asked the party to change its name because Hezb-i-Islami was a proscribed organisation; however, the party was granted registration as Hezb-i-Islami less than a month after the parliamentary elections of 18 September 2005, under the leadership of Khalid Farooqi. [95c] The JEMB final results showed that Farooqi won a Wolesi Jirga seat from Paktika province. [74b]
- 11.68 The Pajhwok Afghan News article also stated that "Although the elected members did not use the Hezb platform during their election campaign and most of them contested the polls as independent candidates, analysts believe their old bonds and ideology would bring them together in the new set-up. But few of them will have a soft corner for Hekmatyar as most of them are believed to be staunch supporters of the government-backed national reconciliation programme." [95c]
- 11.69 Other elected Hezb-i-Islami leaders noted by Pajhwok Afghan News included:
- "Haji Ali Mohammad from Logar, Fazlur Rehman Samkani from Paktia and Haji Amir Khan, Maulvi Hanif Shah al-Husaini and Sahira Sharif from Khost. In the eastern region, elected Hezb leaders are Ataullah Ludin and Haji Azizur

Rahman from Nangarhar, Maulvi Shahzada Shahid from Kunar and Engineer Mohammad Alam Qarar from Laghman...Haji Amir Lali from Kandahar, Haji Mir Wali Khan from Helmand, Abdul Qader Imami from Ghor and former Zabul governor Hamidullah Tokhi from Zabul.

"Similarly Maulvi Abdul Aziz from Badakhshan, Engineer Mohammad Asim from Baghlan, Haji Abdur Rauf Baryalai from Kunduz, Haji Mulla Abdullah from Badghis, Haji Aziz Ahmad Nadim and Saadat Fatahi from Herat, Dr Naimatullah from Kabul, Abdul Sattar Khawasi and Mohammad Almas from Parwan, Dr Roshanak Wardak from Maidan Wardak, Engineer Khiyal Mohammad (Mohammad Khan), al-Haj Mamoor Abdul Jabbar Shalgari from Ghazni and Haji Alam, a nomadic candidate, have won parliamentary seats." [95c]

### Al Qa'ida (Al-Qaeda)

- 11.70 "[Al-Qaeda] was formed around 1988 from elements of the international Muslim brigades opposed to the 1979 Soviet invasion of Afghanistan. It seeks to rid Muslim countries of Western influence, get rid of what it views as 'corrupt' regimes and set up a pan-Islamic caliphate. The network is thought to have links to radical Islamist groups in various parts of the world" (BBC, 7 August 2008) [25d]
- 11.71 A BBC News timeline dated 22 April 2005 recorded that the US launched attacks in Afghanistan, where Osama bin Laden had been operating, six weeks after the attacks of 11 September 2001 in the US. Hundreds of suspected al-Qaeda fighters were subsequently held in custody in the US base in Guantanamo Bay, Cuba. [25i] The al-Qaeda organisation is proscribed in the UK under the Terrorism Act 2000 (Proscribed Organisations) (Amendment) Order 2001. [21]
- 11.72 A *Guardian* news article dated 29 September 2005 reported that, according to the Afghan Intelligence Agency of the National Security Directorate (NSD), Al Qa'ida had formed a new group, named Fedayani Islam (Sacrifices for Islam) and sent suicide bombers into southern Afghanistan. This information was described as "fairly accurate" by ANSO, an aid agency security group. [18d]
- 11.73 "A video message from al-Qaida deputy leader Ayman al-Zawahiri was posted on an Islamist website on June 22 [2006], urging Afghans to rise against 'infidel invaders'. The three-minute message, the sixth from Osama bin Laden's deputy in 2006, appeared to have been recorded on May 30, the day after the crash of a US military truck in Kabul, the capital, provoked serious riots President Hamid Karzai subsequently denounced al-Zawahiri, an Egyptian, as 'the enemy of the Afghan people'." (Keesing's Record of World Events, June 2006) [5b]

(See also Section 8: [Kabul](#))

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## 12. JUDICIARY

### ORGANISATION

12.01 “In December 2001, following more than 20 years of civil conflict, there no longer existed a functioning national judicial system in Afghanistan. In accordance with the Bonn Agreement signed in that month, Afghanistan temporarily reverted to the Constitution of 1964, which combined Shari’a with Western concepts of justice. A new Constitution was introduced in early 2004, which made no specific reference to the role of Shari’a but stated that Afghan laws should not contravene the main tenets of Islam. The Constitution made provision for the creation of a Supreme Court (Stera Mahkama) as the highest judicial organ in Afghanistan. Until the inauguration of the Court, which took place shortly after the Meli Shura (National Assembly) was officially opened on 19 December 2005, an interim Supreme Court, established in January 2005, functioned in the country...

“The Supreme Court comprises nine members, including the Chief Justice, who are appointed by the President, subject to the approval of the Wolasi Jirga (House of Representatives).” (Europa World Online, accessed on 1 August 2008) [1g] (Judicial system)

12.02 The Constitution, adopted in January 2004, states that:

“The judicial branch is an independent organ of the state of the Islamic Republic of Afghanistan. The judicial branch consists of the Supreme Court (Stera Mahkama), High Courts, (Appeal Courts), and Primary Courts, structure and authorities of which are determined by law.” [Article 116]...“Judges are appointed with the recommendation of the Supreme Court and approval of the President.” [Article 132] [81]

12.03 “The Supreme Court has overall responsibility for the national court system. The president appoints Supreme Court members with the approval of the House of Representatives (Wolesi Jirga). A national security court tried terrorists and other cases, although details were limited on its procedures. In 2005 President Karzai passed an antinarcotics law by decree, which serves as law pending parliamentary review. The law created a separate central court with national jurisdiction for narcotics prosecutions above a threshold level.” (US Department of State Report, 2007) [2h] (Section 1e)

12.04 Additionally, the US Department of State’s Human Rights report 2007 noted that:

“In some remote areas not under government control, the Taliban enforced a parallel judicial system by means of informal ‘shuras’ (community councils). These included districts in Helmand Province. Punishments handed out by such Taliban councils included beatings, hangings, and beheadings, according to human rights activists.

“In major cities, courts primarily decided criminal cases, although civil cases were often resolved in the informal system. Due to the undeveloped formal legal system, in rural areas local elders and shuras were the primary means of settling both criminal matters and civil disputes; they also allegedly levied

unsanctioned punishments. The informal justice system played a vital role in society. Some estimates suggested that 80 percent of all cases went through the shuras, which did not adhere to the constitutional rights of citizens and often violated the rights of women and minorities.” [2h] (Section 1e)

#### INDEPENDENCE AND GENERAL FUNCTIONING<sup>7</sup>

12.05 The Secretary-General report dated 6 March 2008 stated that:

“The Ministry of Justice, whose capacity remains limited, continues to be overburdened by the amount and complexity of legislation awaiting drafting, scrutiny and review. The Ministry, as well as the Supreme Court and the Attorney-General’s Office, continue to experience a significant lack of resources, infrastructure and qualified and experienced judges and prosecutors. The establishment of the National Legal Training Centre has resulted in the provision of ‘stage’ training to those being inducted for judicial or prosecutorial service. However, threats and bribery make it difficult to recruit, deploy and retain qualified justice officials of integrity in areas where they are most needed. Low salaries also contribute to creating conditions conducive to corruption. Further, the lack of transparent and merit-based processes for appointments and career advancement and the absence of effective and fair mechanisms for investigating ethical-code violations result in insufficient accountability, undermining public trust in the judicial system.” [39x] (p6)

12.06 The Freedom House 2008 Afghanistan Country report stated that:

“There is no functioning nationwide legal system, and justice in many places is administered on the basis of a mixture of legal codes by judges with minimal training. Outside influence over the judiciary remains strong, and judges and lawyers are often unable to act independently because of threats from local power brokers or armed groups. Salaries for judges are woefully inadequate, and corruption is widespread. In rural areas with no police or judicial institutions, unelected and often conservative tribal councils dispense justice. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform; the replacement of Fazl Hadi Shinwari as chief justice in 2006 was a positive step. The administration’s plans to rebuild the judiciary have proceeded slowly, although a new criminal procedure code was promulgated in early 2004 and some progress has been made on the construction of courts and correctional facilities. Many Afghans still do not have access to judicial or legal services, and local warlords act with impunity in parts of the country that remain outside the central government’s reach. In the south, the Taliban have established Sharia courts that employ a harsh form of Islamic law.” [41a] (p7)

12.07 The 2006 Amnesty International Country report stated that “Flaws in the administration of justice remained a key source of human rights violations, especially in rural areas. All stages of the legal process were hampered by corruption, the influence of armed groups, lack of oversight mechanisms, non-payment of salaries and inadequate infrastructure.” [7a]

## FAIR TRIAL

- 12.08 The US State Department (USSD) report 2007 published on 11 March 2008, recorded that:

“Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. Trials were usually public, and juries were not used. Defendants have the right to be present and to appeal; however, these rights were rarely applied. Defendants also have the right to consult with an advocate or counsel at public expense when resources allowed. This right was inconsistently applied, mainly due to a lack of trained personnel and funding. Defendants were not allowed to confront or question witnesses. Citizens were often unaware of their constitutional rights, and there was no functioning public defender system. Defendants and attorneys were entitled to examine the documents related to their case and the physical evidence before trial; however, NGOs noted that court documents often were not available for review before cases went to trial. Defendants were presumed innocent until evidence proved otherwise. The courts reportedly heard cases in sessions that lasted only a few minutes.

“In criminal cases involving murder and rape, judges may sentence convicted prisoners to execution. Under the 2004 constitution, capital punishment is conditional upon approval of the president, who also had the right to reduce penalties and pardon offenders. However, under Shari’a, relatives of victims can also pursue a civil case against a suspected offender, where a judge can offer restitution or even order execution, which the family could choose to carry out themselves, regardless of the outcome of the criminal case.

“Where courts were not available, local elders, often without formal legal training, made decisions through the shura system, basing their rulings on local customs or Shari’a. Even in areas where courts were available, many persons opted for informal dispute resolution, citing cost and effectiveness as reasons. Local elders and shuras often imposed unsanctioned penalties that were not in compliance with codified law. In such proceedings, the accused typically had no right to legal representation, bail, or appeal. In cases lacking a clearly defined legal statute, or cases in which judges, prosecutors, or elders were simply unaware of the law, courts and informal shuras enforced Shari’a; this practice often resulted in outcomes that discriminated against women. In some rural areas, this included the practice of ordering the defendant to provide compensation in the form of young girls to be married to men whose wives had died. Unlike in past years, there were no confirmed reports of flogging or death by stoning.” [2h] (Section 1e)

- 12.09 The 2006 Amnesty International Country report stated that “Detainees continued to be held unlawfully for prolonged periods and denied a fair trial.” [7a]
- 12.10 The report of the United Nations High Commissioner for Human Rights dated 3 March 2006 stated that “The judicial sector remains chronically weak with the result that Afghanistan is currently incapable of meeting its international obligations to investigate and prosecute violations of international humanitarian and human rights law in a manner that is consistent with internationally recognized standards for fair trial. Serious procedural flaws

have been observed in one of the few cases of crimes relating to the conflict that has so far been brought to trial in Afghanistan. Asadullah Sarwary, an intelligence chief under the pro-communist regime of April 1978 to September 1979, is accused of the extrajudicial killing and illegal detention of an unspecified number of people. Detained without charge since 1992, his trial in the National Security primary court commenced in December 2005. He had no legal representation, and standards of evidence, as well as other due process safeguards, were ignored. He was sentenced to death on 25 February 2006.” [39f] (p10) The Times Online reported on 24 February 2008 that Asadullah Sarwary appealed his sentence and is “waiting for the Afghanistan Supreme court to grant him a military trial because he was in the air force.” [68d]

## CODE OF CRIMINAL PROCEDURE

- 12.11 The International Development Law Organisation (IDLO) website, accessed on 24 July 2006, noted that “Libraries and legal collections have been largely depleted or destroyed in Afghanistan during the twenty-four years of conflict, erasing signs of a rich and elaborate legal tradition. No comprehensive collection or official record of laws has survived, while institutions and lawyers still have little or no access to most texts.” The IDLO, however, has assembled a unique collection of Afghan laws, consisting of over 2,400 texts in Dari and Pashto and 100 in English: “The laws date from 1921 to present day and represent most of the legislation produced during the last century.” [81]

This collection of Afghan laws is available on the IDLO website: <http://www.idlo.org/AfghanLaws>

- 12.12 A report by the UN Secretary-General dated 12 August 2005 stated that: “Following the establishment of the Judicial Reform Commission in 2002, an interim criminal procedure code has been adopted and a number of other relevant laws essential to justice reform have been enacted or drafted. [39c] (p10)

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### 13. ARREST AND DETENTION – LEGAL RIGHTS

#### 13.01 The UN Secretary-General Report further noted that:

“The Ministry of Justice, whose capacity remains limited, continues to be overburdened by the amount and complexity of legislation awaiting drafting, scrutiny and review... While public access to courts and legal aid is a constitutional right, it remains elusive to the majority of Afghans, especially women, children and vulnerable groups. This problem is compounded by the fact that public awareness of legal rights and processes is limited. Data from the Ministry of Justice, for example, show that 20 per cent of children in custodial institutions are accused of offences that are not crimes under Afghan law, such as running away from home. Further, a recent study of 22 provincial juvenile facilities by the United Nations Children’s Fund (UNICEF) and the Afghanistan Independent Human Rights Commission pointed to a general lack of due process in the juvenile justice system. The study revealed that only 24 per cent of juveniles had contact with a lawyer during detention, 56 per cent reported that their statement was not given voluntarily and only 9 per cent were advised of their rights upon arrest.

“Nevertheless, there have been slow improvements in infrastructure development for the legal system, and a private corps of lawyers continues to grow. The November 2007 advocates law permitted the establishment of an independent bar association with over 400 registered attorneys. The law also reassigned responsibility for providing legal aid from the Supreme Court to the Ministry of Justice, whose new legal aid unit is receiving greater support from international and national stakeholders. Following the July 2007 Rome Conference on the Rule of Law in Afghanistan, the national justice sector strategy was developed, as well as the National Justice Programme, which will, over the next three years, focus on strengthening Afghan capacity to deliver legal services with integrity and accountability, ensure public access to courts and legal aid and improve public awareness of legal rights and processes, while promoting the coordination of donor activities. Eight short-term projects addressing immediate needs of the justice sector have already been funded and are currently being implemented.” [39x] (p6-7)

#### 13.02 “Data from the Ministry of Justice, for example, show that 20 per cent of children in custodial institutions are accused of offences that are not crimes under Afghan law, such as running away from home. Further, a recent study of 22 provincial juvenile facilities by the United Nations Children’s Fund (UNICEF) and the Afghanistan Independent Human Rights Commission pointed to a general lack of due process in the juvenile justice system. The study revealed that only 24 per cent of juveniles had contact with a lawyer during detention, 56 per cent reported that their statement was not given voluntarily and only 9 per cent were advised of their rights upon arrest.” (The UN Secretary-General’s Report of 6 March 2008) [39x] (p7)

(See also Section 23: [Women](#) and Section 24: [Children](#))

#### 13.03 Article 31 of the Constitution adopted in January 2004 states:

“Every person upon arrest can seek an advocate to defend his/her rights or to defend his/her case for which he/she is accused under the law. The accused

upon arrest has the right to be informed of the attributed accusation and to be summoned to the court within the limits determined by law. In criminal cases, the state shall appoint an advocate for a destitute...The duties and authorities of advocates shall be regulated by law.”

The Constitution also states that “All final decisions of the courts are enforceable, except for capital punishment, which is conditional upon approval of the President.” [81]

- 13.04 Regarding double jeopardy, the Danish fact-finding mission of March/April 2004 reported in November 2004 that:

“The UNHCR had no general information about the occurrence of double jeopardy. They found that the risk of double jeopardy depends on whether a sentence, passed and served abroad, comes to the attention of the authorities in Afghanistan. It is difficult in practical terms to follow up on what happens in Afghanistan and therefore it is even more difficult to keep track on [sic] what sentences have been passed abroad.” [8] (Section 7.2)

- 13.05 The US State Department (USSD report 2007, published on 11 March 2008, recorded that:

“Authorities did not respect limits on length of pretrial detention, and lengthy pretrial detention remained a problem in part because the legal system was unable to guarantee a speedy trial. The UN Human Rights Commission, ICRC, and AIHRC reported that arbitrary and prolonged detentions frequently occurred throughout the country. The Interim Criminal Procedure Code sets limits on pretrial detention. Police have the right to detain a suspect for a maximum of 72 hours to complete a preliminary investigation. If they decide to pursue a case, the file is transferred to the prosecutor’s office, which must see the suspect within 48 hours. The investigating prosecutor could continue to detain a suspect without formal charges for 15 days from the time of arrest while continuing the investigation. Prosecutors must file an indictment or drop the case within 30 days of arrest. The court has two months to hear the case. An appeal must be filed within 20 days, and the appellate court has two months to review the case. A second appeal must be filed within 30 days, after which the case moves to the Supreme Court, which could take up to five months to conclude the trial. In many cases, courts did not meet these deadlines. NGOs continued to report that prison authorities detained individuals for several months without charging them. There were credible reports during the year that police in Ghazni and Kabul continued to detain prisoners after they were found innocent. [2h] (Section 1d)

[See also Section 14: [US military bases](#) for information on people detained by the US]

- 13.06 In January 2006, Human Rights Watch reported that:

“U.S. and coalition forces active in Afghanistan under Operation Enduring Freedom since November 2001, continue to arbitrarily detain civilians and use excessive force during arrests of non-combatants. Ordinary civilians arrested in military operations are unable to challenge the legal basis for their detention or obtain hearings before an adjudicative body. They have no access to legal counsel. Generally, the United States does not comply with legal standards

applicable to its operations in Afghanistan, including the Geneva Conventions and other applicable standards of international human rights law. At least six detainees in U.S. custody in Afghanistan have been killed since 2002. U.S. Department of Defense documents show that five of the six deaths were homicides.” [17o]

- 13.07 The Human Rights Watch, 2008 report on Afghanistan stated that “The US military operates in Afghanistan without an adequate legal framework, such as a Status of Forces Agreement with the Afghan government, and continues to detain hundreds of Afghans without adequate legal process.” [17a]
- 13.08 The USSD 2007 report also stated that the law prohibits torture and other cruel, inhuman or degrading treatment or punishment: “During the year [2007] human rights organizations reported that local authorities in Herat, Helmand, Badakhshan, and other locations continued to torture and abuse detainees. Torture and abuse included pulling out fingernails and toenails, burning with hot oil, beatings, sexual humiliation, and sodomy.” [2h] (Section 1d)

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## 14. PRISON CONDITIONS

14.01 “Prison conditions remained poor. Most were decrepit, severely overcrowded, unsanitary, and fell well short of international standards. Some prisons held more than twice their planned capacity. Often prisoners were in collective cells, reflecting resource constraints and also cultural preferences for collective housing rather than individual or two-person cells. Where new collective cells were constructed, consideration was given to appropriate square footage per person. In district prisons, shipping containers were used as cells when other structures were unavailable. There were reports of prisoners beaten and tortured. Resource constraints contributed to some prisoners not always having access to an adequate diet, but it was not policy or practice to withhold food to ensure a compliant prison population. The AIHRC continued to report that inadequate food and water, poor sanitation facilities, insufficient blankets, and infectious diseases were common conditions in the country’s prisons. Infirmaries, where they existed, were underequipped, and the supply of quality medicine was insufficient. Contagious and mentally ill prisoners were rarely separated from other prisoners. In September, 120 inmates at Pol-e-Charkhi prison undertook a hunger strike lasting two days. The prisoners stated they were protesting conditions at the prison and unfair judicial procedures.” (The US Department of State Report, 2007) [2h] (Section 1c)

14.02 The Freedom House 2008 report stated that:

“Prison conditions remain extremely poor. Many inmates are held illegally, and prisoners are forced to rely on relatives for food and other provisions, according to the AIHRC. Prison riots in Kabul in February 2006 left 5 people dead and over 50 wounded. In July 2006, human rights groups raised concerns over government plans to reestablish the Department for the Promotion of Virtue and Prevention of Vice, which had been notorious for imposing severe restrictions on behavior and dress under the Taliban. The proposed department, which would be part of the Ministry of Islamic Affairs, was still being considered by the president’s office at the end of 2007.” [41a] (p7)

(See also Section 13: [Arrest and Detention – Legal Rights](#) )

14.03 The United Nations Office on Drugs and Crime report, Female prisoners and their social reintegration, March 2007 recorded that:

“Pul-e Charki prison for women comprises one of the blocks of the prison complex housing male and female prisoners in Kabul. Accommodation is provided in nine rooms, holding 4 to 15 prisoners each and their children. There were 69 women prisoners in the prison in December 2006, with 43 children. Twelve of the children were born in prison. There are 15 members of staff. All those working in the prison are female, though external security is provided by male staff.

“Food is delivered to the women’s dormitories. Most women interviewed complained of the lack of adequate and good quality food. Some women also receive food from their families, depending on whether they have visits, which often is not the case.

"Healthcare is inadequate. A prison doctor is said to visit on a regular basis, but interviews suggested that visits take place only on request and that treatment provided typically consists of pain killers only. A female gynaecologist working for AWEC [Afghan Women's Educational Centre] has been visiting prisoners in Pul-e Charki once a month. The NGO, Emergency, also provides medical care to male and female prisoners in Pul-e Charki, with a 24-hour medical service available to prisoners. AWEC and Emergency supplement the diet of pregnant women and breast feeding mothers. Prisoners were not satisfied with the medical service and complained of various health conditions, including Hepatitis B and especially psychological problems. AIHRC expressed concern regarding the arrangements for childbirth. Hospitals apparently do not send doctors to prisons for delivery (and in any case there are no proper facilities for women to deliver in prisons), and they do not always accept women from prison for childbirth in hospitals." [87b]

- 14.04 The report also noted that "Toilet and washing facilities are located outside the prison and hygiene is poor.... and many women complained about the lack of a heating system. There are three rooms which are used for vocational training and education classes, provided by AWEC (Basic Health Education, Literacy Classes, First Aid, Handicrafts and Tailoring). Classes are held five days a week, between 8.30 and 12.00." [87b]

(See also Section 23: [Women or Imprisonment of Women](#) for further information)

- 14.05 Furthermore, the report noted "There is a day centre for children, though it did not appear to be in use at the time of visits conducted in December 2006, due to the lack of heating. At other times AWEC facilitates a child specialist to take care of the children in this day centre and teaches them the basics of the alphabet, numbers and Islam. The children are said to be given toys to play with and taught to draw. They are also provided with supplementary food by AWEC." [87b]

(See also Section 24: [Children](#))

- 14.06 The UN Secretary-General's report of 7 March 2006 stated that:

"The human rights situation regarding imprisonment in Afghanistan remains critical. Most prisons are old, dilapidated and overcrowded while others have been destroyed by war and years of neglect. Despite the threat to community security posed by a weak prison infrastructure, reform of the prison system has not yet attracted sufficient funding. Reforms require not only functioning prisons in general, but the establishment of separate facilities for women and juvenile offenders in each of the 34 provinces. Strategies for reconstruction and reform efforts are being developed by a high-level working group under the direct leadership of the Ministry of Justice. A number of specific rehabilitation activities have also been undertaken in the past year, including the reconstruction of the main detention facility in Kabul and major renovations to the central Pol-e-Charkhi Prison. However, the aftermath of the riot at Pol-e-Charkhi Prison, which commenced on 26 February 2006, will necessitate an urgent reassessment of reform approaches and priorities." [39h] (p7)

- 14.07 The USSD 2007 report, 2007 noted that "The government reported 34 official prisons, one in each province. The government also reported 31 active

rehabilitation centers for juveniles. Approximately 14 detention centers housed female prisoners.” [2h] (Section 1c)

(See also Section 8: [Security Situation in the south](#) for information on the prison break-out from Khandahar prison in June 2008)

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## US MILITARY BASES

- 14.08 In March 2004, Human Rights Watch (HRW) published a report alleging that the United States was maintaining a system of arrests and detention in Afghanistan as part of its ongoing military and intelligence operations that violated international human rights law and international humanitarian law (the laws of war). [17b] (p1)
- 14.09 Amnesty International reported on 1 March 2006 that:

“Two Afghan detainees, Dilwar and Habibullah died from multiple blunt force injuries inflicted while they were held in an isolation section of Bagram US airbase in December 2002. Army investigative reports later revealed that both men were kept hooded and chained to a ceiling while being kicked and beaten during sustained assaults by military personnel. A soldier who acknowledged inflicting more than 30 consecutive knee strikes to Dilwar (a slight, 22 year old taxi driver) as he stood in shackles, told investigators that the blows were standard operating procedure for uncooperative detainees. An army criminal investigation report said both deaths were caused primarily by severe trauma to the men’s legs, adding that ‘sleep deprivation at the direction of military intelligence soldiers’ was also a ‘direct contributing factor’ in Dilwar’s death. Army medical examiners found the prolonged shackling had also contributed to his death. 7 low-ranking soldiers, charged variously with assault, maltreatment, dereliction of duty and making false statements eventually received sentences ranging from five months’ imprisonment to reprimand, loss of pay and reduction in rank.” [7i] (p1)
- 14.10 “During a visit to Afghanistan in December [2005], AI [Amnesty International] met some of the hundreds of people whom US/CF [US and Coalition] forces had detained in mass, arbitrary arrests, following raids on villages and towns. These raids relied on often flawed intelligence about alleged centres of ‘insurgents’. The soldiers’ conduct in the raids humiliated and degraded local people, notably through their treatment of women and the manner of their searches. Dozens of people reported months of arbitrary detention under US custody at Bagram airbase, held without charge, trial or access to legal representation.” (Amnesty International, 1 March 2006) [7k] (p3)
- 14.11 “There are signs that the goodwill widely felt towards US and Coalition (US/CF) forces following the removal of the Taleban from power is being replaced by resentment and opposition because of the human rights violations perpetrated by US/CF forces.” (Amnesty International, 1 March 2006) [7k] (p3)
- 14.12 Amnesty International reported on 3 May 2006 that:

“Hundreds of detainees continue to be held in US custody in Afghanistan, with no recourse to due legal process or human rights protection. Some have been

detained without charge or trial at Bagram US airbase for two or three years, yet have no access to lawyers, relatives or the courts. Some of the worst abuses of detainees (including torture and deaths in custody) in 2002/3 are reported to have occurred in a section of the Bagram facility to which the ICRC had no access. While Amnesty International has been told that the ICRC now visits detainees in Bagram every two weeks, detainees remain incommunicado during the initial period of detention as well as between visits. The ICRC still has no access to detainees held in an unknown number of US Forward Operating Bases, where detainees may reportedly be held for up to ten days, or possibly longer...[7i] (p4)

14.13 The AI further reported that:

“... there have been reports of detainees held in forward operating bases, at least up to March 2005, being subjected to abuses including hooding, shackling and deprivation of food and water. In October 2005 the Pentagon announced an investigation into television footage purportedly showing a group of US soldiers burning the bodies of two Taliban members and using their charred corpses to taunt villages suspected of harbouring insurgents. While conditions in the Bagram detention facility are reported to have improved, they are still very basic with many prisoners held in wire pens or living under bright indoor lights which are dimmed for only a few hours a night. It has also been reported that detainees have been subjected to cruel punishments, including being handcuffed for hours in a small cell or placed in isolation for days, for minor rule infractions.” [7i] (p6)

14.14 On 17 August 2006, BBC News reported that a former CIA contractor had been convicted in the US for assaulting an Afghan prisoner who later died during questioning on a US military base in Afghanistan in June 2003. He faces a jail sentence of up to eleven and a half years. It was the first case of a US civilian being charged with abusing a prisoner since the wars in Afghanistan and Iraq began. [25an]

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## 15. DEATH PENALTY

- 15.01 The Constitution of January 2004 allows for capital punishment, conditional on the approval of the President. [81] “The 160 articles make no explicit reference to Sharia law, but the constitution declares Afghanistan to be an ‘Islamic republic’ and states that ‘no law shall be contrary to the beliefs and provisions of the sacred religion of Islam’ – and the Islamic provisions do foresee capital punishment, namely for crimes against Islam (armed robbery, adultery, and apostasy or blasphemy), and for crimes against the person (murder).” [108]

“The 1976 Penal Code, still in force nowadays, identifies the crimes subject to capital punishment in numerous articles, which refer to two main categories: crimes against the security of the State and crimes against individuals, namely certain types of aggravated murder.

“Other provisions of aggravated murder have been included in recent legislation, such as: the Anti Narcotic and Drug Law issued in November 2003, which provides for the death sentence in the case where a drug smuggler, while resisting arrest, kills a law enforcement officer; and the presidential decree of July 3, 2004 that foresees the death penalty for those convicted of child kidnapping and smuggling aimed at using the victim’s body parts whenever a death is caused as consequence.

“Crimes punishable by death are also listed in the Law on Crimes against Internal and External Security of 1987, and in the Military Law of 1989, both of soviet inspiration and still in force. Such crimes are mostly related to the security of the State, especially in time of war. The crimes identified by these laws are processed respectively by the National Security Court and by the Military Court.

“However, the newly adopted Juvenile Code, that defined as juvenile ‘a person who has completed the age of 12 and has not completed the age of 18’, clearly states, under article 39, paragraph c, that children cannot be convicted to death penalty.” (Hands Off Cain, *nd*) [108]

- 15.02 In March 2006, the arrest and trial of Abdul Rahman drew international condemnation of the Afghan courts. Rahman, a Muslim-born Afghan who converted to Christianity some 16 years previously, was sentenced to death for apostasy following his arrest whilst in possession of a bible; (*The Guardian*, 20 March 2006 and 28 March 2006) [18e] [18g] (BBC, 20 March 2006 and 29 March 2006) [25t] [25az] (*The Independent*, 27 March 2006) [35c] “It is thought that he was denounced by relatives after returning to seek custody of his two daughters. His family alleged he forced them to read the Bible, something he has denied.” (BBC, 29 March 2006) [25az] “Mr Rahman was freed on Monday [27 March 2006] after being deemed mentally unfit to stand trial on a charge of apostasy.” The BBC reported on the 29 March 2006 that Mr Rahman had travelled in Italy where he was granted asylum. (BBC, 29 March 2006) [25az]

(See also Section19: Freedom of Religion - [Converts and Christians](#))

- 15.03 In October 2007, the use of the death penalty was resumed after a three-year moratorium when President Karzai ratified the death sentences of 15 prisoners, which were reportedly carried out in chaotic circumstances.

(Aljazeera.net, 8 October 2007) [15b] (AI, 9 October 2007) [7n] (IRIN, 17 October 2007) [36af] (Times Online, 6 November 2007) [68c] (International Relations and Security Network, 13 November 2007) [109] A November 2007 report by the International Relations and Security Network (ISN) remarked:

“Government officials are defending last month’s execution of 15 prisoners, despite of claims that the operation was a roadside slaughter. The authorities have been severely criticized for the escape of Afghanisyan’s most notorious criminal Timor Shah, who was sentenced to death for kidnapping, rape and murder. It is not clear how Timor Shah managed to avoid the 7 October execution, which reportedly took place at 9:30pm by the side of a road on the outskirts of Kabul.” [109]

- 15.04 Amnesty International’s Afghanistan report 2008 recorded the incident, noting that one of those sentenced to death bribed his way out of his execution and the other 15 were shot as they attempted to flee the execution. The report further noted that “Between 70 and 110 people were believed to remain on death row.” [71]
- 15.05 In January 2008, “A young journalism student was sentenced to death for blasphemy and defaming Islam. Sayed Perwiz Kambakhsh, 23, was arrested last October in Balkh province, northern Afghanistan, for distributing a paper allegedly against the tenets of Islam. Sources said that the material was about the conditions of women in the country.” (Asianews, 23 January 2008) [110] “Some 200 men and women belonging to the small Solidarity Party of Afghanistan protested in front of the main UN office in Kabul, calling for the release of Kambakhsh.” (Reuters, 31 January 2008) [24e]

(See also Section 17: Freedom of Speech and Media – [Journalists](#) for information on journalists sentenced to death)

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## 16. POLITICAL AFFILIATION

### PERSONS WITH LINKS TO THE FORMER COMMUNIST REGIME

#### KhAD (KhAD) (Former Security Services)

- 16.01 “The origins of KhAD [‘Khadimat-e Atal’at-e Dowlati’, i.e. State Information Service] can be traced back to a 1,200-strong group inside the PDPA [Peoples Democratic Party of Afghanistan] which, after the arrival of Russian troops in December 1979, took over intelligence responsibilities from KAM. That group, comprised of parchamis, was active from December 1979 until March 1980, and was known as ‘the activists’. It was led by a smaller group, headed by Dr. Najibullah and Dr. Baha, who worked on designing and establishing the structure which would be known as KhAD. The Government of Babrak Karmal officially announced the creation of KhAD, with its internal structure of multiple Directorates, on 10 January 1980. In 1986, KhAD was upgraded to Ministry level and from then on was known as WAD (Wezarat-e Amniyat-e Dowlati or Ministry of State Security).” (UNHCR, May 2008) [11b] (p2)
- 16.02 Reporting of the number of KhAD members the UNHCR 2008 report noted that “... the strength of the KhAD/WAD, at the peak of its capacity, comprised a total of about 1,000 persons per province, with some provinces having more than others. Of these, about one quarter are believed to have formed the personnel of Support Directorates. In addition, the organization may have had up to 20,000 personnel at its Headquarters in Kabul, an undetermined number of agents and informers depending on location, and a further undetermined number in its military wings. In total, KhAD/WAD may have had between 15,000 and 30,000 staff at the height of its development, the figure being between 60,000 and 90,000 if agents and informers are also taken into account. [11c] (p4)
- 16.03 “The KhAD/WAD structures included several military components:
- The Directorate for Counter-Rebellion had three military battalions with soldiers based mainly in Kabul City, tasked with operations including arrest and preliminary investigations;
  - Fighting forces of KhAD/WAD tasked with carrying out military operations were composed on an ad hoc basis of operative officers of different Directorates, and sent to the front lines;
  - As of 1988, the National Guard was established, headed by the fourth Deputy Minister inside the WAD structure, who had himself three deputies: for propaganda and counter-propaganda, operational and logistics affairs respectively. It had more than ten units, each composed of 500 to 700 officers and soldiers, covering ground operations and air defense. The National Guard was tasked with offensive military operations, but was not part of security and intelligence operations.” [11c] (p5)
- 16.04 The UNHCR further noted that:

"KhAD/WAD had also some level of control on the Kabul Garrison that was the main military unit in charge of the city's security and army recruitment. The Garrison was under the overall authority of the Deputy Minister of Defense, and was managed in close consultation with senior officials from the Ministry of Interior, the Attorney General's Office, and the KhAD/WAD..."

"The KhAD/WAD maintained 32 interrogation units, one in each of the provinces of Afghanistan. Reports of torture exist for the provincial centers in Bamian, Ghazni, Jalalabad, Kandahar, Lashkargah, and Pol-e Khomri. In addition, KhAD/WAD is reported to have practiced torture in the following locations: near Dar-ul Aman palace in Kabul; in Shashdarak area north of Kabul; in two locations, one in Bibi Mahroo in the north-east of Kabul, and the other in Wazir Akbar Khan, near the city centre; and a large building complex in central Kabul known as Sedarat, which also housed the WAD headquarters and the Special Court of National Security." [11c] (p5-7)

16.05 "KhAD/WAD officers often infiltrated Mujaheddin groups and fighting forces as commanders, tasked with supporting Afghan Government military operations by weakening the Mujaheddin capacity, exposing Mujaheddin military plans, destabilizing Mujaheddin groups and paving the way for government military action against the Mujaheddin. They were authorized to use any necessary strategies to maintain their cover and not disclose their identity as KhAD/WAD officers." [11c] (p5-6)

16.06 Furthermore the report added:

"At both the national and the provincial/district level, certain Directorates were engaged in active security operations, during which many human rights violations occurred. These were above all the Directorates for Operative Activities for Internal Control of KhAD/WAD Personnel, for Counter-Rebellion, for Surveillance of Foreign and National Suspects, for the Protection of the Government and its Representatives, for Activities linked to Infiltration of Mujaheddin, the Directorate of Interrogation, as well as the Police KhAD/WAD, and the corresponding functional units at provincial and district level. The military KhAD/WAD was present throughout the armed forces' structures down to at least battalion level, according to their functional and geographical structures, but still reported to KhAD/WAD.

"However, the KhAD/WAD also included non-operational (support) Directorates/Units at the central, provincial and district levels, as follows:

- Administration and Finance
- Cadre / Personnel
- Post and Parcels
- Propaganda and counter propaganda
- Logistics
- Telecommunications and Decoding
- Press and Educational Institutions
- Agents and Informers"

[11c] (p6)

16.07 "For all officers of KhAD/WAD, a mandatory training course was conducted at the KhAD/WAD training centre in Kabul. The training included logistics,

recruitment, defamation techniques, organization and identification of covert meetings and networks and training in the use of small networks. Training for middle rank officers (i.e. first lieutenant to lieutenant colonel) was equally mandatory, and was organized in Tashkent (Uzbekistan). Unlike the mandatory training for all KhAD/WAD officers, it included training on interrogation and criminal investigation techniques. Training for high-ranking KhAD/WAD officers (from the rank of colonel upwards) was conducted in Moscow. This training included management and policy issues as well as financial affairs. There is no information available on the number of participants in these courses.” (UNHCR, May 2008) [11c] (p8)

(See also Section 9: [National Security Directorate](#))

For further information on the history and structure of KHAD, refer to the June 2008 UNHCR report source [11c]

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### Treatment of Former KhAD Members

- 16.08 A Danish fact-finding mission to Kabul in March/April 2004 reported the views of several sources on the position of former members of KHAD and the People's Democratic Party of Afghanistan. According to their report published in November 2004, UNHCR said “Regarding the question as to whether a person from the former PDPA or KHAD runs the risk of any form of persecution depends on whether he, in the course of his activities for the PDPA or KHAD, has had concrete conflicts with or has come in opposition to people who are in power at the present time... The UNHCR did not know of any former members of the KHAD who have returned.” [8] (Section 6.5.1)
- 16.09 The same Danish report also noted the views of UNAMA:
- “The source [UNAMA] had the impression that the political environment in Afghanistan currently is not open to all political viewpoints. The source stated that in this connection personal conflicts are more important than political conflicts. The source mentioned a case in which a former employee of the KHAD had returned to Afghanistan and was now working for the security forces. The person has complained that powerful individuals have threatened him, persons he in his previous position had been investigating. He had allegedly been stopped in the street and threatened into silence.” [8] (Section 6.5.1)
- 16.10 The Danish report noted that the CCA (Co-operation Centre for Afghanistan) said that about half of the officers working in the present Afghanistan Intelligence Services are former officers of the KHAD. The report stated that “It has been necessary to introduce them into intelligence work, as there is a lack of qualified personnel in this field. The organization gave as an example that the director in the 7<sup>th</sup> department of the present intelligence service earlier served the same position in the KHAD.” [8] (Section 6.5.1)
- 16.11 In a June 2005 report, the UNHCR stated that “A large number of former People's Democratic Party of Afghanistan (PDPA) members as well as former

officials of the Khad (the intelligence service) are working in the Government, including the security apparatus.” [11b] (p45)

- 16.12 The UNHCR paper also recorded “Former military officials, members of the police force and Khad (security service) of the Communist regime also continue to be at risk, not only from current powerholders but more so from the population (families of victims), given their identification with human rights abuses during the Communist regime.” [11b] (p46)

- 16.13 The Human Rights Watch (HRW) 2005 Afghanistan report, published in January 2006, stated that “... on October 14, a Dutch court convicted Hesamuddin Hesam and Habibullah Jalalzoy, both high level members of KHAD, Afghanistan's infamous communist-era intelligence service, of engaging in torture and sentenced them to twelve years and nine years in prison, respectively.” [17o] (p4)

- 16.14 On 25 February 2006, BBC News reported that Asadullah Sarwari, a former head of the Afghan intelligence department set up under the communist Government in 1978, had been sentenced to death for ordering hundreds of killings in the late 1970s. “His sentence is the first to be passed for war crimes in Afghanistan...Sarwari ran the intelligence service for a year. He then held posts as deputy prime minister and Afghanistan's ambassador to Yemen.

Following the collapse of the communist government in 1992, he was held in prison until his trial began last December.” The news report stated that Sarwari denied the charges and would appeal against the verdict. [25o]

- 16.15 On 2 March 2006, Human Rights Watch reported that Sarwari's trial had:

“...violated basic fair trial and due process standards... Sarwari did not have legal counsel at his trial because he could not afford a lawyer and the court could not find any lawyers willing to represent him. The trial was summary in nature, taking only one day for the prosecution and defense to present their cases. Because the proceedings were conducted so quickly, Sarwari did not have adequate time to question witnesses or challenge the evidence against him. While Sarwari challenged the authenticity of a document he allegedly signed ordering illegal executions, no evidence was offered to show it was authentic and the court turned down his request for a forensic test. The National Security Court that conducted the trial is a special branch established by the Supreme Court, but its exact mandate and procedures are unclear.” [17n]

(See also paragraphs below for UNHCR information on Afghans associated with the PDPA and consideration of exclusion clauses under Article 1F of the Geneva Convention)

### Former Members of the PDPA (People's Democratic Party of Afghanistan)

- 16.16 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 stated that:

“While many former PDPA members and officials of the former communist regime are able to enjoy protection through family, tribal or political ties, others, unable to rely on community links to provide protection, remain at risk

due to their prior political affiliation. Such risk extends to high ranking or publicly known PDPA figures, their family members, as well as security officials. While at particular threat of retaliatory violence are those associated with human rights violations perpetrated by the Communist regime, asylum applications of those who served in the military, police and security service, as well as some high ranking party and officials in particular ministries, will require scrutiny under the exclusion clauses under the 1951 Convention.” [11k] (p10)

16.17 The UNHCR report further stated:

“Those former PDPA high-ranking members without factional protection from Islamic political parties or tribes, or influential personalities, who may be exposed to a risk of persecution, include the following:

- high-ranking members of PDPA, irrespective of whether they belonged to the Parcham or Khalq faction of the party; they will be at risk if they are known and had a public profile; these encompass (1) high-ranking members of Central and Provincial Committees of the PDPA and their family members; and (2) secretaries of PDPA's committees in public institutions; and
- former security officials of the communist regime, including Khad, also continue to be at risk, in particular from the population – i.e. families of victims– given their association with human rights abuses during the communist regime.” [11k] (p75)

16.18 The Danish fact-finding mission of March/April 2004 reported in November 2004 that “The UNAMA was of the opinion that former members of the PDPA who did not have a high profile could settle in Afghanistan. However, the source found that ex-members of the PDPA would find it difficult to reorganize politically in an organization with a communist ideology without experiencing some form of harassment. The degree of harassment according to the source depends on the history of the person.” [8] (Section 6.5.1)

16.19 The Danish report further noted:

“The ICG [International Crisis Group] was of the opinion that whether an ex-member of the PDPA was able to return to Afghanistan depends on whether the person tries to exercise any political influence as a communist. If this is not the case, such an individual will be able to live in the country.

“The source mentioned the leader of the United National Party as an example of a former highly positioned PDPA member who lives in Afghanistan. The person is a former member of the central committee of the PDPA, and President Karzai is considering employing him in a high ranking position. The United National Party is a new party with a non-communist ideology... The source explained, however, that the above-mentioned former member of the central committee of the PDPA is forced to live under a considerable degree of protection.

“The source was of the opinion that there exist former PDPA members who cannot return to Afghanistan. The source mentioned that a number of the former members have been selected by President Karzai to work for the

government, and that many ministries could not exist if they had not been employed. The source pointed out that many of the former members of the PDPA are not war criminals, but have relevant training, which can be used to contribute to the reconstruction of the country. Many of these people are only trying to find a meaningful way of using their resources for the rest of their lives, and have no strong political interests.” [8] (Section 6.5.1)

- 16.20 The same Danish report stated “The CCA was of the opinion that former communists do not experience serious problems in Afghanistan today. A number of former members of the PDPA have organized themselves again, and there are many examples of former highly placed supporters of the PDPA working in the current government. The CCA was of the opinion that former high-ranking members of the PDPA can remain in Afghanistan if they do not get involved in conflicts with powerful individuals.” [8] (Section 6.5.1)

- 16.21 The Danish report further noted:

“The AAWU [All Afghan Women’s Union] explained that there are still prejudices in Afghan society against former members of the PDPA. The source explained that former members have problems when registering their political parties and they have difficulties in finding jobs in the administration within the government.

“According to the Lawyers Union of Afghanistan there is no greater risk in Afghanistan today for former members of the PDPA than for Afghans in general. In this context it has no importance what position one occupies in the PDPA. The source stated however that very highly profiled former members of the PDPA have not returned to Afghanistan yet.” [8] (Section 6.5.1)

- 16.22 Regarding individuals with connections to the former Soviet Union, the Danish fact-finding mission in 2004 noted “The UNHCR and the UNAMA both said that they did not have information supporting the fact, that people returning from longer-term stays in the former Soviet Union have problems in Afghanistan today, solely for the reason that they have been staying in the Soviet Union for a longer period. The CCA explained that people who return after a long stay in the former Soviet Union do not experience major problems in Afghanistan, except if they have had any specific conflicts with people who want to make revenge.” [8] (Section 6.5.2)

- 16.23 A UNHCR report dated June 2005 stated:

“A large number of former People’s Democratic Party of Afghanistan (PDPA) members as well as former officials of the Khad (the intelligence service) are working in the Government, including the security apparatus. A congress of the People’s Democratic Party of Afghanistan (PDPA) in late 2003 which led to the creation of Hezb-e-Mutahid-e-Mili (National United Party) with 600 members and other former PDPA officials have founded several other new parties.

“While many former PDPA members and officials of the Communist Government, particularly those who enjoy the protection of and have strong links to currently influential factions and individuals, are safe from exposure due to their political and professional past, a risk of persecution may persist for some members of the PDPA, later re-named Watan (Homeland). The

exposure to risk depends on the individual's personal circumstances, family background, professional profile, links, and whether he was associated with the human rights violations of the Communist regime in Afghanistan between 1979 and 1992.

"Some former high-ranking members of PDPA without factional protection from Islamic political parties or tribes or influential personalities are at greater risk of persecution. They include:

- High ranking members of PDPA, irrespective of whether they belonged to the Parcham or Khalq faction of the party. They will be at risk only if they are known and had a public profile. This includes (i) high ranking members of Central and Provincial Committees of the PDPA and their family members; and (ii) high ranking members of social organizations such as the Democratic Youth Organization and the Democratic Women's Organization.
- Former military officials, members of the police force and Khad (security service) of the Communist regime also continue to be at risk, not only from current powerholders but more so from the population (families of victims), given their identification with human rights abuses during the Communist regime.
- Members of the following parties if they openly promote these parties led by former leaders of PDPA, particularly in rural areas of the country:
  1. Hezb-e-Mutahid-e-Mili, (National United Party) led by Noor UI Haq Uloomi,
  2. De Afghanistan De Solay Ghorzang Gond, (Peace Movement Party of Afghanistan) led by Shahnawaz Tanai,
  3. Hezb-e-Mili Afghanistan, (National Party of Afghanistan) led by Abdul Rasheed Aaryan,
  4. Hezb-e-Wahdat-e-Mili Afghanistan (National Solidarity Party of Afghanistan) led by Abdul Rasheed Jalili." [11b] (p45-46)

- 16.24 The same UNHCR paper also advised "When reviewing the cases of military, police and security service officials as well as high-ranking Government officials of particular ministries it is imperative to undertake an analysis of the potential applicability of exclusion clauses of Article 1F of the 1951 Geneva Convention. To some extent, many of these previous Afghan officials were involved, directly or indirectly, in widespread human rights violations." [11b] (p46)

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## FORMER COMMUNISTS' PARTICIPATION IN THE 2005 ELECTIONS

- 16.25 An International Crisis Group (ICG) report dated 15 May 2006 stated that following the 2005 parliamentary election 34 members of the Wolesi Jirga:

"... were associated with former communist regimes or politics. The most prominent include Sayed Mohammad Gulabzoi, member for Khost and a former Khalq general and key figure in the 1978 coup, and Nurul Haq Oloomi,

the principal heir to the Parcham faction from the Najibullah era, who was elected in Kandahar. Again, this is a broad group, one just as divided, if not more so, than the mujahidin. Better educated than most members, many have held highly technical or authoritative positions. They tend to seek distance from their pasts and to position themselves as 'democrats' and 'moderates', in some cases emphasising ethnic and tribal allegiances." [26h] (p8)

- 16.26 The *New York Times* article of 5 September 2005 stated that "General Gulabzoi took part in the overthrow of King Zaher Shah in 1973 – and virtually every coup since – and was aide de camp to the ruthless Communist leader Nur Muhammad Taraki and then interior minister for all of the Soviet occupation. He returned to Afghanistan 16 months ago after 17 years in exile in Russia." [28b]
- 16.27 The December 2005 Afghanistan Research and Evaluation Unit (AREU) analysis of the elections stated that:
- "Noorulhaq Ulomi [Oloomi] was one of the most senior communist era officials contesting the 2005 elections, and as such his candidacy generated considerable controversy in Kandahar. Opponents accused him of being a communist with blood on his hands and supporters contrasted him with jihadi commanders who they claimed had blood on their hands. The fact that he nearly secured the top position in Kandahar, narrowly losing to the President's brother Qayoom Karzai, indicates that for many voters his communist past was not a big issue." [22c] (section 3.1.2) The final results certified by the JEMB recorded that Noorulhaq Ulomi was elected to the Wolesi Jirga from Kandahar with 12,952 votes (7.6 per cent). [74b]
- 16.28 The *New York Times* article of 5 September 2005 stated that another former communist who had made a political comeback was General Tanai, the former Afghan chief of staff and Defence Minister in the 1980s Soviet occupation. "General Tanai is perhaps most infamous for leading a coup in 1990, with the renegade mujahedeen commander Gulbuddin Hekmatyar, against President Muhammad Najibullah. The coup failed and he fled to Pakistan, where he lived in exile until Aug. 7 [2005]." [28b]
- 16.29 The same article noted that General Tanai was not running in the parliamentary and provincial elections, but candidates from his Afghanistan Peace Movement Party and two other parties of former Communists who had joined him in a coalition had fielded 200 candidates around the country, "most of them former Communists and some Soviet-era ministers and participants in the half a dozen coups of the last three decades." [28b]
- 16.30 An analysis of the elections by the Afghanistan Research Evaluation Unit (AREU) dated December 2005 stated that "Given the bitter conflict between the mujaheddin and the Soviet-backed People's Democratic Party of Afghanistan (PDPA) regime in the eighties and early nineties, the election of approximately 23 candidates with leftist or communist backgrounds, including 15 who were formerly affiliated with the PDPA, surprised many observers." [22c] (section 2.1.2) An article in the *New York Times* dated 5 September 2005 stated that the political return of dozens of former communists was one of the most contentious issues of the 2005 election campaign. [28b]

- 16.31 A Pajhwok Afghan News article of 15 November 2005 reported that, according to a Professor of Law at Kabul University and another independent candidate from Kabul, the few communists elected would not be numerous enough to influence government policies. Another Professor of Law at Kabul University was reported as attributing the former communists' success to their tribal and ethnic backgrounds. "They had roots in their respective rural and tribal areas and people, disregarding their past, voted [for] them." [95b]

## FREEDOM OF ASSOCIATION AND ASSEMBLY

- 16.32 Article 35 of the new Constitution adopted in January 2004 states:

"The citizens of Afghanistan have the right to form social organizations for the purpose of securing material or spiritual aims in accordance with the provisions of the law. The citizens of Afghanistan have the right to form political parties in accordance with the provisions of the law, provided that:

1. The program and charter of the party are not contrary to the principles of sacred religion of Islam, and the provisions and values of this Constitution.
2. The organizational structure, and financial sources of the party are made public.
3. The party does not have military or paramilitary aims and structures.
4. Should have no affiliation to a foreign political party or sources.

Formation and functioning of a party based on ethnicity, language, religious sect and region is not permissible.

A party set up in accordance with provisions of the law shall not be dissolved without lawful reasons and the decision of an authorized court." [81]

Article 36 states "The citizens of Afghanistan have the right to un-armed demonstrations, for legitimate peaceful purposes in accordance with the law." [81]

- 16.33 The US Department of State's Human Rights Report 2007,, published on 11 March 2008 stated that "The constitution provides for freedom of assembly and association; however, security conditions and, in some cases, local officials restricted this right in practice. Increased Taliban, al-Qa'ida, and other antigovernment activity, particularly in the south and east, forced UN agencies and NGOs to temporarily cancel or curtail activities at times during the year [2006]." [2h] (Section 2b)
- 16.34 The UN Secretary-General's report of 7 March 2006 stated that "Publications in Europe depicting caricatures of the Prophet Muhammad sparked country-wide demonstrations in February [2006], some of which turned violent, resulting in 6 persons dead and 14 injured. Clashes with provincial reconstruction teams in Meymana (Faryab) and Pul-i-Khumri (Baghlan) also broke out." [39h] (p11)

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## 17. FREEDOM OF SPEECH AND MEDIA

### OVERVIEW

- 17.01 “The law provides for freedom of speech and of the press; however, there were instances of insurgents, government officials, and the Taliban intimidating journalists to influence reporting....

“The media faced increased restrictions during the year, including heightened detention of journalists and government interference in media coverage. The press frequently was critical of the government, but according to independent media and observers, government repression and armed groups prevented the media from operating freely. The Afghan Independent Journalists Association and Center for International Journalism reported 43 registered cases of intimidation and undue influence by tribal leaders, purported warlords, and government officials. The law prohibits information that could insult ‘the sacred religion of Islam and other religions.’ The ambiguity over what was considered offensive offered the potential for abuse of press freedom. Under the media law new newspapers, printers, and electronic media had to be licensed by and registered with the Ministry of Information and Culture. The government strictly regulated and limited foreign investment in the media. (US Department of State Report on Human Rights Practices, 2007) [2h] (Section 2a)

- 17.02 “The independent media were active and reflected differing political views, although the extent varied from region to region. There were approximately 400 publications, 50 private radio stations, five news agencies, and eight television networks, although not all were independently owned and operated. The government owned at least 35 publications and most of the electronic news media, although competing independent media existed in virtually all markets. There were numerous other newspapers that published sporadically, and many were affiliated with different provincial authorities. While some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. The foreign media were covered under the freedom of speech law; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president. Approximately a dozen international stations broadcast in Dari or Pashto. More than 30 community-based independent radio stations existed.” (US Department of State Report on Human Rights Practices, 2007) [2h] (Section 2a)

- 17.03 “Since the fall of the Taliban regime, Afghanistan has witnessed a significant increase in media size and diversity. However, with the economy failing to pick up momentum and levels of poverty remaining high, the growth in advertising spending within Afghanistan has been modest, placing a significant impediment on the growth of an independent media. Donors who supported media development in the early years of post-Taliban Afghanistan imposed strict deadlines for media organisations to become self-sustaining, conditions that for the most part could not be met. Many donors have since pulled out, although the Afghan media continues to maintain a tenuous existence through bridging donations and other short-term financial commitments.” (International Federation of Journalists, 2008) [92a] (p5)

- 17.04 “During the year [2007] various insurgents, government officials, and the Taliban subjected members of the press to harassment, intimidation, and violence. Threatening calls and messages against media organizations also remained common and some resulted in violence. According to media sources, NDS banned all issues of *The Mashal Weekly*, a new publication that is critical of the government.” (US Department of State Report on Human Rights, 2007) [2h] (Section 2a)
- 17.05 A Freedom House report on Afghanistan, 2008, recorded that “Afghan media continue to grow and diversify but faced rising threats in 2007, mostly in the form of physical attacks and intimidation.” [41a] (p5)
- 17.06 The head of Reporters Sans Frontiers’ (RSF’s) Asia Pacific desk was quoted by IRIN news as saying that the new media directives meant that:
- “... the media cannot talk about the reality of what is going on in Afghanistan – the killings, car bombs and military operations’...
- “A list of banned subjects – including the activities of foreign troops – was distributed to editors on Sunday. But a spokesman for President Karzai said that the restrictions were not government policy, but simply directives from the government’s security organs to provide more balanced reporting of the national security situation.” [36n]
- 17.07 Tolo TV reported on 23 April 2008 that:
- “The Ministry of Information and Culture has bypassed appropriate legal channels and issued an edict to broadcasters to cease broadcasting Indian produced drama. This action fails to engage the appropriate legal process of addressing the media complaints commission, who are empowered to consider and refer relevant cases to the courts. The banned serials, already broadcast for two and a half years, have been universally popular across the traditionally conservative Afghan society. Whilst other stations have bowed to this pressure, there is a consensus among the independent stations that this order is illegal. In the interests of supporting a free media, TOLO TV will continue to broadcast its programs.” [70a]
- 17.08 The BBC World Service report that “They [the government] believe them [Indian channels] to be offensive to Islam for what they see as racy content and raunchy plot lines. The private TV channel, Aryana, has already decided to comply with the government order and a few days ago pulled the plug on the hugely popular Indian soap opera Kumkum.” [25ag]

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## MEDIA LAW

- 17.09 “In September [2007] parliament passed a media law that is less restrictive, in some regards, than the previous law-by-decree. However, the Ministry of Information and Culture controls media licensing; content of certain types is prohibited, including works that are contrary to Islam, that publicize other religions, and that affect the community’s ethical integrity. Radio Television Afghanistan (RTA), while not under direct ministerial control, remains within the structures of the state. There was concern within the media community

that the new law would place greater restrictions on media content and create an overall climate of government intimidation and self-censorship. The amended law confirmed that the High Media Council, created in 2006 by presidential decree, is responsible for planning and approving media policy. The Minister of Information and Culture chaired this council, which also included members of the Supreme Court, Ministry of Communications, and parliament. There was also a Private and Personal Media Commission responsible for monitoring the performance of such media and dealing with complaints. On December 26 [2007], citing potential constitutional conflicts within the draft, President Karzai sent the law back to parliament for review." (USSD, 2007) [2h] (Section 2a)

17.10 Furthermore, Reporters Without Borders Annual Report 2008 stated that:

"The head of state in December [2007] refused to sign the media law - which nevertheless protects freedom of the press - which had been adopted by the parliament in May, after a lively debate within parliament and the government. Deputies, most of them former warlords, banded together to tighten media control in the name of 'respect for Islamic values'. One of the leaders of the Islamist party Hezb-i-islami said that 'these programmes and photos of half dressed women are like a poison which is spreading in our society and provides a pretext for people to join the enemies of the government'.

"A media campaign succeeded in preventing the adoption of articles which would have been a backward step. One of the heads of the privately-run station, Ariana, Abdul Jabar Baryal, said on the fringes of the debate that the 'spirit of modernity and freedom escapes this government of ex-communists and Mujahideen who want the media to become a propaganda machine'.

"Foreign military present in Afghanistan, increasingly concerned about the effect on public opinion of mistakes resulting in the deaths of civilians, have on several occasions tried to prevent the press from doing its job. US soldiers in March wiped photos taken by Afghan reporters, working for the Associated Press, after they covered the death of civilians killed by Marines, in eastern Afghanistan. French journalist, Claire Billet, working for the independent Hamsa Press, was blacklisted by NATO forces in May for filming military convoys without permission. She had previously been arrested and questioned in April by private security agents working for the US army in Kabul. Afghan and foreign journalists are regularly ordered by international coalition forces in Afghanistan not to film their activities." [62a]

## NEWSPAPERS, RADIO, INTERNET AND TELEVISION

17.11 The International Federation of Journalists Annual report 2008 stated that "Readership of the print media is limited and will remain so until the literacy deficit begins to be bridged at an accelerated pace. Television audiences are potentially very large, but will remain an unrealised potential until innovative methods of bringing electricity to each human settlement in Afghanistan can be found. This leaves radio as the sector with immediate potential for the most rapid growth in content and audience." [92a] (p5)

17.12 The US Department of State's report on Human Rights Practices 2007 noted that:

"The independent media were active and reflected differing political views, although the extent varied from region to region. There were approximately 400 publications, 50 private radio stations, five news agencies, and eight television networks, although not all were independently owned and operated. The government owned at least 35 publications and most of the electronic news media, although competing independent media existed in virtually all markets. There were numerous other newspapers that published sporadically, and many were affiliated with different provincial authorities. While some independent journalists and writers published magazines and newsletters, circulation largely was confined to Kabul, and many publications were self-censored. The foreign media were covered under the freedom of speech law; however, they were restricted from commenting negatively on Islam and from publishing materials considered a threat to the president. Approximately a dozen international stations broadcast in Dari or Pashto. More than 30 community-based independent radio stations existed." [2h] (Section 2a)

- 17.13 The 2006 Committee to Protect Journalists (CPJ) report recorded that:

"Radio workers said stations run by women, or those where women could be heard on the air, were likely to anger local religious leaders in a country where, outside of a few urban areas, most women were expected to remain in the home as much as possible. The situation was aggravated when women called in to radio stations to voice their opinions. Most stations stood up to local pressure, but there was a growing fear that a conservative backlash could erase the government's support." [91a]

(See also: Section: 23 [Women](#))

- 17.14 An article by the Institute for War and Peace Reporting (IWPR) dated 4 February 2006 reported that the Government had cracked down on a private television station in Kabul for violating traditional values. The article stated "In its first move against a private television station, the government has imposed a 1,000 US dollars fine on Afghan TV for broadcasting 'un-Islamic' materials. The fine was levied by a special media commission, composed of six members from various government organs, and headed by the minister of information, culture and tourism." [73f]

- 17.15 The USSD 2008 report noted a number of incidents during the year, including:

"On April 17, 50 police officers raided Tolo TV's main headquarters in Kabul, abducted three staff members, and brought them to the Attorney General's office. There were reports that police physically abused Tolo TV employees who barred police from entering the studio without a warrant. There were also reports that authorities abused the three while they were in detention. In August authorities arrested two Tolo TV staff members on the grounds that the TV station had misrepresented the Attorney General's remarks to the parliament as critical of the central government. Human rights observers stated that this was an abuse of the Attorney General's authority and an example of government official's misuse of power to manipulate the media." [2h] (Section 2a)

- 17.16 On June 5 [2007], unidentified gunmen shot Zakia Zaki in Parwan province, north of the capital, Kabul, in the bedroom she was sharing with her small children. Zaki, 35, had run a private news radio station, Sada-i-Sulh (Peace

Radio), since the fall of the Taliban in 2001. The station, which covered women's issues, human rights, education, and local politics, had been threatened repeatedly. Just before the slaying, local warlords warned Zaki to shut down the station (CPJ, 2007) [91c] "Police arrested six suspects and released four of them for lack of evidence. The authorities accused the Taliban of carrying out the murder, but friends and family of Zakia Zaki pointed the finger at local figures, including former warlords, whom the journalist had exposed in her programmes on human rights." (Reporters Without Borders, 2008) [62a]

- 17.17 On May 31 [2007], television news presenter Shokiba Sanga Amaaj [Amaj], 22, was murdered in her Kabul home. Authorities arrested male relatives, but the motive remained unclear... [91c] The murder had not still been solved as at the end of May 2008 [62a]

- 17.18 Reuters reported on 13 May 2008 that:

"Taliban insurgents have ordered residents of a province near the capital Kabul to stop watching television, saying the networks were showing un-Islamic programs, officials and local media said on Tuesday [13 May 2008]. The order is the last in a wave of curbs that the resurgent militants have announced in areas they are active. A senior Afghan information ministry official, Najib Manelai, said that dozens of masked men with weapons entered mosques in Logar province at the weekend and threatened residents against watching television. 'They threatened the people that 'if you do not give up watching televisions, you will face violence,' Manelai told Reuters. Media reports quoted residents as saying that the Taliban imposed the ban because TV networks were showing programs that were 'un-Islamic and anti-Afghan culture.' The information ministry along with security forces was taking action against the Taliban move, minister Manelai said, without giving details." [24c]

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## JOURNALISTS

- 17.19 "Journalism careers in Afghanistan continued to combine high risk with low pay, but members of the press played prominent roles at the village and community levels" (CPJ Attacks on the Press 2006 report) [91]

- 17.20 The USSD 2008 report recorded a number of incidents involving journalists during the year, including:

"At least 10 journalists were killed during the year [2007]. In April the Taliban beheaded journalist Ajmal Naqshbandi in Helmand Province. He had been abducted on March 4, with Italian journalist Daniele Mastrogiacomo and their driver, Sayed Agha. After a personal appeal by the Italian Prime Minister to President Karzai, Mastrogiacomo was released on March 19 in exchange for Taliban prisoners. In June Shakiba Sanga Amaaj, a female reporter for Shamshad Television, was killed. Authorities arrested two men, and an investigation into the case is ongoing...." [2h] (Section 2a)

- 17.21 A Freedom House report on Afghanistan, 2008, recorded that:

"A growing number of journalists have been arrested, threatened, or harassed by politicians, security services, and others in positions of power as a result of their coverage. Kamran Mir Hazar, editor of a popular news website, was detained several times by national security forces in 2007 following several critical stories. Many reporters practice self-censorship, avoiding sensitive issues such as Islam, national unity, corruption, and crimes committed by specific warlords. Journalists are also increasingly being targeted by insurgents." [41a] (p5)

- 17.22 The Committee to Protect Journalists, Attacks on the press 2007 report, noted incidents during the year including: "Taliban fighters beheaded Ajmal Naqshbandi on April 8 in the Garmsir district of Helmand province, after the Afghan government refused demands to release jailed senior Taliban leaders. Naqshbandi had been abducted on March 4 with *La Repubblica* reporter Daniele Mastrogiacomio and driver Sayed Agha. Naqshbandi, a freelance journalist with several clients, had acted as Mastrogiacomio's fixer on a trip to interview Taliban leaders. Agha, the driver, was beheaded shortly after the abduction; the Italian Mastrogiacomio was released March 19 in an exchange for five Taliban prisoners." [91]

- 17.23 Reporters Without Borders Annual Report 2008 'Afghanistan', noted that:

"The men of one of the Taliban's most feared commanders, Mullah Dadullah, in March 2007, cut the throats of Sayed Agha and Adjmal Nasqbandi, driver and guide to Italian reporter Daniele Mastrogiacomio, after 'trying' them for 'espionage'. The life of the reporter for *La Repubblica* was saved thanks to his country's intervention in negotiating the release of several Taliban chiefs in exchange for his freedom. He had been snatched while working in the southern Helmand region where the Taliban are active.

"The fate suffered by the foreign journalist's Afghan fixers demonstrate the serious risks run by journalists working in the south and east of the country where fighting claimed several thousand lives in 2007...

"Mullah Omar's men, who control several districts, seized a score of journalists in 2007. The Taliban stopped and held a team from Al-Jazeera and two Pakistani reporters at the beginning of the year before quickly releasing them safe and well. The Taliban also stepped up attacks against media installations, launching a rocket attack on radio Mili Paygham (Pashto for National Message) in Logar province, eastern Afghanistan." [62a]

- 17.24 Furthermore the Reporters Without Borders Annual Report 2008 noted that:

"Journalism student, Sayed Perwiz Kambakhsh, 23, who was arrested in October in Mazar-i-Sharif, was sentenced to death on 22 January 2008 after a closed-doors trial at which he had no lawyer to defend him. He was convicted of 'disseminating defamatory remarks about Islam', for printing and distributing to friends an article he downloaded from the Internet that analyses what the Koran says about the role of women. But the sentence, which was demanded by the Council of Mullahs, was also designed to intimidate the victim's brother, journalist Sayed Yaqub Ibrahim, who has been investigating the authorities in the Balkh region of northern Afghanistan." [62a]

- 17.25 Amnesty International concurs with this and recorded on 11 February 2008 that:

"The case against Perwiz Kambakhsh appears to be politically motivated, aimed at stopping his brother Yaqub Ibrahimi - also a journalist who works for the Institute for War and Peace Reporting (IWPR) a charity providing training and capacity building for local media - from publishing articles critical of local power holders. Perwiz was arrested in November 2007 after Yaqub published a series of articles voicing concerns about local leaders." [7p]

The International Federation of Journalists, 2008 Annual Report lists media workers that have been subject to physical harm, intimidation, abducted, detained or killed during the last reporting period. See source [92a] (p30-31)

The CPJ website included further details of journalists attacked, threatened, abducted and imprisoned and may be accessed via the link: <http://www.cpj.org/>

### Night Letters

- 17.26 "Night letters (shabnamah) are a traditional means of communication in Afghanistan. Printed or handwritten pages are delivered to individuals, distributed through towns and villages or even blanketed over provinces. It is difficult to establish the true source of night letters, since messages are sent by a large variety of sources. Criminal groups, including those involved in the drugs trade, could, for example, conceivably use night letters in the name of the Taliban to generate fear in an area.

"The Taliban uses them often to deliver threats, generally directed at Afghans who work with the international forces or the government. For instance, a printed one-page missive distributed in south eastern Afghanistan in May 2008 in the name of the 'Afghanistan Islamic Emirate Khost Jihadi Military Front' warned 'all residents in Khost' that:

1. Tribal elders should not consider the U.S. stronger than Allah and not give verdicts against mujahidin; otherwise you will soon regret it.
2. Those who spy and work for the infidel government and military forces should quit their jobs by 20 June; otherwise they will see something which they have never seen in their lives.
3. Do not get close to the infidel forces at any time or in any place.
4. During attacks on government and infidel forces, you should keep yourselves safe and not provide support for them; if this rule is violated, your death will be the same as the death of the U.S. and their puppets.
5. Our mines are live; we do not allow the killing of civilians, but you should not show them to the infidels and their slaves. We will show our power to those who show our land mines to them or inform them about us.
6. When you see infidel forces on the street and roads, stop where you are and do not go forward.

7. Those mullahs who perform funerals for those who are killed in the campaign – national army, national and border police and intelligence – will be killed with torture; and remember: such a mullah will never be forgiven.” (International Crisis Group, 24 July 2008) [24c] (p12)

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## 18. HUMAN RIGHTS INSTITUTIONS, ORGANISATIONS AND ACTIVISTS

### AFGHANISTAN INDEPENDENT HUMAN RIGHTS COMMISSION (AIHRC)

- 18.01 The Afghanistan Independent Human Rights Commission's (AIHRC) mandate was set out in their report of August 2007:

"According to Article 58 of the 2004 Constitution of Afghanistan, the Independent Human Rights Commission of Afghanistan was established with the purpose of 'monitoring the observation of human rights in Afghanistan, to promote their advancement and protection.'

"Article 5 of the new Law on the Structure, Duties and Authorities of the Afghanistan Independent Human Rights Commission (Official Gazette, Issue No. 855, 21 June 2005), sets out the Commission's objectives and responsibilities, which include:

"The promotion and protection of human rights (Article 5);

"Monitoring the implementation of the Constitution and other laws as well as Afghanistan's commitment to human rights (Article 21, 2);

"Monitoring the performance of State authorities and NGO's [sic] regarding the equal distribution of services and welfare (Article 21, 4).

"Where violations and abuses of human rights are identified, the Commission has a mandate to take steps to protect and to promote human rights, including through advocacy and submission of reports to the Government." [78f] (p3-4)

- 18.02 The report of the UN-appointed independent expert of the Commission on Human Rights dated 21 September 2004 noted that:

"AIHRC is the central human rights organization in Afghanistan...It has separate units for children's rights, human rights education, monitoring and investigation, transitional justice, and women's rights. The Commission receives complaints from people around the country and seeks to resolve them through negotiation, court cases, complaints to government ministries and general social activism. The independent expert commends AIHRC for its courageous efforts to document human rights violations throughout the country and to assist Afghans in seeking redress for harm." [39k] (para. 42)

- 18.03 A report by the UN Secretary-General dated 12 August 2005 stated:

"The Afghan Independent Human Rights Commission was established by presidential decree on 6 June 2002 and its mandate was later enshrined in the Constitution. With a presence in 11 locations across the country, its 400 staff is comprised of experts, both men and women, from all major ethnic groups. Since its inception, the Commission, with support from UNAMA, the Office of the United Nations High Commissioner for Human Rights (OHCHR), and UNDP, has undertaken a number of important initiatives. These included the verification of the exercise of political rights prior to elections, activities in the area of transitional justice, the investigation of human rights cases, monitoring of at-risk communities and monitoring of prisons. The work of the Commission

has had a positive impact on the protection and promotion of human rights. The number of violations of human rights by State actors is decreasing. Nonetheless, addressing the sources of human rights abuses and the creation of an environment in which the population can enjoy the full respect of human rights will require sustained efforts over the long term.” [39c] (p11)

- 18.04 The US State Department’s 2007 report, published on 11 March 2008, stated that:

”The constitutionally mandated AIHRC continued its role in addressing human rights problems. The president appointed the nine-member commission, which generally acted independently of the government, often voicing strong criticism of government institutions and actions, and accepting and investigating general complaints of human rights abuses. The AIHRC operated ten offices outside Kabul. The AIHRC was reasonably influential in its ability to raise public awareness and shape national policy on human rights. The AIHRC did not have adequate resources to focus on advocacy of human rights or to intervene in individual cases. During the year some MPs called for a vote of confidence on AIHRC chairman Sima Samar and the other AIHRC commissioners, but by year’s end the vote had not taken place. Samar remained the head of the AIHRC. Some MPs also sought to review the law that defines the mandate of the AIHRC and proposed that the AIHRC include religious scholars educated in the Shari’a.” [2h] (Section 4)

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## DOMESTIC AND INTERNATIONAL NON-GOVERNMENTAL ORGANISATIONS (NGOS)

- 18.05 Reuters AlertNet noted on 12 May 2005 that, according to ANSO (Afghanistan NGO Security Office), there were more than 3,000 NGOs in Afghanistan, including national organisations. [40w]
- 18.06 A report dated October 2005 by the United States Institute of Peace (USIP), based on the US experience with Provincial Reconstruction Teams (PRTs) stated that:

”The involvement of PRTs in reconstruction provoked extensive and, at times, bitter criticism from private relief, humanitarian, and development organizations. In Afghanistan, the United States was a combatant and its forces were engaged in ongoing military operations. NGOs argued that the aura of neutrality that relief workers relied on for their personal safety would be compromised if local people were unable to differentiate between foreign civilian and military actors. If military personnel engaged in relief and reconstruction activities, the boundary between civilian and military efforts would be blurred, if not erased altogether. PRTs were accused of contributing to this ambiguity when troops wearing the same uniforms were seen fighting insurgents and building clinics. Relations with NGOs became strained, and many refused to have direct contact with PRTs, fearing retaliation from insurgents. This fear grew as attacks on aid workers increased and the security environment eroded in the spring of 2005.” [103]

(See also Section 9: [Security Forces - International Security Assistance Force \(ISAF\) and Provincial Reconstruction Teams \(PRTs\)](#))

- 18.07 The US State Department's 2007 report, published on 11 March 2008, stated that:

"A wide variety of domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials were generally cooperative and responsive to their views. Some of these human rights groups were based in Pakistan with branches inside the country. The lack of security and instability in parts of the country severely reduced NGO activities in these areas. The ICRC regularly visited more than 80 detention places, including NDS detention centers. Security constraints sometimes prevented ICRC delegates from visiting some places of detention, and the ICRC was not notified of all places of detention and detainees." [2h] (Section 4)

- 18.08 The USSD 2007 report further noted that:

"Local employees ran several international NGOs, including the HRW. In 2005 the government passed a law to reduce the number of for-profit companies operating as NGOs. Many NGOs supported this action as a way to differentiate themselves from those organizations. In February 2006 the government stripped the licenses of more than 1,600 NGOs accused of economic fraud and corruption. The government cooperated with international governmental organizations and permitted them to visit the country." [2h] (Section 4)

- 18.09 A Human Rights Watch report dated July 2006 stated that "For aid workers, 2006 has been a particularly bloody year, with 24 killed as of June 20, 2006. This marks a serious escalation in the risk facing aid workers compared with the previous year, when thirty-one aid workers were killed – itself a significant increase compared to twenty-four aid workers killed in 2004 and twelve in 2003, according to ANSO." [17j] (p18)

- 18.10 "[It is] more than two years since five staff members of Médecins Sans Frontières (MSF) were murdered in Afghanistan, and no one has been convicted of the crime and the prime suspect has just been released – before completion of the judicial process.

"The prime suspect of [sic] the murder had already been acquitted last January due to lack of evidence. He remained, however, in custody pending a prosecution appeal. It then transpired that his file had been lost. Now we learn that he was released because he had been detained for the maximum time allowed by Afghanistani law." (Médecins Sans Frontières (MSF), 26 September 2006) [40m]

## AFGHANS WORKING FOR INTERNATIONAL ORGANISATIONS AND INTERNATIONAL SECURITY FORCES

- 18.11 "Aid organizations and their staff have been subject to increasing attacks, threats and intimidation, by both insurgent and criminal groups. This year there have been over 84 such incidents, including 21 in June, more than in any other month in the last six years.<sup>3</sup> So far this year 19 NGO staff have been killed, which already exceeds the total number of NGO workers killed last year." (Agency Coordinating Body for Afghan Relief, 1 August 2008) [101a]

- 18.12 “In addition to foreigners, Afghans in the capital are also coming under threat, especially those associated with international groups. Employees of foreign aid organizations or news agencies have received warnings to quit. Last week, several such Afghans who previously had been willing to be identified asked not to be named now. Others said they had sent their families to Pakistan as a safety precaution.” (*Washington Post*, 17 February 2008) [32c]
- 18.13 “Several Afghans have also been pulled off the road by Taliban, who have accused them of ‘spying’ for Western interests, and shot or beheaded them.” (Yahoo! News, 14 August 2008) [102a]

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## WOMEN’S RIGHTS ACTIVISTS

(See also Section 24: [Women](#))

- 18.14 The HRW report ‘Between Hope and Fear’, published on 5 October 2004, reported on the situation for women’s rights activists:

“Politically powerful military factions, the Taliban, and conservative religious leaders continue to threaten and intimidate women who promote women’s rights. Human Rights Watch interviewed a wide range of women targeted for intimidation and harassment. These women had chosen to participate in public life as journalists, potential political candidates, aid workers, teachers, and donors. Women whose behavior challenged social expectations and traditional roles also faced harassment. In other cases, factional leaders or Taliban have launched rockets and grenades against the offices of women’s development projects, such as those providing health, literacy, and rights awareness programs. Such symbolic attacks sent a clear message that women and girls seeking to claim the most basic rights could face retaliation.

“Continuing violent attacks and threats against women in the public sphere have also created an environment of fear and caution. Women’s rights activists and journalists carefully word their statements or avoid publishing on some topics because they are afraid of violent consequences. Many women, ranging from community social workers to Afghan U.N. officials, told Human Rights Watch they wore burqas when traveling outside of Kabul. These decisions were made not out of choice, but compulsion due to the lack of safety guarantees. Many women blamed the failure of disarmament, the entrenchment of warlords in both regional and central governments, and the limited reach of international peacekeeping troops as the reasons why they felt unsafe.” [17j] (p11)

- 18.15 The HRW report continued:

“Using threatening phone calls, ‘night letters,’ armed confrontations, and bomb or rocket attacks against offices, factional and insurgent forces are attempting to scare women into silence, casting a shadow on the Afghan women’s movement and governmental attempts to promote women’s and girls’ development. [Note: ‘Night letters’ refer to threats or letters that arrive at night, often directly to the recipient’s home or office, demonstrating that whoever is

threatening her knows where to find her.] Women rights activists expressed frustration at the inadequate security provided to them by the central government and international peacekeeping forces.” [17j] (p12)

18.16 The HRW report also noted:

“Armed groups have targeted prominent women government officials who have been active in promoting women’s rights. In mid-July, 2004, an official with the Ministry and Rehabilitation and Rural Development and prominent women’s rights activist, Safia Siddiqui, was traveling in Nangarhar province. As her convoy left a gathering where she had been the key speaker, her vehicle came across three men who were apparently trying to plant a landmine ahead of her convoy. After a gun battle, one man committed suicide and the other two escaped. She echoed the frustration of many other women about the government’s inability to provide adequate security: ‘Sometimes the government cannot intervene and that is a fact. The [central] government does not have full authority in Afghanistan. The gun is still leading the people. The people with guns are the ones who cause problems...especially for women.’” [17j] (p12)

18.17 The Amnesty International report dated 30 May 2005 stated:

“Afghan women human rights defenders arouse more hostility than their male colleagues because of their gender. Their activities are perceived as defying cultural, religious or social norms about the role of women in Afghan society. In this context, not only do they face human rights violations for their work as human rights defenders but even more so because of their gender and the fact that their work may run counter to societal stereotypes about women’s submissive nature or challenge notions of the society about the status of women. In some instances, they face threats, acid attacks and fear of reprisals against their families...

“Despite this climate of intimidation and fear, numerous women’s organisations, groups of female journalists and human rights activists have recently been established or re-surfaced. Afghan NGOs and activists have been extremely resourceful in ensuring women have a chance to find out about their organisations and support available.” [7d] (p17-18)

18.18 On 26 September 2006 the *Guardian* reported that a leading women’s rights campaigner had been shot dead in the southern province of Kandahar the day before by suspected Taliban gunmen: “Women’s Affairs director, Safia Amai Jan, was killed on the city outskirts as she left for work yesterday morning. The assailants shot her four times in the head, through a burka, before fleeing. Ms Amai Jan, 56, has been an advocate for women’s rights in Kandahar, the former Taliban headquarters, since the fundamentalists were ousted five years ago.” [18f]

18.19 Human Rights Watch, reported on 21 May 2008 that “On May 21, 2007, the lower house of the Afghan parliament, the Wolesi Jirga, voted to suspend Malalai Joya, a female MP elected from Farah province. Malalai was accused of insulting the parliament and suspended until the end of her term in 2009. Malalai’s suspension occurred after she appeared in a television interview comparing the parliament to an animal stable. Malalai told Human Rights Watch that her remarks were edited out of context. She said that her

statement divided parliamentarians into two groups – one of which was working to uphold democratic principles while the other was undermining them, thereby serving the Afghan population even less than animals in a stable.” HRW said that “one year after her illegal suspension, the Afghan parliament should reinstate Malalai Joya to office....” [17s]

- 18.20 The Institute for War and Peace Reporting published an article on 9 July 2008 about the capture of a female warlord:

“The Afghan government scored a minor victory last month by reeling in a rebellious ‘warlord’ who led a band of warriors over nearly three decades. What really set this case apart is that the militia commander is a woman. The authorities’ decision to co-opt rather than capture Bibi Aysha, who goes by the nickname Kaftar (‘the pigeon’), has upset locals who say that given her record, she is unlikely to accept the strictures of civilian life, still less a job as a public servant. Kaftar probably never meant to strike a blow for gender equality, but over the years she has shown that an Afghan woman can make just as tough and ruthless a warlord as her male counterparts. Now 55, Kaftar has fought almost everyone from the Russians and the Taleban to the present government of President Hamed Karzai. Until recently, she had the dubious distinction of being the only paramilitary commander – outside the Taleban and its allies – still in open confrontation with the Afghan state. Last month, she surrendered to the government together with five armed men, most of them her relatives. It was the second time she had laid down her weapons since the fall of the Taleban regime in 2001.” [73c]

- 18.21 The IWPR article continued:

Kaftar is a well-known figure in her native Baghlan province, which lies due north of the capital Kabul. Legend has it that she became a fighter by accident, when she grabbed a gun to kill the Soviet soldiers who had shot her son during the mujaheddin war of the Eighties. Her success later led to her appointment as local commander for the Jamiat-e-Islami faction, whose military leader was Ahmad Shah Massoud. After Taleban forces captured Kabul in 1996 and pushed north, Kaftar claims to have commanded 2,000 armed men resisting their advance. After the United States-led invasion sent the Taleban running, Kaftar surrendered her weapons under a government-run demobilisation programme. She even entered political life briefly, representing Baghlan’s Nahrin district during the Emergency Loya Jirga, the 2002 assembly that hammered out a structure for government and confirmed Karzai as head of state pending an election... The whereabouts of the rest of Kaftar’s militia remains a mystery. According to local residents and officials, she had more than 200 armed men under her command.” [73c]

(See also Section 11: Non-Government Armed Forces - Warlords and Commanders and Section 23: Women)

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## 19. FREEDOM OF RELIGION

### BACKGROUND AND DEMOGRAPHY

19.01 “Reliable data on religious demography is not available because an official nationwide census has not been conducted in decades. Observers estimate that 80 percent of the population is Sunni Muslim; 19 percent is Shi’a Muslim; and other religious groups make up less than 1 percent of the population. There is a small, hidden Christian community; there are no reliable figures on its size, but estimates range from 500 to 8,000. There are roughly 3,000 Sikh and Hindu believers and more than 400 Afghans who are followers of the Baha’i faith. In addition, there are small numbers of adherents of other religious groups, mostly Buddhist foreigners.” (United States State Department (USSD) International Religious Freedom Report 2007, 14 September 2007) [2c] (section I)

19.02 “In the past, small communities of Hindus, Sikhs, Jews, and Christians lived in the country; however, most members of these communities emigrated during the years of civil war and Taliban rule. Even at their peak, these non-Muslim minorities constituted less than one percent of the population. Most of the small Hindu and Sikh populations, which once numbered approximately 50,000 persons, took refuge abroad during the many years of conflict; however, there is a small population of native-Afghan Hindus and Sikhs that never left. In total, non-Muslims, including Hindus, Sikhs, Baha’is and Jews, were estimated to number in the hundreds at the end of Taliban rule. Since the fall of the Taliban a number of religious minorities have returned.” (USSD Report on Religious Freedom 2007, 14 September 2007) [2c] (section I)

19.03 “Traditionally, the dominant religion has been the sect of Sunni Islam that follows the Hanafi school of jurisprudence. For the last 200 years, Sunnis often have looked to the example of the Darul Uloom madrassah [religious school] located in Deoband near Delhi, India. The Deobandi school has long sought to ‘purify’ Islam by discarding supposedly un-Islamic accretions to the faith and re-emphasizing the models that it believes were established in the Qur’an and the customary practices of the Prophet Mohammed. Additionally, Deobandi scholars often have opposed what they perceive as Western influences. Much of the population adhered to Deobandi-influenced Hanafi Sunnism, but a sizable [sic] minority adhered to a more mystical version of Islam, generally known as Sufism. Sufism centers on orders or brotherhoods that follow charismatic religious leaders.

“Members of the same religious group have traditionally concentrated [sic] in certain regions. Sunni Muslim Pashtuns centered around the city of Kandahar and dominated the south and east of the country. The homeland of the Shi’a Hazaras was in the Hazarajat, the mountainous central highlands around Bamyan. Northeastern provinces traditionally have had Ismaili populations. Other areas, including Kabul, the capital, were more heterogeneous and included large Sunni, Shi’a, Hindu, Sikh and Baha’i populations. Similarly, the northern city of Mazar-e Sharif included a mix of Sunnis (including ethnic Pashtuns, Turkmen, Uzbeks, and Tajiks) and Shi’a (Hazaras and Qizilbash), including Shi’a Ismailis.” (USSD Report on Religious Freedom 2007, 14 September 2007) [2c] (section I)

- 19.04 “Despite reform efforts, there was an increase in the number of reports of problems involving religious freedom compared to previous years. Several high-profile cases involving religious freedom sparked demonstrations in major cities during the period covered by this report [2007]. Condemnations of conversions from Islam and censorship increased concerns about citizens’ ability to freely practice minority religions.” (USSD Report on Religious Freedom 2007, 14 September 2007) [2c] (Introduction)

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## CONSTITUTIONAL RIGHTS, RELIGIOUS LAW AND INSTITUTIONS

- 19.05 Article 2 of the Constitution adopted on 4 January 2004 states “The religion of the state of the Islamic Republic of Afghanistan is the sacred religion of Islam. Followers of other religions are free to exercise their faith and perform their religious rites within the limits of the provisions of law.” Article 3 states that “In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam.” [81]
- 19.06 Commentators have pointed out contradictions between Articles 2 and 3 of the Constitution. For example, a *Christian Science Monitor* (CSM) article of 27 March 2006 stated that “The issue of religious freedoms is one in which, as in Afghanistan, modern laws are clashing with ancient traditions.” CSM observed that the recent case of Abdul Rahman, who converted to Christianity [see paragraphs 19.34–19.41], “... illustrates a glaring contradiction [in] Afghanistan’s constitution, which upholds the right to freedom of religion on one hand but enshrines the supremacy of sharia law on the other.” [19a]
- 19.07 The US State Department report on Religious Freedom 2007, published on 14 September 2007, recorded that:
- “After the fall of the Taliban, there continued to be episodic reports of persons at the local level using coercion to enforce social and religious conformity. During the reporting period, moderates in the Government opposed attempts by conservative elements to enforce rules regarding social and religious practices based on their interpretation of Islamic law.” [2c] (section III)
- 19.08 The report further noted that:
- “Proselytism was practiced discreetly. There are no laws forbidding the practice, even though it is viewed by authorities and society as contrary to the beliefs of Islam. There were unconfirmed reports of attempts to arrest Afghan Christians involved in proselytism. Foreigners caught proselytizing were deported. The Government worked on revising the penal code to bring it in line with international standards during the reporting period. Blasphemy is a capital crime, and authorities could punish blasphemy with death, if committed by a male over age 18 or a female over age 16, who is of sound mind. Those accused of blasphemy are given three days to recant their actions and could otherwise face death by hanging.” [2c] (section III)
- 19.09 Furthermore the report added:

“The Government continued to stress reconciliation and cooperation among all citizens. Although it primarily was concerned with reconciliation of former Taliban combatants, it also expressed concern about religious intolerance. The Government responded positively to international approaches on human rights, including religious freedom, and worked effectively. The Government continued to indirectly emphasize ethnic and intrafaith reconciliation through the support of the judicial, Constitutional, and human rights commissions composed of members of different ethnic and Muslim religious (Sunni and Shi’a) groups. The Constitutional Commission also included a Hindu member to represent non-Muslim religious minorities. The Ministry of Women’s Affairs and the Ministry of Religious Affairs and the Hajj also worked together to give women the opportunity to attend mosques. While women have always had the right to attend mosques, separate areas had to be designated for them. The new initiative provided for such spaces in larger mosques where room was available. During the reporting period, the Ministry of Foreign Affairs organized seminars for religious leaders to promote moderate views about the role of women in Islam. Approximately 20 religious leaders attended the seminars, which sparked continued discussion on the topic.” [2c] (section II)

(See also Section 19: [Converts and Christians](#) for more information on religious freedom under the constitution)

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## RELIGIOUS GROUPS

### Shia (Shiite) Muslims

- 19.10 The US State Department (USSD) Report 2007 on Religious Freedom, published on 14 September 2007, stated that:

“The treatment of the Shi’a community varied by locality. Although some discrimination continued at the local level, Shi’a generally were free to participate fully in public life. The rigid policies adopted both by the Taliban and by certain opposition groups adversely affected adherents of other branches of Islam and other religious groups. The active persecution of the Shi’a minority, including Ismailis, which existed under the Taliban regime has ended.... Historically, the minority Shi’a faced discrimination from the Sunni population. However, since Shi’a representation has increased in government, there was a decrease in hostility from Sunnis. Most Shi’a were members of the Hazara ethnic group, which traditionally has been segregated from the rest of society for a combination of political, ethnic, and religious reasons.” [2c] (Section 111)

- 19.11 The USSD 2007 report also stated that:

“Prior to the drafting of the Constitution, some conservative elements advocated that the Constitution should favor the Hanafi school of Islamic jurisprudence associated with the Sunnis over the Jafari school used by the Shi’as. These elements also called for the primacy of Shari’a in the legal system; however, the Constitution does not grant preferential status to the

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112 This Country of Origin Information Report contains the most up-to-date publicly available information as at 29 August 2008. Older source material has been included where it contains relevant information not available in more recent documents.

Hanafi school, nor does it make specific reference to Shari'a. The Constitution also grants that Shi'a law would be applied in cases dealing with personal matters involving Shi'as; there is no separate law applying to non-Muslims.... In family disputes, courts continue to rely on a civil code that is based on the Sunni Hanafi school, regardless of whether the parties involved are Shi'a or Sunni." [2c] (Section II)

- 19.12 Furthermore the report added: "The Shi'a community openly celebrated the birthday of Imam Ali, one of the most revered figures in the Shi'a tradition. In past years, the Shi'a holiday of Ashura, during which Shi'a Muslims hold religious parades in local streets, has triggered violence in the cities of Kabul and Herat. However, observations of Ashura in January 2007 were overwhelmingly peaceful." [2c] (Section II)
- 19.13 "In February 2006, six persons were killed during the Shi'a Ashura processions in Herat. Rumors circulated that Shiites were planning to perform their ritual self-flagellations at Herat's Blue Mosque, an important Sunni religious site. These rumors sparked a countermarch after Shi'a Governor Anwari made a public speech commemorating the holiday. Although the incident took place between religious groups, the event was possibly more politically than religiously motivated. It is believed that rural politicians took advantage of the holiday to foment violence to further their own agendas." (USSD Religious Freedom Report, 2006) [2f] (Section II)
- 19.14 On 21 March 2006, BBC News reported that police in Kabul said they had defused two powerful bombs near a major Shia shrine just before thousands of people were expected to visit the shrine to celebrate the New Year festival of Nowruz. "Police blamed the attempted attack on the Taleban, who banned the festival when they were in power." [25a]

(See also Section 20: [Hazaras](#))

### Ismailis

- 19.15 The US State Department 2006 Report on Religious Freedom, published on 15 September 2006, noted that "The active persecution of the Shi'a minority, including Ismailis that existed under the Taliban regime has ended. Although some discrimination continued at the local level, Shi'as generally were free to participate fully in public life." [2f] (Section III)

### Sikhs and Hindus

- 19.16 The USSD 2007 Religious Freedom Report stated that "During the reporting period [2007], there were approximately 3,000 Sikhs and Hindus living in the country. There are seven gurdwaras, Sikh places of worship, in Kabul, where worshippers generally were free to visit, and few threats were reported. The Hindu population, which is less distinguishable than the Sikh population whose men wear a particular headdress, faced little harassment. There were approximately six Hindu temples in four cities. An additional eighteen were destroyed during the many years of war." [2c] (Section I)
- 19.17 The 2007 USSD Religious Freedom Report recorded that "In May 2007 the Sikh-Hindu community alleged that it was still working with the Kabul Municipality to resolve land titling problems. The community claims land rights

to an area of Kabul that once held a large Sikh-Hindu community; however, the Government claims this land is owned by the government and that no one has residential privileges there.” [2c] (Section III)

(See also Section 32: [UNHCR Guidelines](#))

- 19.18 On 13 June 2005, the Pajhwok Afghan News Agency reported that “The Sikh community in the northern province of Kunduz celebrated the religious festival of Baisakhi after 15 years...20 year-old Jageet Singh who had returned to Kunduz two years ago said that they had no security problem and could now celebrate their religious ceremonies freely.” [95a] The BBC noted that the Baisakhi, also spelled Vaisakhi, is held on the 13 April each year to celebrate the Sikh New Year and the founding of the Sikh community, known as the Khalsa festival. [25bo]
- 19.19 “After living in Afghanistan for more than two centuries, economic hardship is pushing many in the country’s dwindling Sikh community to emigrate to India, their spiritual homeland... Sikhs who left Afghanistan since the Taliban was deposed by a US invasion in 2001 cite economic instability and lawlessness – not the threat of communal violence – as reasons for their departure.” (Aljazeera.net, 9 July 2006) [15a]
- 19.20 The USSD 2007 Religious Freedom Report, published on 14 September 2007, stated that:
- Some Sikh and Hindu children were unable to attend government schools due to harassment from teachers and students. The Government took limited steps to protect these children and reintegrate them into the classroom environment. For example, during the reporting period, the Government opened the first-ever government-sponsored school for Sikh and Hindu children in Ghazni. The AIHRC [Afghan Independent Human Rights Commission] reported that members of the Hindu community in Kandahar City reported discrimination in schools and asked the local government to build a separate school for Sikh and Hindu children. This request was not met.” [2c] (Section III)
- 19.21 The Foreign and Commonwealth Office (FCO) noted in a letter dated 17 March 2008 that less than one per cent of the population of Kabul are Sikh, Hindu or Christian. The Hindu community there, although tolerated are unable to practise their religion freely and face forms of intimidation from both the public and the authorities. Some are reluctant to send their children to school for fear of mistreatment. [4d]
- 19.22 The FCO further noted that the Sikh community in Kabul also face forms of intimidation and are also reluctant to send their children to school. However, generally they are tolerated and some own and run successful businesses. The Guru Dwara in Karte Parwan, Kabul is a fully functioning temple. [4d]
- 19.23 The *Pakistan Daily* reported on 25 July 2008 that:
- “Ghazni governor inaugurated a temple for adherent of Sikh religion after completion of the construction work on this holy place of Sikh followers in Ghazni province. Accomplished on over 27 acres of land the Sikh temple had

been completed by \$151000 assistance from Provincial Reconstruction Team (PRT). Ismail Jahangir spokesman of the Ghazni governor told the new temple had rooms for guests and chicken. Dilip Singh MP of the Sikhs in Ghazni province while praising the step said problems in offering their religious ceremonies and parties was solved with this new temple. They had been faced with several troubles before the inauguration of this new temple, he added. The new temple could house 3000 people at once, he informed, urging the government to focus on the religious minorities in the province to protect their entitled rights. 'I am an Afghan and I am entitled to all rights to be looked after.' He added. Thousands of Sikhs and Hindus would rush to Ghazni to attend religious festivals when the peace and stability returns to the province, he hoped... There are two Sikh temples in Ghanzi province." [93a]

(See also Section 19: [Constitutional Rights, Religious Law and Institutions](#))

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## Converts and Christians

- 19.24 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, published December 2007 stated that: "Afghans suspected or accused of having converted from Islam to Christianity or other faiths risk persecution. The risk emanates from family and/or tribe members as well as the broader community. Severe punishment within the legal system is also possible for those who do not recant their conversion." [11k] (p8)
- 19.25 The same document noted that: "... the Constitution of Afghanistan is silent on issues of conversion and while calling for the respect of human rights and fundamental freedoms, defers to Sharia law for matters not explicitly dealt with by the Constitution. Under Sharia Law, conversion is punishable by death. As such, the risk of persecution continues to exist for Afghans suspected or accused of having converted to Christianity or other faiths." [11k] (p67)
- 19.26 The Foreign and Commonwealth Office noted in a letter dated 17 March 2008 noted that practising Christianity in Afghanistan is considered extremely dangerous and is not discussed openly. However, in Kabul there may be small pockets of Afghan Christians who risk worshipping together in secret places. [4d]
- 19.27 The FCO further noted that Christianity is still not accepted. Christians are regularly discriminated against and face verbal and physical abuse from the authorities, former friends and also family members. Authorities do not generally investigate allegations of harassment or ill-treatment or bring those responsible to justice. [4d]
- 19.28 The US State Department (USSD) Report on Religious Freedom 2007, published on 14 September 2007, recorded that "Conversion from Islam is considered apostasy and is punishable by death under some interpretations of Shari'a. As in the case of blasphemy, an Afghan citizen who has converted from Islam (if a male over age 18 or a female over age 16, who is of sound mind) has three days to recant his or her conversion and is otherwise subject to death by hanging." [2c] (Section II)

- 19.29 The USSD 2007 report also recorded that “In May 2005 two students were suspended for a year from Herat University for commenting on Islam during a religious debate in ways that classmates and a teacher found blasphemous. The AIHRC reported that the two students were reinstated at the university and all charges against them suspended. Following the arrests, the students were released from jail and housed, for security purposes, at various safe houses.” [2c] (Section II)
- 19.30 In March 2006 numerous news agencies, including BBC News, reported on the case of Abdul Rahman, an Afghan who faced execution in Afghanistan under Sharia law for converting from Islam to Christianity unless he reconverted to Islam. On 30 March 2006, Times Online reported that “Mr Rahman became a Christian while working for an aid group helping Afghan refugees in Pakistan 15 years ago. He lived in Germany before returning to Afghanistan, where he was detained when his relatives told authorities that he had converted to Christianity after a dispute involving two daughters.” Following his release from prison due to pressure from Western countries and doubts about his mental state, Mr Rahman was granted asylum in Italy. [68a] [25t]
- 19.31 The decision to release Mr Rahman provoked anger in Afghanistan and was criticised by the leader of the lower house of parliament, Yunus Qanuni, who told the assembly that he should not be allowed to leave the country. [68a] *The Guardian* reported on 28 March 2006 that “Around 1,000 protestors marched through the northern city of Mazar-i-Sharif, chanting ‘Death to Christians’ and ‘Death to America’ after court officials announced they were dismissing the case.” [18e]
- 19.32 “While President Karzai defended the release of Abdul Rahman, [former] Chief Justice Fazl Hadi Shinwari complained that Islamic laws were being ignored in Afghanistan and some government officials were not upholding Islamic values. The Taliban issued a statement that claimed the release of Rahman was a conspiracy masterminded by foreign forces.” (World Evangelical Alliance, 7 April 2006) [82b]
- 19.33 On 22 March 2006, Radio Free Europe/Radio Liberty (RFE/RL) reported that:
- “The constitution also provides little legal guidance about how other faiths can live or operate in this Islamic republic. While followers of other religions enjoy the right to freely exercise ‘their faith and perform their religious rites within the limits and the provisions of law,’ neither the constitution nor the country’s law set those limits. For example, there is no law that makes it clear whether a church can operate in the country. The unstated understanding seems to be that churches can operate inside diplomatic missions or in military bases but not publicly.” [29v]
- 19.34 On 11 September 2006, the UN Secretary-General reported that following the case of Abdul Rahman in March 2006:
- “There have since been three similar cases in which Afghan citizens were accused of apostasy by local religious leaders and were forced to leave the country. Those cases highlight the obstacles to the enjoyment of freedom of conscience and religion that exist in Afghanistan and the necessity of the

Government to take proactive measures to protect those rights. In that regard, the proposal to reinstate the Department for the Promotion of Virtue and Prevention of Vice within the Ministry of Hajj and Religious Affairs is a development that will need to be closely monitored.” [39n] (p10)

- 19.35 UNHCR’s ‘Eligibility Guidelines’ paper of December 2007 recorded that “In two of the cases, Afghan families in which some of the members had converted to Christianity reported being harassed by their community and eventually decided to leave the country. In a third case, a Christian convert was jailed on unrelated allegations of homicide. While in jail, another inmate who came to know of his religious belief reportedly killed him.” [11k] (p42)

(See also Section 32: [UNHCR guidelines](#))

### Baha’is

- 19.36 UNHCR’s December 2007 Eligibility Guidelines also note that “In light of the May 2007 Supreme Court ruling declaring the Baha’i faith distinct from Islam and a form a blasphemy, Afghans converting to the Baha’i faith face a risk of persecution similar to that of Christian converts.” [11k] (p67) In addition, the US State Department report on International Religious Freedom 2007 states that:

“[w]hile the ruling is unlikely to affect foreign-national Baha’is in Afghanistan, it could potentially create problems for the country’s small Afghan Baha’i population, particularly on the question of marriage. Many Afghan Baha’is are married to Afghan Muslims, but the ruling could be used by courts to invalidate marriages between Baha’is and Muslims. This would create a noteworthy distinction between how the courts view the Baha’i faith vis-à-vis Christianity and Judaism, as Jewish and Christian women (but not Baha’i women) can be legally married to Muslim men. (Muslim women can only be married to Muslim men.) Afghan citizens who convert from Islam to the Baha’i faith face a risk of persecution, similar to that of Christian converts. It remains to be seen how the government will treat second-generation Baha’is who technically have not converted, as they were born into families of Baha’i followers, but may still be viewed as having committed blasphemy.” [2c] (Section II)

### Mixed Marriages

- 19.37 The Danish fact-finding mission of March/April 2004 reported in November 2004 that:

“The CCA [Co-operation Centre for Afghanistan] mentioned that it was almost impossible for a Muslim Afghan woman to marry a non-Muslim man. The source found that in the majority of cases the families would not accept the marriage. The marriage will not be recognized and the relationship will be regarded as co-habitation outside marriage, which is severely punished. A woman who violates these norms runs a severe risk of being rejected by her family or, in the worst case, being murdered. A Muslim man can marry a woman with a Jewish or Christian background, but not a woman who is a Sikh or a Hindu.

“The CCA knew of a number of cases in which women from the former Soviet Union had moved to Afghanistan because of their marriage to Afghan men. Such couples do not encounter any problems in Afghanistan, but in several

cases the source found that the women could have difficulties in settling down in Afghanistan due to the traditional view on women.” [8] (Section 6.9)

(See also Section 23: [Women](#))

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## 20. ETHNIC GROUPS

### INTRODUCTION

- 20.01 Article 4 of the Constitution adopted in January 2004 states “The nation of Afghanistan is comprised of Pashtun, Tajik, Hazara, Uzbek, Turkman, Baluch, Pashai, Nuristani, Aymaq, Arab, Qirghiz, Qizilbash, Gujur, Brahui and other ethnic groups.” [81]
- 20.02 The UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 stated that:
- “Continuing efforts to address the problems faced by persons residing in areas where they constitute an ethnic minority are reflected in a more tolerant climate in some localities. However, such minorities may still face persecutory acts, such as physical abuse and detention, or discrimination amounting to persecution by local power-holders in some areas. Where it occurs, discrimination often manifests itself in terms of access to education and other services, political representation and with regard to land and property.” [11k] (p8)
- 20.03 An Oxfam Research Report published in February 2008 stated that: “The lack of effective institutions of local government and accepted processes for the management of civil affairs is inherently destabilising; and this is compounded by the fact that Afghan civil society is not yet well established. This, and the lack of both physical and human resources, has rendered local government open to exploitation. Thus, the abuse of power at a local level, for personal, criminal, or other illicit purposes, has also been the cause of local disputes.” [75]
- 20.04 An International Crisis Group report dated 15 May 2006 stated that “... ethnic identity is imprecise; even when people positively identify with one group, they may have mixed parentage or, in the case of women, sometimes claim that of their husband.” [26h] (p7)

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### PASHTUNS (PATHANS)

- 20.05 In June 2005 UNHCR stated that Pashtuns were the largest ethnic group in Afghanistan, constituting about 38 per cent of the population. [11b] (p8) The 2005 Encyclopedia of the World’s Minorities records that there are also Pashtuns in Pakistan, mainly in the North West Frontier and Baluchistan provinces. Their language, Pashto, became an official language of Afghanistan in 1936. The Encyclopedia also stated that “Sociopolitical strife, droughts, and resulting famine have led to mass immigration eastward across a shared border into Pakistan, producing large refugee communities.” [27] (p955)
- 20.06 The 2005 Encyclopedia of the World’s Minorities also recorded that:
- “Pashtun/Pakhtun society is organized along hierarchical, patrilineal lines allegedly connecting tribesfolk back to an eponymous common ancestor. Affiliations to lineages and clans (zai, khel) are fairly fluid in practice. Major

groups include the Durrani, Ghilzai, and Karlanri, each consisting of several tribes and clans. Overall there are at least 60 tribes. Tribal genealogy determines societal rank, land use, and patterns of inheritance. Social conduct, especially for men, revolves around the concept of pashtunwali or pakhtunwali – an idealised system of hospitality, honor, and revenge used to regulate interactions and mediate disputes. This system is overseen by tribal chiefs (khans), a title bestowed on Pashtun leaders by Indian Mogul and Iranian Safawid rulers in the sixteenth century CE, and by tribal assemblies (jirgas). Blood feuds often arise between tribesmen over issues relating to personal or familial honor, especially involving women, and over the exercise of property rights, particularly grazing of livestock.” [27] (p955-956)

20.07 The USSD 2006 report, published on 6 March 2007, stated that “In northern areas, commanders targeted women, especially from Pashtun families for sexual violence.” [2b] (Section 5)

20.08 A report by the Afghanistan Research and Evaluation Unit dated December 2005 stated that, following the parliamentary elections of September 2005, Pashtuns had 118 seats in the Wolesa Jirga (47.4 per cent). [22c] (Section 2.1.3)

20.09 On 21 August 2006 UNHCR reported that the Pashtun minority of northern Afghanistan was gradually returning to their native Jawzjan province in the north of the country from the Zhari Dasht refugee camp in the southern province of Kandahar:

“Many of the returning IDPs have been away for up to 25 years, fleeing during the 1979–89 Soviet occupation. More left after the predominantly ethnic Pashtun Taliban regime was toppled in late 2001, fearing reprisals from ethnic Tajiks and Uzbeks in the north. Yet others sought greener pastures when the long drought hit the region in the late 1990s.” [11h]

20.10 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, dated December 2007 stated that

“While attempts are being made by the Government to address the problems faced by Afghans residing in areas where they are an ethnic minority and improvements have taken place in some areas, such minorities may still in some regions face detention, physical abuse and intimidation by local commanders and power-holders. Discrimination amounting to persecution of ethnic minorities also occurs, most commonly in the form of denial of access to education and other services and political representation.

“Afghans of Pashtun ethnic origin from northern and central Afghanistan, in particular some districts of Jowzjan, Sar-i-Pul and Faryab and Kapisa, are possibly at risk of persecution and are unable to recover their land and property subsequent to displacement. Similarly, while most Afghan Gujurs from Baghlan were able to return, Afghan Gujurs from Takhar continue to face serious difficulties as mentioned above. Generally, asylum-seekers originating from areas where they are an ethnic minority are at heightened risk if they attempt to reclaim land and property.” [11k] (p66-67)

(See also Section 32: [UNHCR guidelines](#))

## Blood Feuds

- 20.11 "There is a culture of blood feuds in the country. These are mainly a Pashtun phenomenon, but because of the close proximity of different communities they might now to some extent be practised by other ethnic groups. There are some famous feuds which run for many years, for example there is a famous feud that has been running in Nangarhar province which has lasted at least 30 years century [sic], taking the lives of some 500 people. In a blood feud the most senior man would normally be targeted, but the feud could extend all the way to daughters. Blood feuds arise when a wrongdoing has not been settled through tribal mechanisms such as councils of elders. Individuals will assess the risk to their family before taking revenge, so a male who was the breadwinner for a whole family would be much less likely to risk his own death by pursuing a blood feud." (Dr Antonio Giustozzi, Afghanistan Notes, 28 June 2006) [37]
- 20.12 "Afghanistan's people are a patchwork of different ethnicities and in some areas these differences hinder social cohesion. For example, Oxfam researchers in the Ghourian district of Herat reported that 'the biggest reason for conflict is land disputes, which mainly happen between Pashtuns and Tajiks'. Despite a strong sense of national identity, ethnic and tribal affiliations have long been of significance. Inequalities and rivalries between ethnicities existed prior to the Saur Revolution of 1978, but were intensified by conflict as tensions increased and commanders sought to exploit differences for their own ends." (Oxfam Research Report, February 2008) [75]
- 20.13 "Another major source of conflict... is disagreements within or between families. Such disputes can easily spread to tribes or communities, and in a significant number of cases relate to women, marriage, or sexual relations. Violence can result from the transgression of traditional conjugal norms, such as the provision of dowries, arranged marriage, the custom of a family providing a girl for marriage as compensation for a crime (baad), or to resolve a dispute (badal), or the practice whereby a widow is expected to marry her deceased husband's brother. Domestic violence against women or severely discriminatory treatment is also often a cause and consequence of family, tribal, or community disputes." (Oxfam Research Report, February 2008) [75] (p10)

## TAJIKS

- 20.14 The 2005 Encyclopedia of the World's Minorities records that the Tajik population in Afghanistan is difficult to determine:
- "Most estimates range between three and four million, only slightly less than the number in Tajikistan. Tajik-speakers settle primarily in northeastern Afghanistan extending south to Kabul. A second center exists in the west of the country, in the province of Herat. Tajiks, under the leadership of Ahmad Shah Masud, were very active in the fight of the Northern Alliance against the Taliban. They used to compose a significant portion of the lower and middle level of the state administration as the state capital is located in a Tajik-speaking area. Tajik, or Dari, is one of the two state languages and is also a medium of interethnic communication as minority groups speak Tajik rather than Pashtu as a second language." [27] (p1175-1176)

- 20.15 In June 2005, the UNHCR noted that Tajiks comprised about 25 per cent of the population making them the second largest ethnic group; they are Persian (Dari) speaking Afghans. [11b] (p8) The 2005 Encyclopedia of the World's Minorities records that the majority of Tajiks are Sunni Muslims. [27] (p1175)
- 20.16 The Danish fact-finding mission of March/April 2004 reported in November 2004 that, according to UNHCR "Previously there have been conflicts between Tadjiks [Tajiks] and Hazaras, not only in Bamian district but also in the districts of Shiber and Yakaowlang. These conflicts no longer exist. The Tadjiks, who earlier had to flee from the region due to conflicts with the Hazaras have now returned and live in peace with the Hazaras. Moreover, the Tadjiks have been able to reclaim their houses." [8] (Section 3.2.2)
- 20.17 The report by the Afghanistan Research and Evaluation Unit dated December 2005 stated that, following the parliamentary elections of September 2005, Tajiks and Aimaqs had 53 seats in the Wolesa Jirga (21.3 per cent). [22c] (Section 2.1.3)

### PANJSHERIS

- 20.18 The Minority Group International noted that:

"The Panjshiri are not always classified as a separate group because they are considered as falling within the Tajik ethnic grouping. However, they display certain distinct characteristics from the ethnic cousins that often identifies them as a specific minority in their own right. It can be speculated that their name comes from the Panjshiri valley, where they were living. They practice Sunni Islam and speak a language known as Panjshiri, which is a dialect of Dari (Persian). They inhabit the mainly mountainous areas north of Kabul.

"Again, like the Nuristanis, they live at relatively high altitudes in high mountains with limited access to land. They have traditionally derived their livelihood from animal husbandry. With increasing migration to Kabul for work the Panjshiris have gradually begun to provide a source of unskilled labour that is only second to the Hazaras. A significant number have also traditionally worked in semi-skilled professions, as drivers and mechanics.

"Socially and politically, Panjshiris fall into the same category as other suppressed ethnic groups such as the Hazaras and Nuristanis, with very few people in high-ranking positions in the army and the government in Kabul." [76b]

- 20.19 "After the fall of the Taliban regime the Panjshiris, along with other Tajiks, formed the core of the Northern Alliance, and gained power on some of the important ministries, as well as some control of the military. Some Panjshiris have however been articulating the view that the community should give up some of the control, if it is to achieve a more diverse and ethnically equally representative government." (MRG, *nd*) [76b]

### HAZARAS

- 20.20 "There are approximately 2.8 million Hazaras in Afghanistan (CIA World Factbook 2007). They were once the largest Afghan ethnic group constituting nearly 67% of the total population of the state before the 19th century. More

than half were massacred in 1893 when their autonomy was lost as a result of political action. Today they constitute approximately 9% of the Afghan population. The origin of Hazara are much debated, the word Hazara means 'thousand' in Persian but given the Hazaras features, current theory supports their decent from Mongol soldiers left behind by Genghis Khan in the 13th century.

"The majority of Hazaras live in Hazarajat (or Hazarestan), land of the Hazara, which is situated in the rugged central mountainous core of Afghanistan with an area of approximately 50,000 sq. km, with others living in the Badakhshan mountains. In the aftermath of Kabul's campaign against them in the late 19th century, many Hazaras settled in western Turkestan, in JauzJan and Badghis provinces. Ismaili Hazaras, a smaller religiously differentiated group of Hazaras live in the Hindu Kush mountains. The most recent two decades of war have driven many Hazaras away from their traditional heartland to live on the fringes of the state in close proximity to Iran and Pakistan. There is also a large cross-border community of Hazaras who make up an influential ethnic group in the Pakistani border city of Quetta." (Minority Rights Group International, *nd*) [76a]

- 20.21 "The Hazaras speak a dialect of Dari (Persian Dialect) called Hazaragi and the vast majority of them follow the Shi'a sect (twelve Imami). A significant number are also followers of the Ismaili sect while a small number are Sunni Muslim. Within Afghani culture the Hazaras are famous for their music and poetry and the proverbs from which their poetry stems ... The Hazaras are reported to have nuclear families with the husband considered the head of the family except in the case of husband's death, when the woman becomes the head. In the latter case the older wife in polygamous marriages succeeds the deceased husband until the eldest son [*sic*] reaches maturity. At national level Hazaras tend to be more progressive concerning women's rights to education and public activities. Educated Hazara women, in particular ones who returned from exile in Iran are as active as men in civic and political arenas. Hazara families are eager to educate their daughters. U.N. officials in Bamian, 20 miles to the east, said that since the collapse of Taliban rule in late 2001, aid agencies have scrambled to build schools and have succeeded in attracting qualified female teachers to meet the demand." (MRG, *nd*) [76a]

(See also Section 23: [Women](#))

- 20.22 "Hazaras are one of the national ethnic minorities recognized in the new Afghan constitution and have been given full right to Afghan citizenship. Their main political party, Hizb-e Wahdat gained only one seat in the cabinet. Hazaras are concerned about the rising power of the warlords, who they feel pose a direct threat to their community. Also, given the suppression suffered by Hazaras under the Mujaheedin, the power of Northern Alliance (Mujaheedin leadership of 10 years ago) in the new leadership is a cause for worry." (MRG, *nd*) [76a]
- 20.23 An article in Reuters News on 18 April 2007 reported that:

"The mostly Shi'ite Hazaras had been oppressed by the Sunni rulers in Kabul through centuries of tumultuous Afghan history. But when the strictly Sunni Taliban came to power in 1996 they didn't just oppress the Hazaras, they massacred them. Thousands of Hazaras, reviled by the Taliban as infidels,

were killed and buried in mass graves or thrown into wells. Tens of thousands more were jailed. More than five years after the U.S.-backed administration of President Hamid Karzai took power, many Hazaras say they are still waiting for signs that their community, and their homeland Hazarajat, will get equal treatment in the new Afghanistan.” [24g]

- 20.24 On 29 July 2004, the *Pakistan Tribune* reported on the position of Hazaras in Bamian [Bamiyan]:

“Armed with a new constitution that guarantees equal rights to minority groups, Hazaras are engaged in an intense campaign to grasp some power and lift themselves from the bottom of Afghan society. The Hazaras have a great stake in seeing that the Taliban does not return to power. When the extremist Islamic movement controlled Afghanistan in the 1990s, its fighters killed hundreds – by some estimates thousands – of Hazaras in an effort to break the back of resistance to Taliban rule.” [30a]

- 20.25 In a report dated 21 September 2004, the UN-appointed independent expert of the Commission on Human Rights in Afghanistan commented on a case of human rights violations, which the UNHCR had verified and brought to his attention. The case involved approximately 200 Hazara families (about 1,000 individuals) displaced from Daikundi over the last decade by local commanders and now living in Kabul. The independent expert noted:

“Some members of the community arrived during the past year, having fled ethnically based persecution, including the expropriation of land and property, killings, arbitrary arrests and a variety of acts of severe intimidation perpetrated by warlords and local commanders who control the Daikundi districts and who are directly linked to a major political party whose leader occupies a senior governmental post.” [39k] (para. 72)

- 20.26 On 7 October 2004 the Institute for War and Peace Reporting (IWPR) reported:

“Hazaras are the third largest ethnic group in the country, and now live mainly in the central and north of the country. They have historically suffered discrimination. Yusuf Waezi, manager of the main Hazara party, Hizb-e-Wahdat-e-Islami, said, ‘Hazara people are the most oppressed community and their only job was being porters. An Hazara child wasn’t allowed to study more than the six grade [13 years] and there wasn’t any school in majority of the areas this community lived in,’ he said. But he said that conditions had improved significantly under the transitional government. ‘After the fall of the Taleban, the rights of the Hazara people became satisfactory,’ he said.” [73h]

- 20.27 The US State Department report 2007 published on 11 March 2008, noted that: “The Shi’a religious affiliation of the Hazaras historically was a significant factor contributing to their repression, and there was continued social discrimination against Hazaras.” [2h] (Section 2c)

- 20.28 The report further noted that: “Ethnic Hazaras reported being asked to pay additional bribes at border crossings where Pashtuns were allowed to pass freely.” [2h] (Section 2c)

- 20.29 A report by the Afghanistan Research and Evaluation Unit dated December 2005 stated that, following the parliamentary elections of September 2005, Hazaras had 30 seats in the Wolesa Jirga (12 per cent). [22c] (Section 2.1.3)
- 20.30 Clashes between Pashton Kochis (nomads) and Hazaras of Behsood District, Wardak Province over access to grazing land from early June 2006 caused several deaths and injuries as well as displacement to hundreds of others. A provisional ceasefire was put in place with conditions that the Kochis temporarily withdrew from the area. (IRIN News, 24 July 2007) [36ae]
- 20.31 The USSD 2007 report noted "Ethnic Hazaras continued to prevent some Kuchi nomads from returning to traditional grazing lands in the central highlands, in part because of allegations that the Kuchis were pro-Taliban and thus complicit in the massacres of Hazaras in the 1990s. During the year there were clashes between Hazaras and Kuchis in Wardak Province." [2h] (Section 5)
- 20.32 A demonstration by the Hazaras in the capital, Kabul on 22 July 2008 ended peacefully after five hours, the BBC reported. The demonstrators were calling on the government to do more to protect their land after disputes with the nomadic Kuchis. "The Hazaras accuse the nomadic Kuchis of killing a number of Hazaras recently in the Behsud district of Wardak province, while the Kuchis say Hazaras attacked their camps, killing several nomads. The Kuchis say they have historic grazing rights over the land in Wardak province, south-west of Kabul. President Karzai set up a commission to deal with the dispute last year after several people died in clashes between the Kuchis and the Hazaras." Some demonstrators were calling for president Karzai to resign the report noted. (BBC, 22 July 2008) [25k]

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## UZBEKS AND TURKMEN

- 20.33 The 2005 Encyclopedia of the World's Minorities recorded that Turkmen reside "... in northwestern and northeastern Afghanistan where they are minorities among Pushtun and Hazara. The Turkmen are Sunni Muslims and relatively few are Shia Muslims." [27] (p1223) The same source also states that "Uzbeks were one of the major ethnic groups in the north of the country for centuries. Today, the majority of them are settled in the provinces of Kunduz and Mazar-i Sharif... Uzbeks became known as one of the key elements in the Northern Alliance against the Taliban, under the leadership of General Dostum." [27] (p1288)
- 20.34 The UNHCR in June 2005 advised that Uzbeks constitute about six per cent of the population. Turkmen, Baluch, Pashai, Nuristani, Aymaks, Arab, Qirghiz, Qizilbash, Gujur, Brahui and other groups constitute about 12 per cent. [11b] (p8)
- 20.35 Article 16 of the Constitution recognises six additional languages, besides Dari and Pashtu, as official languages in the regions where they are spoken by the majority of the population. These include Uzbeki and Turkmani. [81]

- 20.36 A report by the Afghanistan Research and Evaluation Unit dated December 2005 stated that, following the parliamentary elections of September 2005, Uzbeks had 20 seats in the Wolesa Jirga (eight per cent) and Turkmen, five seats (two per cent). [22c] (Section 2.1.3)

## KUCHIS

- 20.37 Kuchis means “nomads” in the Pashtu language.

“Officials estimate there are about three million Kuchis among the 25 million or so Afghans, with about 60 per cent of them still following the nomadic life. They are among the poorest of the battered country’s poor, owning little more than a tent and a few sheep and cows... Armed villagers and warlords often chase them off the land guaranteed to them under the new constitution. Hospitals refuse their sick, and graveyards reject their dead. They earn money by selling milk from their animals, but many also make their children work or beg. Even if they wanted to settle down, most couldn’t afford to buy or rent a house.

“Yet not all Kuchis share the same lot. Some have bought property and use it as a base to return to after several months of travel. And there is a smaller, more affluent group that settled down long ago, leaving the roaming lifestyle behind.” (Associated Press, 14 May 2006) [54b]

- 20.38 A news article by the Institute for War and Peace Reporting (IWPR) dated 25 August 2005 stated that it was unknown how many of the recorded 3.7 million Kuchis in the latest official census conducted in the 1970s still existed in Afghanistan: “A preliminary count puts their number now at no more than 1.5 million, and the true figure may be as low as 600,000.” IWPR also noted:

“Afghanistan’s Kuchis have been hardest hit by the catastrophic events of recent years... Promises of mobile clinics, schools, and other facilities for Kuchis have gone unfulfilled, they say, leaving them poor, sick, and uneducated. Kuchi women bear the brunt of the burden. With little access to medical care, they have an extremely high rate of maternal and infant mortality, and illnesses related to reproductive health are common.” [73q]

- 20.39 The USSD 2006 report, published on 6 March 2007, recorded that:

“Ethnic Hazaras continued to prevent some Kuchi nomads from returning to traditional grazing lands in the central highlands, in part because of allegations that the Kuchis were pro-Taliban and thus complicit in the massacres perpetrated against Hazaras in the 1990s.” [2b] (section 2d)

- 20.40 The final report of the Joint Electoral Management Body (JEMB) on the September 2005 elections, published in December 2005, stated that the Kuchis were allotted ten seats in the Wolesi Jirga. [74d] (p20) The IWPR news article of 25 August 2005 reported the Kuchi community as saying this number was insufficient to give them any significant power in the 249-seat parliament. [73q]

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## 21. LESBIAN, GAY, BISEXUAL AND TRANSGENDER PERSONS

### LEGAL RIGHTS

- 21.01 According to the International Lesbian and Gay Association (ILGA) website, accessed on 14 September 2008, same-sex male and same-sex female relationships are both deemed to be illegal. Article 427 of the Penal (Criminal) Code notes: '(1) A person who commits adultery or pederasty shall be sentenced to long imprisonment.  
(2) In one of the following cases commitment of the acts, specified above, is considered to be aggravating conditions:  
a. In the case where the person against whom the crime has been committed is not yet eighteen years old.  
b. ...'

"In Afghan legal terminology 'pederasty' appears to refer to homosexual acts and not paedophilia, which instead falls under subsection a) of article 427. Islamic Sharia law, criminalizing homosexual acts with a maximum of death penalty, is applied together with the codified Penal law. However, no known cases of death sentences have been handed out for homosexual acts after the end of Taliban rule.

- 21.02 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, 31 December 2007 stated that "Open homosexual relations are not possible in Afghanistan given conservative social mores. In addition to gays and lesbians risking violence from family or community members, most interpretations of the applicable criminal law indicate that homosexual acts would lead to severe punishment were they to come to the attention of authorities." [11k] (p9)
- 21.03 The US State Department 2007 report published on 11 March 2008 recorded that "The law criminalizes homosexual activity; however, the authorities only sporadically enforced the prohibition." [2h] (Section 5)
- 21.04 On 1 September 2005, the *Pakistan Tribune* reported that "Afghan officials say homosexuality remains a crime, even though it no longer brings the brutal punishment handed out under the Taliban before its ouster in 2001. Under its harsh interpretation of Shariah, or Islamic law, homosexuals were crushed to death by having walls toppled on them, although Afghans say closet gay relationships remained widespread." [30b]

### SOCIETAL ILL-TREATMENT OR DISCRIMINATION

- 21.05 The US State Department 2007 report published on 11 March 2008 recorded that "A recent UNHCR report noted that most homosexual persons hid their sexual orientation. Many observers believed that societal disapproval of homosexuality was partly the cause for the prevalence of rape of young boys. During 2006 the Taliban published a new set of rules that explicitly forbade the recruitment of young boys for sexual pleasure." [2h] (Section 5)
- 21.06 GlaobalGays.com, updated April 2008 noted that:

“Male-to-male conjunctions generally follow along old Arabic traditions. In most modern Islamic ‘cultural’ (premarital) homosexual behaviour there is a mute understanding that sex is mutual consensual, temporary and that it’s a form of companionship, if not affection, among peers... Whether the activity is mutual or forceful, there is an almost universal attitude in these eastern cultures that such sexual indulgence is not ‘gay’, that is, it’s not sex or love between two men who identify as homosexuals. (In Afghanistan it’s common for the older participants to be married with kids.) Rather, in a collective mental shell game the meaning of sex is re-framed: heterosexual men engage in homosexual behavior in which the younger guy is not a ‘fem’ but obedient and passive and the older one is not a ‘butch queer’ but assertive and active.” [42]

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## 22. DISABILITY

- 22.01 “The law requires the state to assist persons with disabilities and protect their rights, including healthcare and financial protection. The government took no measures to mandate accessibility to buildings for persons with disabilities.” (USSD report, 2007) [2h] (Section 5)
- 22.02 “According to the MOWSAMD [Ministry of Work, Social Affairs, Martyred, and Disabled], sample surveys estimated a total disabled population of two million persons, 25 percent of whom had disabilities caused by the country’s two-and-a-half decades of conflict. IRIN reported that more than 50 percent of persons with disabilities are less than 19 years old. Domestic NGOs offered privately funded trade classes to persons with disabilities. However, according to the National Disability Survey, more than 72 percent of all persons with disabilities over age six have not received any education, and fewer than 30 percent of persons with disabilities have jobs. Although community-based health and rehabilitation committees continued to provide services to approximately 100,000 persons, their activities were restricted to 60 out of 330 districts. As a result, they were able to assist only a small number of those in need. The MOWSAMD worked within the framework of the UN Development Program’s National Program for Action and Disability (NPAD) to coordinate and develop policy strategies that create employment opportunities, access to education, health care, and greater mobility for disabled citizens; however, during the year, the MOWSAMD reported that the scope of NPAD was greatly reduced due to a lack of funds. Ministry services currently extend to only 16 of the 34 provinces. Disabled groups repeatedly protested the inaction of the MOWSAMD.” [2h] (Section 5)
- 22.03 “War in Afghanistan has created a population dramatically affected by trauma and disability. Estimates suggested two million people may have a physical disability of some sort. This figure excludes those who have some sort of mental trauma, perhaps from something they witnessed or the high level of domestic violence.” It is estimated that 75 per cent of children with disabilities do not attend school and 80 per cent of people with disabilities are unemployed. (United Nations Development Programme (UNDP) Afghanistan, accessed 10 August 2006) [47]

(See also Section 24: Children – [Child care](#) and [Health issues](#))

- 22.04 The 2007 Afghanistan Landmine Monitor report stated that:

“Afghanistan has no law protecting the rights and needs of people with disabilities, but the 2004 constitution provides some basic protection...

“A 2006-2008 national disability policy was drafted in 2006, without input from organizations for people with disabilities, but then shelved. However, the Ministry of Labor, Social Affairs, Martyrs and Disabled is said to remain ‘committed to establishing a national policy for disability and the required legislation.’ Additional employment policy has been drafted within the national labor strategy. Two people with disabilities have a seat in the Afghan parliament. The government has the aim of mainstreaming disability through the ‘implementation of integrated programs and the inclusion of people with disabilities into all sectors of Afghan society.’

“Social security benefits of 300 Afghanis per month (about \$6) are paid to some 300,000 registered recipients, including mine survivors and other people disabled by the war, and the families of those killed in the war. People with less than 50 percent disability receive 150 Afghanis (\$3) per month. The benefit is reported to be insufficient to maintain a basic standard of living, and the bureaucratic procedure prevents many disabled people from receiving it.” [14a] (p17)

- 22.05 The 2007 Afghanistan Landmine Monitor report also recorded that “The National Disability Survey in Afghanistan estimated in 2006 that there were between 747,500 and 867,100 people with disabilities; more than half were in the western and central parts of the country. Approximately 17 percent were war disabled; mine/ERW [Explosive Remnants of War] survivors made up seven percent of people with disabilities (between 52,000 and 60,000 people).” [14a] (p16)

- 22.06 The report further noted that:

“Mine/ERW survivors constitute a significant proportion of all people with disabilities in Afghanistan; moreover, they are usually among the poorest in society and suffer from limited service provision. In 2006 more than 50 percent of services for people with disabilities were provided by NGOs and international organizations...

“According to the ICRC [International Committee of the Red Cross], ‘Access to physical rehabilitation services was hindered by many obstacles,’ including lack of awareness and professionalism, prejudice against disability, poverty, distances, lack of security and political divisions. The rehabilitation needs of mine survivors and other people with disabilities are seldom met. Whereas physical rehabilitation facilities are needed in every city in at least 30 of the 34 provinces, there are only 14 operational centers (only one of which is run by the government). Coordination is good among disability stakeholders, but interministerial coordination and ministries’ technical capacity is said to be weak.

“There is a lack of psychosocial and economic support activities, relevant information, and coordination; unemployment among people with disabilities is very high. According to the HI disability study, 70 percent of people with disabilities do not have access to schools. ICRC and NGOs carry out projects directed at specific needs, but not long-term programs.” [14a] (p17)

The Landmine Monitor report 2007 provides further information on the landmine situation in Afghanistan and accessed directly via the link given in [Annex F](#) for source number [14a].

(See also [Section 30: Freedom of Movement - Mines and unexploded ordnance](#))

- 22.07 A UNHCR paper dated 31 December 2007 advised that:

“Ill or disabled persons who cannot work or live on their own in Afghanistan should not return unless they have effective family and/or community support. Examples are persons permanently disabled by diseases such as polio or meningitis, landmine victims, persons injured during the war, accident victims,

and persons with severe handicaps or birth defects, including blind, deaf and mute persons. Similarly, mentally ill persons who need long term treatment or special care will not be able to cope in Afghanistan without family assistance. There are very few specialized institutions and personnel. This is particularly problematic for persons suffering severe mental illnesses, who, as a result, are not self-sufficient. It should be noted that occasional drug users are often believed to be mentally ill by their families. Drug use reduction programmes, albeit part of the counter-narcotics strategy of the Government of Afghanistan, are nascent and offer extremely limited facilities, all with long waiting lists.”  
[11k] (p78-79)

- 22.08 The Afghanistan Independent Human Rights Commission (AIHRC) Annual Report 2007 noted that:

The People with Disabilities Unit (PWDU) focused its activities mainly on promoting the rights of people with disabilities through organizing 54 workshops and 202 awareness-raising meetings in which 9,410 people (2,895 women) in 30 provinces, including community elders and governmental officials learned about the rights of people with disabilities in society. The unit held meetings with government officials and NGOs working with the PWD in order to establish partnership to facilitate the implementation of the PWD Action Plan for 2007. [78i]

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## 23. WOMEN

### OVERVIEW

- 23.01 Among others, Human Rights Watch, the UN Security Council and the UN Development Fund for Women published reports during 2007 and 2008 which provide information about the situation for women and girls in Afghanistan.
- 23.02 “Despite gains in girls’ primary school enrolment [*sic*] rates and women’s political participation, Afghan women and girls confront discrimination in almost every aspect of their lives. They continue to struggle to exercise fundamental rights to health, education, work, freedom from violence, and freedom of movement.” (HRW, 10 June 2008) [17t] (1. **Women’s Rights**) “Afghan women and girls rank among the world’s worst off by most indicators, such as life expectancy (46 years) [reported as 43 years by HRW in June 2008 [17t]], maternal mortality (1,600 deaths per 100,000 births), and literacy (12.6 percent of females 15 and older). Women and girls still confront significant barriers to working outside the home and restrictions on their mobility; for example, many still cannot travel without an accompanying male relative and a burqa.” (HRW, 2008) [17a]
- 23.03 In a report dated 6 March 2008, the UN Secretary-General stated that:
- “Tangible improvement in the status of women remains a major challenge, despite numerous Government policies and programmes addressing gender issues. Implementation of the National Action Plan for the Women of Afghanistan has begun through pilot projects. Further progress will depend on political will, the availability of resources and implementation capacity.
- “There has been some progress on women’s economic advancement, with women constituting 66 per cent of microfinance borrowers and 38 per cent of the participants in the National Skills Development Programme. In partnership with the United Nations Development Fund for Women (UNIFEM) and the Ministry of Women’s Affairs, the Independent Administrative Reform and Civil Service Commission adopted a gender equity policy to strengthen the participation of women in the civil service.
- “Nonetheless, violence and harmful practices against women and girls remain a cause for serious concern. In 2007, UNAMA [United Nations Assistance Mission in Afghanistan] received over 2,000 complaints of gender-based violence. Better coordination to tackle violence against women is being pursued at the policy level through the Inter-Ministerial Commission on Violence against Women and numerous community-level initiatives. The collection and analysis of data on violence against women is being systematically institutionalized into the work of relevant ministries. A special fund for the protection of women at risk has been set up by UNIFEM with the support of the Office of the United Nations High Commissioner for Refugees. However, the systematic failure to ensure women’s access to justice and protection from violence and a tendency to criminalize female victims still need to be addressed. An improvement in women’s enjoyment of their rights requires greater accountability on the part of national authorities, as well as monitoring of the implementation of Government commitments, particularly the 13 gender-equity benchmarks of the Compact.” [39x] (p11)

(See also Section 23: [Violence against women](#))

- 23.04 A United Nations Development Fund for Women (UNIFEM) fact sheet of January 2008 provided statistical information on the participation of women in various aspects of Afghan life – such as politics, employment and the security services – and gender specific statistics concerning areas such as health, education and violence. [72d] (p1-4) The fact sheet also related brief details of Government commitments to women, as contained in national and international documents such as the Bonn Agreement, Afghanistan Constitution and the Convention on the Elimination of Discrimination Against Women (CEDAW). [72d] (p4-5) The final section recounted UNIFEM's own involvement in improving the situation of women in Afghanistan. [72d] (p5-7)
- 23.05 The UN Secretary-General's report of 6 March 2008 stated that "Tangible improvement in the status of women remains a major challenge, despite numerous Government policies and programmes addressing gender issues. Implementation of the National Action Plan for the Women of Afghanistan has begun through pilot projects. Further progress will depend on political will, the availability of resources and implementation capacity." [39x] (p11) The subsequent report by the Secretary-General, dated 3 July 2008, asserted "UNAMA will concentrate its efforts [regarding the protection of human rights], inter alia, on the protection of civilians in armed conflict, child protection, advancing the rights of women, securing access to justice and respect for freedom of expression." [39y] (p5)
- 23.06 IRIN News reported on 8 March 2008 that "Registered cases of physical violence against women and girls in Afghanistan have increased by about 40 percent since March 2007. UN agencies involved in women's development efforts in Afghanistan say a dramatic increase in the number of reported cases of violence against women does not necessarily imply that gender-based violence has increased." [36ah] A later report by IRIN News, published in July 2008, recorded that there was little support for the victims of child sexual abuse in Afghanistan. [36an]
- 23.07 Reports published prior to 2007 and 2008 on the situation for women in Afghanistan may be accessed from the Amnesty International, Human Rights Watch and UN Secretary-General's websites. See the web site links given in Annex G for source numbers [7] [17] and [39]

(See also Section 28: Medical Issues: [Women and Children](#))

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## UNHCR GUIDELINES

- 23.08 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that "Afghan women, both in urban and rural areas, must conform to conservative and traditional norms of behaviour in order to be safe from physical and psychological violence or abuse. Those at heightened risk include women who

are perceived as or actually transgressing prevailing social mores, foreign wives of Afghans, and women without male protection.” [11k] (p9)

23.09 The UNHCR’s paper further noted that:

“Over the past five years, the Government of Afghanistan and the international community have placed initiatives promoting gender equality high on their agenda. The Ministry of Women’s Affairs was created immediately after the demise of the Taliban and Afghanistan ratified the UN Convention on the Elimination of All Forms of Discrimination against Women in 2003. ...

“Various mechanisms, such as women’s focal points, gender units, women’s shuras and women’s departments have been created in ministries to facilitate the incorporation of gender priorities into their work, and serve as vehicles for raising and discussing women’s concerns at the policy level. Inter-ministerial and inter-agency bodies that initiate, coordinate, and monitor gender equality measures are also operational, such as the Inter-Ministerial Commission for the Elimination of Violence against Women (CEVAW), Inter-Ministerial Working Group on Gender and Statistics (IWGGS) and NGO Coordination Council. To implement the Afghanistan Compact and the ANDS benchmarks on gender, the ANDS created the Consulting Working Group on Gender (CG2), Cross-Cutting Consulting Group (CCCCG) on Gender, Technical Advisory Group for Women and Children (TAG) as sub-working groups within the legal reform working group and Sub-Working Group on Vulnerable Women, all of which have been instrumental in keeping gender high on the agenda of macro development processes.

“Through these initiatives, there have been measurable improvements on women’s participation in public life over the past five years. Women now represent 27 percent of the National Assembly and hold one sixth of the seats in the Upper House, ranking Afghanistan twentieth among countries with the highest representation of women in the legislature. A great number of women and girls have returned to schools and Government ministries have started to address many of their obstacles, including violence against women.” [11k] (p43-44)

23.10 The UNHCR’s paper additionally noted that:

“Women, both in urban and rural areas, must conform to conservative and traditional norms of behaviour in order to be safe from physical and psychological violence or abuse. Pressure to conform is very strong, both from within families and communities, and by the public. The conduct of women in the workplace is carefully watched. Afghan women who, having resided abroad, adopt ‘Western’ values, which are considered to be inconsistent with social mores in Afghan society, would only be able to continue to enjoy relative social, cultural and economic freedom if they can rely on strong family protection. Such protection is more readily available in Kabul than in the provinces. UNHCR is aware of self-immolation cases of women returning from Iran. Those cases were reportedly rooted in the social restrictions imposed upon return. Women returning from Iran interviewed by UNHCR have also expressed frustration at the lack of available public and social opportunities and activities for women, and the serious restrictions to the freedom of movement often imposed by family members and society as a whole. In this respect, Afghan tradition imposes that women cannot travel freely without

male escorts (Maharam). Furthermore, women are presented with the challenges of harassment and pressures from families to wear a burka or a chador.

“Single females who do not have male relatives in Afghanistan, who are willing and able to provide support, face difficulties given social restrictions including on freedom of movement. In addition, lack of family protection and support expose single females to an increased risk of violence and forced marriage. Individual assessment of the effectiveness of family-links of unaccompanied female Afghans is crucial given that decades of war and poverty have damaged traditional family protection mechanisms and relationships. There is also the risk, should family-members decide to host a female relative, that she may suffer exploitation and the possibility of forced marriage.

“The vulnerability of unaccompanied females in Afghanistan is the result of social traditions and gender values, according to which women should not live independently from their family. Where there is no family able to provide care and maintenance, single women can be accommodated temporarily in safe houses run by Afghan NGOs in Kabul and Herat. These constitute only a short-term ‘safe haven’, yet longer term solutions do not exist. Even in the case of domestic violence, the women or girl is often compelled by the lack of alternatives to return home.” [11k] (p68-69)

(See also Section 23: [Single women and widows](#))

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## LEGAL RIGHTS

- 23.11 “Women in Afghanistan make up 48.8% of the population. Enforcing constitutional laws guaranteeing equal rights for women benefits both the women and children of Afghanistan. Together they make up the majority of Afghan citizens.” (FCO, May 2008) [4e]
- 23.12 The UN Secretary-General’s report of 6 March 2008, stated that “While public access to courts and legal aid is a constitutional right, it remains elusive to the majority of Afghans, especially women, children and vulnerable groups. This problem is compounded by the fact that public awareness of legal rights and processes is limited.” [39x] (p6-7)
- 23.13 UNHCR’s December 2007 paper explained:
- “Customary law prevails in Afghanistan where traditional dispute resolution mechanisms such as Shuras and Jirgas are often used in place of formal court systems in criminal and civil cases, including in disputes over marriage and land. Shuras and Jirgas are longstanding features of Afghan social structures. Traditional dispute resolution mechanisms, especially in rural areas, remain dominant and often to the detriment of women and children’s rights. Almost without exception, members of a Jirga are all men. Decisions of a Jirga are binding and sanctions for non-compliance are harsh, including arson of the trespasser’s house, isolation or expulsion from the community and forced removal from the settlement.” [11k] (p31)

- 23.14 "Amnesty International's 2008 report on Afghanistan noted that "Women's rights continued to be eroded in many areas. Women working for the government faced threats and several survived attempted assassinations." [71] In a briefing paper, dated 11 June 2008, the organisation stated:

"Amnesty International welcomes advances in respect for women's rights since the fall of the Taleban, notably through the establishment of the Ministry for Women's Affairs, the National Action Plan for Women, improved access to education and representation of women in parliament. But Afghan women and girls still encounter discriminatory laws, policies and practices, which include physical attacks on them as women. Women and girls face endemic domestic violence, trafficking, forced marriages, including child marriages, and being traded in settlement of disputes. The police, the courts and other justice sector officials seldom address women's complaints of abuses, including beatings, rape and other sexual violence. Women victims and defendants have little recourse to justice and are discriminated against in both the formal and informal justice systems." [71] (3. Protecting and upholding women's rights)

- 23.15 Womankind's February 2008 report concluded that:

"Critical groundwork has been laid in the initiation of legal reform and the creation of institutions mandated to protect women's human rights. However, a framework alone is not enough. Realising women's human rights will require enforcement of the laws, which at present exist on paper only. Translating good intentions and *de jure* rights (rights based on law) into real, meaningful changes for women demands a commitment of political will and the necessary resources to back that will. It also demands co-ordination among stakeholders, long-term visions and strategies, and consistent public assertions from national leaders which demonstrate that women's human rights were not merely a convenient promise to sell a large-scale, resource-consuming intervention to Afghan citizens and Western publics, but a legitimate, genuine and realisable call to action." [107] (p14)

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## Marriage

- 23.16 A UNIFEM publication dated September 2005 stated that "In Afghanistan marriage is regulated by civil law, various interpretations of Sharia law, and traditional and customary practices. While Sharia law sets the minimum age for females at 15, and customary practices approve marriage at earlier ages, civil law sets the minimum marriage age for females at 16." [72b] (p2)
- 23.17 The Freedom House, 2008 Afghanistan Country report noted however that "... Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF. However, in March 2007 the Supreme Court approved a new formal marriage contract stipulating that the bride must be at least 16, a move welcomed by activists who hope that it will lead to fewer underage marriages." [41a] (p10) The US State Department's Human Rights report, 2007 published on 11 March 2008, recorded that "The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated that 60 percent of girls were married before 16. [2h] (Section 5)

23.18 Radio Free Radio Liberty however, reported on 10 January 2008 that the legal age for marriage for girls had changed from 16 to 17 years old and that: "Men who want to marry girls under 17 are not entitled to obtain a marriage certificate, although rights activists say many men simply do not bother with officially registering their marriages." [29af]

23.19 The February 2008 Womankind report stated that "The new *nikanamah* (marriage contract) contains progressive provisions to protect women's rights in marriage." [107] (p24)

"There is a lack of clarity in the current civil law code (1976) around forced marriage for girls under 18 years. A new law should be introduced which unequivocally outlaws all forms of forced marriage for women of all ages, including child marriage and marriages by exchange. At least 60% of marriages in Afghanistan are forced (as distinct from arranged) according to AIHRC estimates. Plans to establish a registration process for marriages and divorces in 2005 have yet to be implemented. Such registration, and that of births and deaths, is needed to enforce women's human rights. For example, birth registration would confirm whether a bride is of legal marriage age. Currently, women are not provided with a marriage contract or certificate and are unaware of their rights within marriage under Afghan law." (Womankind, February 2008) [107] (p24)

23.20 UNIFEM's Violence Against Women Primary Database of March 2008 recorded that "One of the most common VAW [violence against women] cases reported are related to forced and early engagement and marriage. Some cases are clear-cut complaints about forced and early marriage or engagement. Whereas in other cases, the initial forced engagement or marriage escalates into other forms of violence against the girl/woman." [72e] (3.2.1. **Forced and early engagement/marriage**) The US State Department's Human Rights report, 2007 further noted that:

"There is no clear provision in the Criminal Procedure Law to penalize those who arrange forced or underage marriages. Article 99 of the Law on Marriage states that marriage of a minor may be conducted by a guardian.... In June 2006 the government set up a working group on early and forced marriages under the MOWSAMD; however, this group appears to have informally dispersed. The AIHRC estimates that up to 70 percent of reported cases of domestic violence have roots in child marriage." [2h] (Section 5)

(See also Section 24: Child Marriage for more information on marriages involving underage girls)

23.21 Womankind's February 2008 report related that:

"Currently, there is one family court in Afghanistan, located in Kabul; this inaccessible to women living elsewhere. Insecurity and cultural restrictions against unaccompanied travel prevent women from the provinces accessing the family court. No other family courts have been established since the fall of the Taliban, indicating little commitment to protecting women's human rights in family law. Informal justice, or customary law, largely regulates marriage practice and disputes; such decisions are rarely favourable to women or girls." [107] (p24)

## 23.22 UNHCR's December 2007 paper stated:

"The practice of child marriages and threat of forced marriages is at the root of most violence that takes place in the household. The Afghanistan Independent Human Rights Commission (AIHRC) estimates that between 60 and 80 percent of all marriages in Afghanistan are forced marriages and approximately 57 percent of girls are married before the age of 16. Afghan culture is characterized by a strong patriarchal system in which the family is central. The social system is extremely gender stratified. The marriages of both men and women are almost always arranged by their families. Such unions commonly take place between relatives, and within communities and clans. Neither men nor women are expected to resist the will of their family regarding their marriage partners. Even highly educated women who work for international NGOs report that they are unable to affect their family's choice of husband or timing of marriage. Exchange marriages are commonly used for payments of debts or resolution of dispute. This practice may involve giving a daughter in marriage in exchange for another young girl from the bridegroom's family to marry the bride's brother or sometimes her father. As such, girls and women become commodities, being sold for money, obligation or honor. Additionally, it is common practice in Afghanistan for a widow to marry a family member of the late husband, even against her expressed will. Where a widow does not remarry, her husband's family takes on the decision-making role in relation to her family. Although often deemed a burden, the the *[sic]* late husband's family maintains a strong sense of 'ownership' of the widow's sons. Women remain deprived of basic civil rights, including in cases of divorce, custody and with regard to inheritance rights." [11k] (p45-44)

## 23.23 With regard to the concept of Afghan women and girls being treated as commodities, Womankind's February 2008 report concurred; "Walwar (bride price) is still widely exchanged in marriages, making them primarily an economic transaction. There has been no enforced legal sanction against the practice to date. On the other hand, under Afghan law, brides are entitled to mahr (a payment from the husband's family to the bride directly, consisting of money, property or valuable items). However, mahr is rarely paid to women and most women are not aware of their right to mahr." [107] (p24)

## 23.24 The UN Special Rapporteur also stated, in his report of February 2006, that

"...the Penal Code provisions criminalizing forced marriages (of adult women) and the Civil Code provisions regarding the validity of marriages and divorce, which would constitute a legal protection for women against male arbitrariness, exist only on paper.

"The normative framework governing the lives of most Afghan women, particularly in rural areas, is in fact dictated by tribal customs. These customs include practices such as child and forced marriages, bad [see next paragraph], the total subordination of women to men, the denial of women's inheritance rights, their exclusion from public life, and harsh punishment for women who violate social mores. Of course, tribal customs vary geographically and according to prevailing power dynamics, and not all these forms of violence are sanctioned by all customary law regimes in Afghanistan." [39m] (p12)

- 23.25 “Practice of baad (exchange of girls or women in marriage as restitution for a crime, debt or dispute between households, communities or tribes) remains widely practised, particularly in southern and eastern Afghanistan. Statistics are lacking on this practice and there is general impunity for those arranging such exchanges. District officials generally uphold badal (the practice of exchange as a legitimate way to resolve disputes).” [107] (p25) The December 2007 UNHCR paper reported:

“A particular issue of concern is the practice of *bad* pursuant to which girls as young as seven years of age are exchanged to settle feuds and murder cases. The inability of the State to intervene in such cases is illustrated in the reply of the Supreme Court to a letter by the Women and Children Legal Research Foundation, an Afghan NGO, enquiring about the Court’s policy with regard to bad. In explaining its reluctance to intervene in bad cases, the Supreme Court writes:

‘It would be premature to take action against local traditional practices in provinces where women do not enjoy civil and political rights. The reason is that tradition has replaced the official law of the country in those areas. It will take a long time.’” [11k] (p31)

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## Divorce

- 23.26 The Womankind report of February 2008 noted “Afghan civil law contains numerous provisions that protect women’s human rights in the family, such as their right to divorce if they are being maltreated. While seldom enforced, existing law provides a basis from which to advocate for enforcement and education about women’s human rights.” [107] (p24) Further, “Women’s choices regarding marriage and divorce remain circumscribed by custom and discriminatory laws...” (Freedom House, 2008) [41a] (p9) UNHCR’s December 2007 paper concurred “Women remain deprived of basic civil rights, including in cases of divorce, custody and with regard to inheritance rights.” [11k] (p44)
- 23.27 Womankind also recorded that “Stigma and shame surround divorced women...rendering them unmarriageable and subsequently, financially destitute. Polygamy is one of the few options available to divorced women, who have low social status but require a husband for financial dependence.” [107] (p25) Also, “Women’s economic dependence on male family members prevents them from seeking divorce or leaving abusive marriages.” [107] (p44)

(The Amnesty International report details further examples of individual cases. Refer to [Annex F](#), source [7d] for more information.)

## POLITICAL RIGHTS

- 23.28 “Strengthening women’s participation and contributions to national peace and reconstruction remain a challenge, although some gains were noted during the reporting period. The ministries and government bodies concerned continue to pursue the implementation of the gender-specific benchmarks of the Afghanistan Compact and the Afghanistan National Development Strategy. Certain achievements have been reported, especially in the areas of access to

health care, microfinance and education.” (UN Secretary-General's Report, 21 September 2007) [39q] (p11-12)

- 23.29 On 7 August 2006 it was reported that the Afghan parliament had approved the appointment of Hosna Banu Ghazanfar as Minister of Women's Affairs. (Radio Free Europe/Radio Liberty) [29j] She remained the only woman in the current Cabinet, as at 14 August 2008. (Islamic Republic of Afghanistan Office of the President, accessed 14 August 2008) [106a]

(See [Annex D](#) for a list of Cabinet members)

(See Section 18: for further information on [Women's rights activists](#))

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### Women's Participation in Public Life and Institutions

- 23.30 “The end of Taliban rule freed women from extremely harsh restrictions and punishments that kept them veiled, isolated, and, in many cases, impoverished. Women's formal rights to education and employment have been restored, and in some areas, women are once again participating in public life. The new constitution contains provisions guaranteeing equal rights for women and reserving a quarter of the seats in the Wolesi Jirga and provincial councils for women.” (Freedom House, 2008) [41a] (p9)

- 23.31 “Women active in public life faced disproportionate levels of threats and violence. Supported by official government policy, women's political participation gained some acceptance, even as conservative elements and insurgents resisted the trend.” (USSD, 2007) [2h] (Section 5) On 7 August 2006 it was reported that one woman, Hosna Banu Ghazanfar, was among five candidates approved by parliament to complete the 25-member cabinet: “She will be in charge of women's affairs. With 159 lawmakers endorsing her candidacy, Ghazanfar garnered more support than the other four candidates.” (Radio Free Europe/Radio Liberty) [29j]

- 23.32 The UNHCR paper dated June 2005 stated:

“Any woman who works in the public sphere of life, smokes or dresses in non-traditional clothing runs a high risk of being perceived as ‘loose’ or even as a prostitute. She has crossed gender boundaries, which customarily defines the woman's place as in the home. Return to Afghanistan, be it to urban or rural areas, therefore invariably means to conform to conservative and traditional standards of behavior in order to be safe. Pressure to conform is very strong, both from within families and communities, as well as by the public. The conduct of women in the workplace is carefully watched. Interaction with the opposite sex is frowned upon and can put Afghan women and their reputation in trouble. A ‘westernized’ woman would only be able to continue to live the life that she was accustomed to abroad if she enjoys strong social protection. That would be more possible in Kabul than in the Provinces. Women returning from Iran have expressed frustration at the lack of available public and social opportunities and activities for women. In Iran, they were allowed to go out by themselves to shop, walk in the park, visit relatives and engage in other social activities. Such possibilities hardly exist in Afghanistan. Many women do not

wish to wear a burka or chador but give in to these pressures out of fear of harassment or bringing shame to their families.” [11b] (p54)

(See also Section 30: [Freedom of Movement](#))

23.33 The UNHCR’s paper of December 2007 reiterated:

“Afghan woman, in most part, are required to follow particular codes of behavior. Where a woman refuses or otherwise does not conform her behavior in accordance with this code, and faces punishment as a result, she may have a well-founded fear of persecution. Persecution can take the form of honor killings or other violence as well as discriminatory restrictions related to education, moving outside the home without a male relative or participating in the work-force. Risks due to failure to conform to the conventional roles and restrictions on women’s conduct can be viewed as either linked to the ground of religion and/or political opinion, as non-conformity can be seen as opposing traditional power structures.” [11k] (p64)

23.34 The USSD 2007 further noted that “The government did not require women to wear burqas. Although some women continued to wear the burqa out of personal choice, many other women felt compelled to wear one due to societal or familial pressure. Cases of local authorities policing aspects of women’s appearance to conform to a conservative interpretation of Islam and local custom continued to diminish.” [2h] (Section 2c)

23.35 The US State Department 2006 report published on 8 March 2007, recorded that:

“In 2004 the government established the first unit of female police, and small numbers of women began to join the police force during the year. However, there were reports that female police officers found it difficult to be accepted as equals among their colleagues. For example in 2005, six female police officers in Kunduz faced discrimination and hostility, and spent the first four months on the job cleaning the police station. They were paid \$60 (3,000 AFNs), \$10 dollars (495 AFNs) less than their official salary, and they were forced to wear burqas over their uniforms under threats of violence. The MOI reported that female recruitment was difficult because of cultural differences. Female officers often complained of disparate treatment by superiors and a lack of respect from their colleagues. There was one female Brigadier General among the ranks of the ANP [Afghan National Police].” [2b] (Section 5)

23.36 The UNIFEM fact sheet of 2008 noted the following statistics on women’s participation in the spheres of politics, justice and security respectively:

- Women represent 27% of the National Assembly: (68 out of 249 seats in the Wolesi Jirga and 23 out of 102 seats in the Mesherano Jirga)
- Women held 121 out of 420 Provincial Council seats in 2005
- Women account for 25.9% of all civil servants
- The number of women who registered for elections increased from 41.5% in 2004 to 44% in 2005

However...

- Only one cabinet member is female (the Minister of Women's Affairs)
- There were not enough women to meet the 124 seat quota at the Provincial Council elections, and 3 seats had to be given to men

- In 17 of the 36 Ministries there are less than 10% female employees
- Out of the total 17 Ambassadors of Afghanistan to other countries in 2007, only two were women” [72d] **(Political participation)**
- There is currently an Afghan Women Judges Association, created in 2003, and an Afghan Women Lawyers and Professionals Association
- The Family and Juvenile Courts are headed by women
- Of the 1,547 sitting judges in Afghanistan only 62 or 4.2% are female
- Of the 546 prosecutors, 35 or 6.4% are female
- Of the 1,241 attorneys 76 or 6.1% are female
- There are no women members in the Supreme Court Council [72d] **(Participation in the Justice sector)**
- Women represent less than 1% of employees in police and military services
- There were only 233 policewomen out of the total 62,407 personnel in Afghanistan in February 2007
- There are 259 women in the Afghan National Army, which is 0.6% of approximately 43,000 military personnel
- There are no women in the auxiliary police force [72d] **(Participation in Security services)**

(See also Section 18: [Women’s Rights Activists](#))

## SOCIAL AND ECONOMIC RIGHTS

- 23.37 UNHCR’s December 2007 paper recorded “Over the past five years, the Government of Afghanistan and the international community have placed initiatives promoting gender equality high on their agenda. The Ministry of Women’s Affairs was created immediately after the demise of the Taliban and Afghanistan ratified the UN Convention on the Elimination of All Forms of Discrimination against Women in 2003.” [11k] (p43)

“A National Action Plan for Women in Afghanistan was launched in 2005 setting out goals to be implemented by 2010. It focuses on identified priority areas for the promotion of gender equity, i.e. health, education, legal protection and economic empowerment. The latter was reaffirmed in the Afghanistan Compact, which foresees its full implementation by the end of 2010 and which is expected to be passed by Parliament in 2007. In addition, gender equality and women’s rights are recognized as critical issues in the ANDS. As a result of the attention to gender equality, including affirmative action in some areas, female participation in Parliament and the public sector has increased and women’s organizations are growing in membership and presence in urban areas.” (UNHCR, December 2007) [11k] (p43)

- 23.38 However, “Progress in the realization of gender equality remains, however, an uphill struggle as legal and social discrimination are deep-rooted, insecurity grows, and customary practices prevail. Afghan women and girls continue to suffer extremely low social, economic and political status.” (UNHCR, December 2007) [11k] (p44)

## Access to education and employment

- 23.39 “Despite tremendous progress, the gender gap remains high. Only 12.6 percent of female adults are literate and a very small percentage of them is employed. Afghan women rank among the world’s worst off group by significant human development indicators: life expectancy is 42 years; maternal mortality as high as 1,600 deaths per 100,000 births; and literacy is as low as 14 percent for women 15 and older. While the number of girls in school increased quickly after the fall of the Taliban in 2001, only 37 percent of school-age girls were in school in 2006,239 as the violence directed at schools in 2005 and 2006 affected school attendance by girls particularly hard.” (UNHCR, December 2007) [11k] (p44)
- 23.40 The UN Secretary-General's March 2008 report stated that “...the gross enrolment in schools is estimated to have increased in 2007 to 5.7 million, with girls constituting 35 per cent of that figure.” [39x] (p13) Whilst UNIFEM's fact sheet, published in January 2008, noted:
- “In 2005, 58.8% of students enrolling in Teacher Training Institutions in Afghanistan were female
- “However...
- “The estimated literacy rate for women stands at 15.8% (compared to 31% for men)
  - “Only 19% of schools are designated as girls schools
  - “In 29% of educational districts there are no designated girls schools at all
  - “Only about 28.4% of teachers in Afghanistan were women in 2005
  - “At the primary level there is one girl student for every two boys
  - “At the secondary level there is one girl for every three to four boys
  - “The number of girls in secondary school decreased by 4.7% per annum during 2004-5” [72d] (Education)
- 23.41 The US State Department Report 2007 (USSD 2007), published on 11 March 2008, recorded that:
- “Women in urban areas continued to make strides towards greater access to public life, education, health care, and employment; however, the denial of educational opportunities during the continuing insurgency, as well as limited employment possibilities, and the threat of violence continued to impede the ability of many women to improve their situation.” [2h] (Section 5)
- 23.42 The UNHCR paper of December 2007 noted that:
- “A majority of women is banned from working outside of their homes by their male family members, tribal and religious leaders. The freedom of movement of women is severely limited, especially in rural areas. In most villages, women are restricted to family compounds except for necessary transit to water points. In some rural areas, tribal culture provides women with marginally greater freedom to circulate, for example to work in the fields. In urban areas, freedom of movement is less restricted, but normally requires a male escort (mahram). Single women of marriageable age rarely move alone because they risk exposure to harassment and abduction for marriage.” [11k] (p44)
- 23.43 UNIFEM's January 2008 fact sheet reported:

- 30% of agricultural workers are women
- Women receive 3 times less wages than men
- There are some 50,000 war widows in Kabul, supporting an average of 6 dependents
- Only 38.2% of women in Afghanistan are economically active
- In 2004, the per capita Gross Domestic Product was US\$402 for women, compared to US\$1,182 for men [72d] (Labour force participation)

23.44 A Womankind report of February 2008 recorded that "In recent research, a relationship was found between higher rates of domestic abuse and women working outside the home, highlighting a possible backlash against new found freedoms. There is very little research on, or understanding of Afghan women in the private sector: small businesses, agriculture or industry." [107] (p45)

### Single Women and Widows

23.45 "Afghan women, both in urban and rural areas, must conform to conservative and traditional norms of behaviour in order to be safe from physical and psychological violence or abuse. Those at heightened risk include women who are perceived as or actually transgressing prevailing social mores, foreign wives of Afghans, and women without male protection. Single women without male protection, (husband, father, brother or extended family member) will have difficulty both in sustaining themselves, given social restrictions on travelling in public without a male escort in many areas, as well as physical protection problems. Women who suffer domestic violence and are fortunate enough to find accommodation in one of the few shelters available are unable to be integrated elsewhere in the country. Without an alternative durable solution, most eventually return to their family after assurances of safety have been negotiated. This situation reflects the inability for single women to reside safely in Afghanistan without a male family member to provide the traditional protection function." (UNHCR, December 2007) [11k] (p9)

23.46 "... Women without effective male or family-support and single women of marriageable age are uncommon in Afghanistan, and continue to be viewed with some suspicion. They face a high risk of being married off by their families against their will. Single women are likely to be ostracized by the Afghan community or fall prey to malicious gossip which could destroy their reputation and social status. This exposes them to an increased risk of abuse, threats, harassment and intimidation by Afghan men, including risk of being kidnapped, sexually abused and raped. In the majority of these cases, the Government is not in a position to effectively protect women." (UNHCR, December 2007) [11k] (p9)

23.47 An October 2005 research report by the Friedrich Ebert Stiftung (FES) political foundation stated that "Similar to other patriarchal societies, gender roles in Afghanistan are shaped by socio-cultural factors largely based on women's role as keepers of the family honor. 'Women don't exist in isolation', an Afghan man explained. Attempts to separate women from family and community are met with strong resistance." [83] (p14) The FES report also stated that "In Afghanistan, women are being increasingly castigated for being 'Western-influenced.'" [83] (p18)

23.48 The Womankind report of February 2008 recorded that

"Afghanistan has one of the largest numbers of widows in the world, estimated to exceed 1 million as a result of the last 30 years of war. Little has been done to support widows in the provinces, who have no or little source of income. Without any literacy, training or skills, and no social safety net, widows are often forced to beg. They are systematically denied their right to traditional protections under Islamic law, such as nafaqa (payment by male family members to widowed or destitute female family members)." [107] (p44)

- 23.49 The UNHCR paper of December 2007 reported "... it is common practice in Afghanistan for a widow to marry a family member of the late husband, even against her expressed will. Where a widow does not remarry, her husband's family takes on the decision-making role in relation to her family. Although often deemed a burden, the the *[sic]* late husband's family maintains a strong sense of 'ownership' of the widow's sons." [11k] (p44)

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### Imprisonment of Women

- 23.50 The Foreign and Commonwealth Office noted in a letter dated 17 March 2008 that "A number of NGOs report that hundreds of women and girls are being detained in prisons across the country: the majority for violating social, behavioural and religious codes. There is uncertainty surrounding the legality of their detention." [4d] The UNHCR paper of December 2007 recorded that:

"A recent report of the Office of the High Commissioner for Human Rights indicates that throughout Afghanistan the judicial system is failing to protect and provide justice to women. Women and girls are arrested and imprisoned for committing moral and uncodified crimes, including for perceived misbehaviour such as running away from home. Women are also arbitrarily detained and/or convicted of adultery when reporting crimes of a sexual nature, denied a fair trial and judicial guarantees. Women are often returned to male offenders when reporting violence. Sentencing by judges of females convicted of sexual offences such as adultery is often disproportionately harsh as opposed to male offenders who often are released or enjoy much lighter sentences." [11k] (p47-48)

- 23.51 The USSD 2007 report, published on 11 March 2008, stated that:

"Local officials occasionally imprisoned women at the request of family members for opposing the family's choice of a marriage partner or being charged with adultery or bigamy. Women also faced bigamy charges from husbands who had deserted them and then reappeared after the woman remarried. Local officials imprisoned women in place of a family member who had committed a crime but could not be located. According to MOI [Ministry of Interior] statistics, at year's end there were 234 women detained in the country, of which 172 had been convicted and sentenced to prison. The remainder was held in pretrial detention. Some women resided in detention facilities because they had run away from home due to domestic violence or the prospect of forced marriage. Several girls between the ages of 17 and 21 years of age remained detained in Pol-e-Charkhi prison because they were captured after fleeing abusive forced marriages." [2h] (Section 5)

23.52 Womankind's February 2008 report concurred "The vast majority of women in prison are there for zina (sexual relations outside of marriage) or for running away from home to escape abuse or forced marriage, rather than for legitimate crimes recognised under international law." [107] (p23)

23.53 The March 2007 report of the High Commissioner for Human Rights on the situation of human rights in Afghanistan stated:

"Despite being required by law, adequate separate housing for female detainees and prisoners with children remains an issue, with the number of children accompanying their mothers almost equal to the total number of females in detention. Where there are no detention facilities for women, normally at the district level, women are often detained in private homes, under ill-defined custodial arrangements where they are vulnerable to abuse." [39v] (p15)

(See Section 14: [Prison Conditions](#) for further details of prison conditions for women)

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## VIOLENCE AGAINST WOMEN AND GIRLS

23.54 "The current trends in violence against women in Afghanistan cannot be solely reduced to culture and tradition without consideration of the conflict and post-conflict situation. Four factors underlie women's vulnerability and the perpetuation of violence today: (1) the traditional patriarchal gender order; (2) the erosion of protective social mechanisms; (3) the lack of the rule of law; and (4) the poverty and insecurity in the country.

"Women's ability to protect themselves is also affected by their limited participation in the social, economic and political spheres, by an overall lack of awareness regarding women's rights, by traditional values, and de jure and de facto discrimination. The latter is further aggravated by ongoing conflict in parts of the country. Women active in civil or political spheres brave violence and intimidation, including death threats." (UNHCR, December 2007) [11k] (p46)

23.55 "In Afghanistan, seven years after the fall of the misogynist Taliban regime, Afghanistan is still one of the most dangerous places in the world to be a woman. It has the highest maternal mortality rate in the world, one of the highest rates of domestic violence and is perhaps the only country where suicide rates are higher among women than men." [107] (p7)

"It is a place where women set themselves on fire to escape brutality, where girls as young as eight years old are married to elderly men and where 60 per cent of marriages are forced. Women and girls still have minimal protection from violence, their basic needs are still not being met and international aid frequently fails to address women's most urgent priorities in judicial reform, health, employment and education." (WomanKind Worldwide, February 2008) [107] (p7)

- 23.56 “In addition to forced and early marriage, domestic violence, sexual harassment and rape, trafficking of women and children, and honour killings are some of the most egregious types of violence perpetrated against women in Afghanistan. The majority of women both in rural and urban areas are faced with domestic violence. Research conducted by AIHRC on domestic violence shows that more than 50 percent of women, in addition to suffering from other types of violence, have been beaten. Domestic violence not only has serious physical and psychological effects on women, but also causes other serious problems such as self-immolation, suicide, escape from the family, forced prostitution and addiction to narcotics.” (UNHCR, December 2007) [11k] (p45)
- 23.57 “Although there have certainly been advances in women’s human rights... the progress towards protecting women and girls and including them in the country’s social, civil and political life has been unacceptably slow and characterised by a pattern of trial and error, rather than considerate, needs-based planning and responsive action.” (WomanKind Worldwide, February 2008) [107] (p7) The UN Secretary-General’s report of 6 March 2008, stated that:
- “Violence and harmful practices against women and girls remain a cause for serious concern. In 2007, UNAMA received over 2,000 complaints of gender-based violence. Better coordination to tackle violence against women is being pursued at the policy level through the Inter-Ministerial Commission on Violence against Women and numerous community-level initiatives.” [39x] (p11)
- 23.58 “Since 2001, women continue to be murdered without justice sought in their name. The stoning to death of a woman in Badakhshan in 2005, the killing of several female journalists in 2006 and 2007, the rape and murder of female aid workers, attacks on women election workers and the murder of the head of the Department of Women’s Affairs in Kandahar in 2006 have all been documented. Women are equally at risk in their own homes, where they experience physical abuse by their husbands and in-laws, rape, psychological abuse and forced prostitution. [107] (p9) And yet despite this bleak present, Afghan women are faring better than in a recent, more dismal past. ... Some surveys have also shown changing perceptions about women’s roles and increased acceptance of women in politics or women in education, for instance.” (WomanKind Worldwide, February 2008) [107] (p9)
- 23.59 The US State Department 2007 report, published on 11 March 2008, recorded that “Societal discrimination against women persisted, including domestic abuse, rape, forced marriages, exchange of girls to settle disputes, kidnappings, and honor killings....” [2h] (Section 5) The USSD report 2006, noted that “Such incidents generally went unreported, and most information on the abuse was anecdotal.” [2b] (Section 5) Furthermore, in some rural areas, particularly in the south, women were forbidden to leave the home except in the company of a male relative. (USSD report 2007) [2h] (Section 5)
- 23.60 An Amnesty International briefing paper of June 2008 recorded:
- “... Afghan women and girls still encounter discriminatory laws, policies and practices, which include physical attacks on them as women. Women and girls face endemic domestic violence, trafficking, forced marriages, including child marriages, and being traded in settlement of disputes. The police, the courts and other justice sector officials seldom address women’s complaints of

abuses, including beatings, rape and other sexual violence. Women victims and defendants have little recourse to justice and are discriminated against in both the formal and informal justice systems.” [7r] (3. **Protecting and upholding women’s rights**)

23.61 The US State Department 2007 report noted that “The AIHRC documented a total of 45 honor killings throughout the year; however, the unreported number was believed to be much higher. In February in Herat Province, a man beheaded his 15-year-old daughter after she was accused by locals of adultery. Although police detained the man following the crime, there was no evidence at year’s end that he had been prosecuted. In December 2006 media outlets reported that villagers in Kunar Province killed a boy and girl for having illicit sexual relations.” [2h] (Section 5)

23.62 The Committee to Protect Journalists reported on 6 June 2007 that two Afghanistan women had been killed within less than a week. Radio station director Zakie Zaki from the Parwan Province had been shot several times by unidentified gunmen while at home with her children. Zaki was known to have been critical of local warlords. ‘Authorities condemned the murder and promised an investigation’. Furthermore, news presenter Shokiba Sanga Amaaj was murdered in her Kabul home. Police detained several male relatives they believed to be involved. The motive for the killing was unclear. [91b]

(See also [Section: 17](#) - for further information of women working within the media)

23.63 UNIFEM’s January 2008 fact sheet recorded the following statistics on violence against women in Afghanistan:

- Out of 1,327 incidents of Violence Against Women (VAW) in Afghanistan, 30.7% were related to physical violence; 30.1% to psychological violence; 25.2% to sexual violence; and 14% a combination of the three
- 82% of incidents of VAW are committed by family members, 9% by the community and 1.7% by state authorities

The Afghanistan Independent Human Rights Commission registered 1,651 cases of SGBV in 2006:

- 558 cases of severe beatings
- 213 cases of forced marriage
- 106 cases of self-burning
- 50 cases of murder
- 41 cases of girls exchange
- 34 cases of rape
- 74 cases of women’s property taken away by husband’s relatives
- 198 cases of a lack of support from the husband
- 19 cases of prevention of women in social activities
- 12 cases of girls trafficking

The Ministry of Women’s Affairs registered 2,133 cases of SGBV in 2006:

- 769 cases of forced marriage
- 1,011 cases of beatings

- 110 cases of deaths by eating opium
- 87 cases of murder
- 106 cases of self-burning
- 33 cases of rape
- 20 cases of women's property taken away by husband's relatives
- 100 cases of lack of support from husband
- 69 cases of improper behavior
- 24 cases of abduction
- 10 cases of girls' exchange
- 5 cases of girls trafficking
- 3 cases of theft accusation on women
- 2 cases of property withheld from natal home

23.64 UNIFEM's Violence against women – primary database of March 2008 concluded that women are "...mostly being victimized by close family members... ." [72e] (5.1 Analysis) Further, "UNAMA's analysis and the statistics generated by the primary VAW database highlight the young age of the victims.... 30% of the recorded cases concern victims who are younger than 20 years of age. 9% of the cases relate to girls aged 15 years of younger." [72e] (5.1 Analysis) The report continued "It is disturbing to note in the information provided by UNAMA that victims seeking support from government agencies are further subjected to violence by government officials." [72e] (5.1 Analysis)

23.65 The US State Department 2007 report, also noted that:

".... Authorities rarely prosecuted or investigated cases of abuse, and if a case made it to court, perpetrators were often exonerated or punished lightly. The AIHRC estimated that approximately 40 percent of marriages were forced, and distinguished this category from another 20 percent of marriages that were 'arranged,' the latter allowing the woman the choice to decline marriage but not to choose her spouse. For example, according to UNIFEM, Rosina, 18, was sold into marriage by her father to a man in his fifties. When she refused she was beaten." [2h] (Section 5)

23.66 The USSD 2007 report also noted that "The law criminalizes rape, which is punishable by death, but under the Shari'a, which the country's laws draw from greatly, the criminalization did not extend to spousal rape. Under the Shari'a, rape cases require that a woman produce multiple witnesses to the incident while the man need simply claim that it was consensual sex, often leading to an adultery conviction of the victim." [2h] (Section 5)

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## SHELTERS

23.67 "The concept of women's shelters was still not widely accepted in society, as many persons treated them with distrust and did not understand their utility. As a result, many of the shelters were not in publicly disclosed locations. Policewomen trained to help victims of domestic violence complained that they were instructed not to do outreach to victims but simply to wait for victims to show up at police stations. This significantly hindered their work, as reporting domestic violence was not socially accepted. On January 24, the UN

Development Fund for Women (UNIFEM) reported that a new Family Response Unit dealing with family violence, children in trouble, and female victims of crime started operating in Kabul. It allowed policewomen to address violence and crimes towards women and children; interrogate, detain, and investigate female suspects; and provide support to female victims of crime and ensure the security of women.” (US Department of State, 2007 report) [2h] (Section 5)

- 23.68 The Womankind report of February 2008 recorded “A new shelter has opened in Mazar-i-sharif, the first in the northern region. At present, an estimated 8-10 shelters operate in the country (four in Kabul, one in Herat, one in Balkh and two in central Afghanistan). [107] (p21) Also, “The Government of Afghanistan (GoA) provided land to the International Organisation of Migration (IOM) for the construction of a shelter for trafficking victims.” [107] (p26) Nevertheless, “Afghan women leaders and activists overwhelmingly feel that aid is donor-led rather than being needs-based. For example, while there is an acute need for women’s shelters, this has not been a popular project among donors.” [107] (p52)

(See also Section 32: [UNHCR Guidelines](#) and Section 24: [Children - Education](#))

### Self-Harm

- 23.69 UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 noted that: “Self-immolation continues to represent the most desperate measure used by Afghan women to put an end to situations of extreme violence.” [11k] (p46) IRIN News reported on 8 March 2008 that:

“The number of women attempting suicide in the past year was 626, of whom 130 died. Suicide methods included self-immolation, the slashing of veins and taking lethal doses of drugs, according to the AIHRC [Afghanistan Independent Human Rights Commission]. Cases of rape and self-immolation appeared to be going up: ‘In 2006 we recorded 1,545 cases of violence against [or severe psychological oppression of] women, which included 98 cases of self-immolation and 34 cases of rape, while in 2007 we listed 2,374 cases of violence, which constitute 165 self-immolations and 51 cases of rape,’ Subhrang [Suraya Subhrang, a commissioner on the rights of women at AIHRC] told IRIN...” [36ah]

- 23.70 The USSD 2007 report noted that “Other organizations reported an overall increase over the past two years. In Herat Province, a new burn unit reported at least 70 cases of women setting themselves on fire and eight cases of men self-immolating.” [2h] (Section 5) The Womankind report of February 2008 recorded that “While no decrease in cases of self-immolation can be reported, the issue became a public concern for the first time when several organisations began work on it.” [107] (p24)
- 23.71 On 27 May 2008 the Revolutionary Association of the Women of Afghanistan reported on a typical case of attempted suicide where the woman victim ended up in Kabul hospital after setting fire to herself. RAWA reported that: “For those who live through this form of suicide attempt, the scarring can be a death sentence in itself. The survivors who leave this ward cannot return

home because of the shame they brought on their family. Some will live the rest of their lives on the streets or if they're lucky, they may find a safe house.”  
[49b]

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## 24. CHILDREN

### GENERAL INFORMATION

24.01 A May 2006 UNHCR paper stated that:

"Afghanistan acceded to the Convention on the Rights of the Child in 2002 and has strengthened legal provisions to protect children. However, in the current situation, characterized by weak rule of law and governance structures, the presence of local commanders, high levels of criminality with reports of incidences of child trafficking, as well as child labor, children continue to be exposed to exploitation." [11g] (p2)

24.02 The US State Department (USSD) 2007, report published on 11 March 2008, recorded that "Child abuse was endemic throughout the country, ranging from general neglect, physical abuse, abandonment, and confinement to work in order to pay off family debts. Although against the law, corporal punishment at schools was common." [2h] (Section 5)

24.03 The USSD 2007 report also stated that:

"The government demonstrated an increasing commitment to address the concerns of vulnerable children and their families.... In May 2006 the government launched its National Strategy for Children at Risk (NSFCAR), which was designed by the Ministry of Work, Social Affairs, Martyred, and Disabled (MOWSAMD) to improve care for vulnerable children and families. The Ministry of Public Health trained more than 1,600 health workers on prevention of child abuse and violence against children." [2h] (Section 5)

24.04 Information provided by the AIHRC dated April 2005 stated that 60 per cent of children had lost a family member (statistics from UNICEF and Save the Children, Sweden). UNICEF statistics also showed that 35 per cent of children had lost relatives or friends. [78c] (p1)

24.05 On 18 November 2007 Reuters reported that the practice of 'bacha bazi' has led to some boys turning into sex slaves and being kept as mistresses. Having the best-looking boy and the best dancer is a mark of prestige encouraging former warlords and mujahideen commanders to take the old tradition one step further by setting up competitions for their dancing boys. "'Everyone tries to have the best, most handsome and good-looking boy,' said a former mujahideen commander, who declined to be named... Sometimes we gather and make our boys dance and whoever wins, his boy will be the best boy.... Former mujahideen commanders hold such parties in and around Pul-e Khumri about once a week." "We have taken steps to stop it to the extent that we are able," he [General Asadollah Amarkhil, the security chief of Kunduz province] said.

..."We have taken very strict measures to save the lives of the boys and punish the men,' he said. 'We are monitoring to find out where these men and boys gather, then go there and arrest them.'

"Those found guilty of abuse would be jailed for at least 15 years", said Baghlan chief prosecutor Hafizullah Khaliqyar.

“We have 25 cases of such immoral acts. They are being processed and we are trying our utmost to tackle the problem,” he said. [24f]

## CHILD LABOUR

24.06 “The Convention on the Rights of the Child (CRC), which Afghanistan has ratified, sets out the right of the child to be protected from economic exploitation; and from any work that is likely:

- To be hazardous, or
- To interfere with the child's education, or
- To be harmful to the child's health or physical, mental, spiritual, moral or social development.

The 2004 Constitution of Afghanistan prohibits forced labour for children (Article 49).

The minimum responsibility of the Government according to Article 32 of the CRC is to take measures, including issuing the appropriate legislation to provide the following:

- A minimum age for employment – not less than 15 years;
  - Regulation of the hours and conditions of employment;
  - Penalties or other sanctions to enforce the above standards.”
- (Afghan Independent Human Rights Commission, August 2007) [78f] (p20)

24.07 The US State Department's Human Rights Report, 2007, stated that:

“.... The law recognizes the standard legal age for work as 15, but there are provisions for 13- and 14-year-olds to work as apprentices, provided they only work 35 hours per week. There was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Child labor remained a pervasive problem. According to UNICEF estimates, at least 20 percent of primary school age children undertook some form of work and there were more than one million child laborers under age 14. An AIHRC report released in 2006 estimated that most child laborers worked as street vendors (13 percent) or shop keepers (21 percent). Other common forms of labor were workshop labor, blacksmiths, farming, auto repair, and tailoring. In cities, a larger proportion of child laborers were involved in collecting paper, scrap metal, and firewood; shining shoes; and begging. Some of these practices exposed children to the danger of landmines. Boys comprised 86 percent of child laborers.” [2h] (Section 6d)

24.08 A UNHCR paper dated May 2006 stated that “Many children are working in the streets of Kabul, Jalalabad, and Mazar-i-Sharif with numbers increasing. The child work force in Afghanistan is predominately boys aged 8-14 with a smaller numbers [sic] of girls 8-10 years old. The main reasons that children work are poverty-related.” [11g] (p2)

24.09 The US State Department's Human Rights Report, 2007 further recorded that:

"AIHRC [Afghanistan Independent Human Rights Commission] reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Many employers subjected them to sexual exploitation and forced labor. UNHCR noted that Jalalabad and Mazar-e-Sharif also had large numbers of child laborers. According to Save the Children, there were up to 5,000 child laborers working in brick factories in Nangarhar. Children faced numerous health and safety risks at work and some of them sustained serious injuries such as broken bones." [2h] (Section 6d)

24.10 The report additionally noted that:

"MOWSAMD [Ministry of Work, Social Affairs, Martyred, and Disabled] reported that the government was working on the problem of child labor. The NSFCAR addressed child labor and demanded the creation of diversified services for vulnerable families to prevent family separation and exploitation of children. MOE efforts in promoting universal basic education, such as workshops in schools and outreach to employers also contributed to the prevention of exploitative child labor." [2h] (Section 6d)

24.11 A report dated 5 April 2005 by the Afghan Independent Human Rights Commission stated that:

"Children born during the war have now become the breadwinner for their families. War, mines and explosives have resulted in 700,000 widows and 200,000 disabled who are mostly supported by the post war children. These children work in the factories, workshops and carpet waving industries under very difficult and unsafe situations. In Kabul there are about 60,000 child laborers, the majority of whom have migrated to the city from other provinces. Many of them are working under unscrupulous employers who subject the children to sexual exploitation and forced labor." [78c] (p2)

24.12 An August 2007 report by the AIHRC, reflecting research from January to December 2006, found that:

"Poverty has a significant impact on child labour and an adequate standard of living. The more economically vulnerable a household is the higher the proportion of working children (under age 15), and the less likely it is that the household will be able to afford to educate their children. Of those who stated that their children worked, 37.0% of interviewees reported that at least one child in their family works and, among them, 57.1% of interviewees said that most or all of the children in their family work." [78f] (p16)

24.13 Research involving 18,443 child labourers carried out by the AIHRC from July 2005 to March 2006 found that "... Afghan children are involved in a range of different works [sic], but most of them have been seen to be involved in working on the streets, carpet-weaving, work in farms, selling, blacksmithing, labouring and begging." [78g] (p11) The survey also found that 65 per cent of children who worked did not attend school. The 35 per cent who said they did go to school experienced low-quality education due to weariness, inability to follow courses and lack of time to do homework. [78g] (p16)

- 24.14 IRIN News reported on 18 March 2008 that students have turned to working in the poppy fields in Helmand Province to help fund their education. Due to insurgency-related violence, “hundreds of students from rural areas have flocked to schools in Lashkargah where schools have remained open despite widespread security threats. Many of these students live in rented rooms in Lashkargah, and cannot regularly travel to their homes for both security and financial reasons.” [36a]

### CHILD KIDNAPPINGS

- 24.15 Radio Free Europe/Radio Liberty (RFE/RL) reported on 26 November 2004 noted that “Each year several hundred children – both boys and girls – are kidnapped in Afghanistan. The children are often sold as brides into forced marriages or as slaves to be worked hard and, sometimes, sexually exploited.” [29e]

- 24.16 RFE/RL further noted that:

“In an effort to crackdown on child kidnapping, President Hamid Karzai issued a decree in June [2004] imposing the death sentence on those found guilty of killing a kidnap victim. He also increased the jail term for those guilty of injuring an abducted child. At the same time, the decree called upon the attorney-general in Kabul and related offices to investigate child-kidnapping cases speedily and forward them to the appropriate court. Afghanistan saw its first prosecution for child kidnapping in June, when three men were tried in a Kabul court. The court sentenced two of the defendants to five years in jail and the third man to four years.” [29e]

- 24.17 The AIHRC report dated 5 April 2005 stated that:

“Trafficking and kidnapping of children in Afghanistan has become a major problem for families and the government. Many children have been trafficked across borders for sexual exploitation, forced labor or removal of organs and limbs. In 2004, 300 cases of child trafficking were reported. Police and the relevant authorities have been ineffective in preventing incidents of child trafficking due to lack of professionalism and logistics. Fortunately, with the attempts of AIHRC and cooperation of the government and the international community a national plan of action against child trafficking was developed and approved by the government in July 2004... The AIHRC is one of the institutions committed to monitor the implementation of the national plan of action against trafficking and has had an active role in the process of family reintegration for children who were deported from Saudi Arabia. The deportation of these children is indicative of the existence and severity of this problem.” [78c] (p2)

- 24.18 On 30 October 2007 Amnesty International reported that a 15-year-old boy named Zainullah had been kidnapped by Taliban [Taleban] fighters from a bazaar in Sangin district, Helmand province while he was working as a key-maker. “They hanged him from an electrical utility pole with a note warning that others caught spying would suffer the same fate.” [70]

(See also Section 27: [Kidnappings](#) for further information and Section 25: [Trafficking](#) for more information on Trafficking)

**CHILD MARRIAGE**

24.19 A UNIFEM publication dated September 2005 stated that “In Afghanistan marriage is regulated by civil law, various interpretations of Sharia law, and traditional and customary practices. While Sharia law sets the minimum age for females at 15, and customary practices approve marriage at earlier ages, civil law sets the minimum marriage age for females at 16.” [72b] (p2)

24.20 The US State Department’s Human Rights Report, 2007 published on 11 March 2008, recorded that “The legal age for marriage was 16 for girls and 18 for boys. International and local observers estimated that 60 percent of girls were married before 16.” [2h] (Section 5) Radio Free Radio Liberty however, reported on 10 January 2008 that the legal age for marriage for girls had changed from 16 to 17 years old and that “Men who want to marry girls under 17 are not entitled to obtain a marriage certificate, although rights activists say many men simply do not bother with officially registering their marriages.” [29af]

24.21 The Freedom House 2008 Afghanistan Country Report noted however that “... Nearly 60 percent of Afghan girls are married before the legal age of 16, according to UNICEF. However, in March 2007 the Supreme Court approved a new formal marriage contract stipulating that the bride must be at least 16, a move welcomed by activists who hope that it will lead to fewer underage marriages.” [41a] (p10)

(See also Section 23: [Women – Marriage](#))

24.22 The US State Department’s Human Rights Report, 2007 further noted that:

“There is no clear provision in the Criminal Procedure Law to penalize those who arrange forced or underage marriages. Article 99 of the Law on Marriage states that marriage of a minor may be conducted by a guardian.... In June 2006 the government set up a working group on early and forced marriages under the MOWSAMD; however, this group appears to have informally dispersed. The AIHRC estimates that up to 70 percent of reported cases of domestic violence have roots in child marriage.” [2h] (Section 5)

24.23 The February 2006 report of the UN Special Rapporteur stated that:

“Economic reasons are said to play a significant role in such marriages. Due to the common practice of bride money, the girl child becomes an asset exchangeable for money or goods. Families see committing a young daughter (or sister) to a family that is able to pay a high price for the bride as a viable solution to their poverty and indebtedness. In another typical scenario, a brother and a sister are married to another pair of siblings to avoid, by mutual compensation, any payment having to be made.

“The custom of bride money may motivate families that face indebtedness and economic crisis to ‘cash in’ the ‘asset’ as young as 6 or 7, with the understanding that the actual marriage is delayed until the child reaches puberty. However, reports indicate that this is rarely observed, and that little girls may be sexually violated not only by the groom but also by older men in the family, particularly if the groom is a child too.” [39m] (p8)

- 24.24 Statistics published by UNICEF show that the total child marriage rate 1987-2006 was 43 per cent. [44d]

(See also Section 23: [Marriage](#) for more information on marriages)

## CHILD SOLDIERS

- 24.25 The US State Department's Human Rights Report 2007, published on 11 March 2008, stated that: "Beginning in 2004 an estimated 8,000 former child soldiers were demobilized under a UNICEF-initiated program. Since 2004 more than 15,000 war-affected children in 28 provinces have been supported through UNICEF's reintegration project. UNICEF supported educational and skills training for more than 2,691 demobilized child soldiers and other war-affected children (approximately 800 of whom were girls) in six provinces." [2h] (Section 5) However, the Child Soldiers Global report, 2008 stated that "There were anecdotal reports of under-18s serving in the armed forces. There were reports of the use of children as suicide bombers by anti-government elements including the Taliban, and of both forcible and voluntary recruitment by the Taliban of children in southern provinces and parts of Pakistan." [33a]

## EDUCATION

- 24.26 The Constitution adopted in January 2004 recognised that education is the right of all citizens of Afghanistan. [81] The US State Department 2007 report recorded that "The law makes education mandatory up to the secondary level and provides for free education up to the college level." [2h] (Section 5) Statistics published by UNICEF show that the literacy rate for young women (aged 15-24), 2000-2006 is only 18 per cent, compared to 51 per cent for boys. [44d] Statistics also show that secondary school attendance for girls, 2000-2006, was 6 per cent compared to 18 per cent for boys. [44d]

- 24.27 The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers published December 2007, records that:

"Afghanistan's literacy rate is one of the lowest among developing countries. The average adult literacy rate is estimated at 28 percent of the overall population; female literacy rate is 12.6 percent. The Taliban exclusion of girls from school during 1995-2001 worsened the gender disparity in literacy. The UNICEF 'Back to School' campaign – started in 2002 – has seen more than three million students return to school and enrolment in schools has continuously increased. Currently, 5.1 million children are attending schools. Of this number, about 4.5 million children are in primary school (1.53 million of them are girls). Thirty-seven percent of girls between the ages of 7 and 12 are attending school for the first time. Despite the relative success of the 'Back to School' campaign, an estimated 2 million children are currently not attending school; 1.2 million of these are girls.

"The main causes of low attendance rates for girls are the inadequate number of formal schools or qualified teachers, the lack of physical accessibility of schools due to security concerns (e.g. attacks or abductions) and negative parental attitudes regarding girls' education. In addition, early marriage is a significant factor in the high drop-out rates for girls. An AIHRC study has found that the proportion of girls who fail to complete primary education is almost half the rate of boys' completion. To address one of the obstacles to girls'

school attendance, the Ministry of Education is training a pool of female teachers and is offering land and housing incentives for deployment of female teachers to areas in which there is a lack of qualified female teachers.

“As mentioned above, the education system has also faced setbacks as a result of the deteriorating security due to the insurgency, especially in the south, southeast and east of the country. Over 200 schools have been burned and around 400 schools have been closed during 2006. Furthermore, at least 15 teachers were killed due to the insurgency-linked violence throughout the country.” [11k] (p52-53)

24.28 On 19 May 2005, a World Bank Group report stated that “Over the past three years, the government of Afghanistan has made notable efforts to revive the higher education sector in parallel with ongoing progress in primary and secondary education. Eighteen higher education institutions have reopened their doors and enrollment has jumped from 4,000 students in 2001 to 37,000 in the fall of 2004.” [69d] Furthermore: “According to the MOE [Ministry of Education] there were 9,033 basic and secondary schools. Local authorities made some progress in school attendance.” (USSD 2007 report) [2h] (Section 5)

24.29 “During 2007, Afghanistan enrolled 5.67 million children in primary and secondary school. Among the 4.67 million pupils in primary school, more than 330,000 were new female students. To address the paucity of schooling opportunities in remote villages, 3,867 community-based schools were built, reaching over 146,000 youths previously not in school.” (UNICEF, June 2008) [44b] (p9)

24.30 A Human Rights Watch report published in July 2006 stated that:

“Since 2001, the participation of children and adults in education has improved dramatically and, as explained below, there is great demand. Afghanistan has one of the youngest populations on the planet – although exact numbers do not exist, an estimated 57 percent of the population is under the age of eighteen. Unexpectedly large numbers showed up when schools reopened in 2002, and enrollments have increased every year since, with the Ministry of Education reporting that 5.2 million students were enrolled in grades one through twelve in 2005. This includes, they told us, an estimated 1.82–1.95 million girls and women. An additional 55,500–57,000 people, including 4,000–5,000 girls and women, were enrolled in vocational, Islamic, and teacher education programs, and 1.24 million people were enrolled in non-formal education. These numbers represent a remarkable improvement from the Taliban era. Indeed, more Afghan children are in school today than at any other period in Afghanistan’s history.

“Despite these improvements, the situation is far from what it could or should have been, particularly for girls. The Ministry of Education estimates that 40 percent of children aged six to eighteen, including the majority of primary school-age girls, were still out of school in 2005. Older girls have particularly low rates of enrollment: at the secondary level, just 24 percent of students were girls in 2005; and the gross enrollment rate for girls in secondary education was only 5 percent in 2004, compared with 20 percent for boys. In six of Afghanistan’s then thirty-four provinces, girls made up 20 percent or less of the students officially enrolled in school in 2004–2005. Even at the primary

level, girls are not catching up: the gap in primary enrollment between boys and girls has remained more or less constant despite overall increases in enrollment.

"Enrollment also has varied tremendously by province and between urban and rural areas. Many children in rural areas have no access to schools at all. Seventy-one percent of the population over age fifteen – including 86 percent of women – cannot read and write, one of the highest rates of illiteracy in the world." [17i] (p25-26)

- 24.31 On 15 June 2006, the Institute of War and Peace Reporting reported that "Arson attacks on schools are also on the rise in the north: six have been burned down since the end of April, three in Sar-e-Pul, two in Balkh, and one in Faryab." [73v]

- 24.32 On 11 September 2006, the UN Secretary-General reported that:

"The right to education has been compromised owing to a marked increase in the number of attacks on schools since late 2005. The majority of attacks have taken place in the southern and south-eastern regions, where they are mainly attributed to insurgents or in some cases to criminal elements. From January to July [2006] a total of 202 violent incidents against schools, teachers or pupils have been recorded as compared with 99 during the previous year, partly or completely denying education to at least 105,000 Afghan children in the south. The Ministry of Education, the United Nations Children's Fund (UNICEF) and other partners have set up a special national task force to strengthen the protection of students, teachers, school officials and schools themselves and facilitate a rapid response when incidents arise." [39n] (p9)

- 24.33 IRIN News reported on 7 November 2007 that more than 300 schools had been closed in the south due to attacks from insurgents but tribal elders who hold considerable power in the villages had helped the government to re-open at least 20 of those schools within the last two weeks. Haji Abdul Sadiq, a tribal elder in Nad Ali district stated that "Schools were in a very vulnerable situation here so all the tribal elders decided to work together and take strict measures to guard all the schools in the district." [36ab] Additionally, the BBC reported in April 2007 on the return to school of five million children throughout the country during the post-conflict reconstruction in the country. Afghanistan's Education Minister Hanif Atmar said that "at best it represents 50-55% of our school-age children." He predicted that: "We will get 24% of what we asked for in the development budget." [25ay]

- 24.34 The Human Rights Watch 2008 report on Afghanistan recorded that:

"As part of their campaign of terrorizing the civilian population, the Taliban target schools, and in particular girls' schools - the government reported that insecurity shut down 450 schools throughout the country, including 40 percent of schools in the south. On June 12 [2007], Taliban killed two schoolgirls in front of a girls' school in Logar, near Kabul, and injured three others and a teacher. The United Nations Children's Fund (UNICEF) said these incidents stalled or reversed the progress achieved in female education since the fall of the Taliban regime, and had already caused a significant drop in attendance in secondary schools. While the number of girls in school increased quickly after

the Taliban's ouster in 2001, only one-third of school-age girls attended school in 2007." [17a]

24.35 On 10 April 2008 IRIN news reported that:

"At least 10 schools have been attacked by unidentified gunmen in different parts of Afghanistan in the past three weeks, Ministry of Education (MoE) officials told IRIN. Armed assailants, believed to be associated with Taliban insurgents, have torched three schools in Kunduz, two in Kandahar, and one school each in Helmand, Paktia, Khost, Wardak and Farah provinces since the new school year began on 23 March, according to the MoE. Armed men broke into Ortablaq school in Imam Saheb District of northern Kunduz Province and cut-off the ears of a watchman before setting the school ablaze on 4 April, the Ministry of Interior said... Apart from the torchings, there have been other attacks: Kandahar Province Department of Education officials said five schools had been attacked in the same period; in another incident one teacher was reportedly killed when a school was attacked in Khost Province, southeastern Afghanistan, in late March, MoE said." [36i]

24.36 "Ministry of Education statistics shown to IRIN indicate there were 2,450 'terrorist' attacks on schools from March 2006 to February 2008. In the same period 235 schoolchildren, students, teachers and other education workers were killed, and 222 wounded. About 500 schools have remained closed due to insecurity, particularly in the volatile south where Taliban insurgency has also hindered humanitarian and development access. 'Up to 300,000 students cannot go to school because of insecurity and threats,' said the MoE's Elmi. Taliban insurgents oppose female education and say the school curriculum is 'un-Islamic', a charge rejected by the Afghan government and moderate Islamic scholars." [36j]

24.37 A UNICEF article on 28 April 2008 recorded that:

"Afghanistan continues to experience poverty as a result of three decades of conflict, as well as restrictive traditions limiting opportunities for millions of girls, particularly in rural areas. In response, the Government of Afghanistan is paying special attention to education – especially girls' education – by integrating it into all priority programmes.

"The Ministry of Education's goal is to increase the net enrolment rate for girls and boys in primary grades to at least 60 per cent and 75 per cent, respectively, by 2010....

"To help reach the goal for girls' education, AGEI was launched in March 2007 with support from UNICEF and key partners under the umbrella of the global UN Girl's Education Initiative.

"The Afghan initiative offers a forum for extensive information-sharing, networking and funding to improve coordination and collaboration on girls' education. The forum links local and national initiatives, and draws necessary expertise from within the country and outside sources." [44c]

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## CHILD CARE

- 24.38 The Afghanistan Independent Human Rights Commission (AIHRC) report on the situation of Afghan children, dated 5 April 2005, stated that:

“Despite the efforts made by state and specifically by the ministry of labor and social affairs in providing active orphanages in 29 provinces of Afghanistan, the living conditions for the children are not satisfactory and they don’t have access to health services, recreational facilities or stimulation.

“Whereas, 9,165 orphan children are living in the orphanages supported by the government, about 300 children live under the support of aid agencies. Until present, no regular disbursement of support or a vocational training program for the families of such children is in existence (excepting a small number of limited services available to some of the children in orphanages). Some poor families who can not support their children also send them to orphanages.” [78c] (p3)

- 24.39 A UNICEF paper dated 24 May 2006 stated that “An estimated 80 per cent of children living in orphanages are believed to have at least one living parent.” [44a]

- 24.40 A UNHCR paper dated May 2006 stated:

“The few existing orphanages in Kabul and marastoons in other main cities, mostly run by the government and the Afghan Red Crescent Society, are no durable solution for unaccompanied and separated children. They have very strict criteria for temporary admission. Boys 15 or over are not admitted.

“Children and adolescents under 18 years of age who do not have families, close relatives or extended family support in Afghanistan are therefore at risk of becoming homeless and risk further exploitation. Where family tracing and reunification efforts have not been successful and special and coordinated arrangements cannot be put in place to facilitate safe and orderly return, return for unaccompanied children to Afghanistan therefore exposes them to exploitation and risk.” [11g] (p2)

- 24.41 The Afghanistan Independent Human Rights Commission (AIHRC) Annual Report 2007 stated that:

“The CRU [The Childs Rights Unit] monitored 48 orphanages and 28 Children Correctional Centres (CCCs) in 28 provinces for cases of abuse and unsuitable living conditions in 2007. As a result of the AIHRC interventions, standards of CCCs in Baghlan, Balkh, Gardez, Jawzjan, Kandahar, Kunduz, Samangan and Sar-e-Pul were found to have improved. A total of 101 illegally detained children (83 boys and 18 girls) were released following the AIHRC interventions. The CRU’s advocacy efforts for the better treatment of the juvenile offenders resulted in the establishment of a child correction centre Daikundi Province.” [78i]

- 24.42 The AIHRC’s research report on the General situation of Children in Afghanistan, published in 2007, noted that “Children in need of special care, like children with disability, have not received due attention. National and local

programmes have ignored the especial needs of this category of children.” [78j]

- 24.43 The UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 stated that:

“Unaccompanied children in Afghanistan are at particular risk of violence and exploitation, including child trafficking and child labour. The government does not have the capacity to provide protection or shelter for all those at risk. Those children without at least extended family support in Afghanistan are likely to experience homelessness and abuse.” [11k] (p9)

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## HEALTH ISSUES

(See also Section 28: [Medical Issues](#))

- 24.44 The Foreign & Commonwealth Office Afghanistan Country Profile, reviewed in January 2008, noted that:

“Immunisation is having a real impact. In March 2006, a Ministry of Public Health, UNICEF and World Bank nationwide campaign was launched to immunise 7 million children, in all of Afghanistan’s 34 provinces, against polio. Since 2002 UN agencies have administered 16 million vaccinations against measles, saving an estimated 35,000 lives. Cholera and diarrhoeal diseases are being tackled through health education, water chlorination and the construction of wells throughout the country.” [4a] (p9)

- 24.45 IRIN News reported on 24 July 2008 however, that:

“Despite high hopes for the eradication of polio in Afghanistan, nine new cases have been reported in three southern provinces over the past month. Six polio cases have been reported in Maiwand, Shahwali Kot and Gorak districts of Kandahar Province, two in Nadali District in neighbouring Helmand Province, and one in Urozgan Province since late June, the Ministry of Public Health (MoPH) said. This brings the total number of confirmed polio cases in the country in 2008 to 14. Five cases had been confirmed earlier in the year. Oliver Rosenbauer, a communications officer for polio in the World Health Organization, however, said 11 - not 14 - new cases had been confirmed in 2008 and that these had trickled in since the beginning of the year. ‘We believe there are several reasons for this new surge in polio cases - most importantly insecurity, population displacement and the repatriation of refugees,’ Abdullah Fahim, a spokesman for MoPH, told IRIN.” [36q]

- 24.46 The US State Department 2007 report, published on 11 March 2008, recorded that:

“Children did not have adequate access to health care; only one children’s hospital existed in the country, and it was not readily accessible to those outside Kabul. However, infant mortality statistics improved during the year. According to a John Hopkins University and the Ministry of Public Health (MOPH) survey, infant and under five-year-old child mortality decreased from

a 2006 figure of 165 out of 1,000 live births to 129 this year. A MOPH survey revealed that 54 percent of children under age five were chronically malnourished.” [2h] (Section 5)

- 24.47 IRIN News reported on 5 March 2008 that contaminated water from local rivers and poor sanitation is a cause of ill health, deaths and misery amongst children. Water from local rivers is used for all purposes, including drinking, cooking and washing. The consensus amongst some residents in many rural communities across Afghanistan is that ‘flowing water’ is always clean, unless the colour, smell and taste is changed. “According to the State of the World’s Toilets 2007 report, about 92 percent of Afghanistan’s estimated 26.6 million population do not have access to proper sanitation. This has placed the country at the top of the list of ‘the worst places in the world for sanitation.’ The traditional dry vault toilet system – a specially-shaped dry vault that separately collects solid and liquid waste and which is commonly used in Afghanistan is also considered a major health and sanitation problem.” [36ak]

(See also Section 28: Medical issues - [Women and children](#))

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## 25. TRAFFICKING

- 25.01 The US State Department (USSD) Report on Trafficking in Persons Report, published in June 2008, stated:

"Afghanistan is a source, transit, and destination country for men, women, and children trafficked for the purposes of commercial sexual exploitation and forced labor. Afghan children are trafficked within the country for commercial sexual exploitation, forced marriage to settle debts or disputes, forced begging, debt bondage, service as child soldiers, and other forms of forced labor. Afghan women and girls are also trafficked internally and to Pakistan, Iran, Saudi Arabia, Oman, and elsewhere in the Gulf for commercial sexual exploitation. Afghan men are trafficked to Iran for forced labor. Afghanistan is also a destination for women and girls from China, Iran, and Tajikistan trafficked for commercial sexual exploitation. Tajik women and children are also believed to be trafficked through Afghanistan to Pakistan and Iran for commercial sexual exploitation.

"The Government of Afghanistan does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Anti-trafficking offices are now established within the Attorney General's office in all provinces. In addition, Afghan law enforcement officials received training in anti-trafficking investigations. The government also worked with IOM to implement a public awareness program to address trafficking of women and girls in the most vulnerable provinces. The Government of Afghanistan works with non-governmental organizations by providing in-kind contributions such as land for shelters.

"Nonetheless, despite a significant problem, the government did not provide sufficient evidence that it adequately punishes acts of trafficking. In addition, Afghanistan punishes some victims of sex trafficking with imprisonment for adultery or prostitution, acts committed as a result of being trafficked. Although the government lacks resources to provide comprehensive victim protection services, it fails to ensure that victims receive access to care available from NGOs." [2g] (p53)

- 25.02 Furthermore the USSD report noted that:

"The Government of Afghanistan did not provide sufficient evidence of efforts to punish trafficking over the reporting period. Afghanistan does not prohibit all forms of trafficking, but relies on kidnapping and other statutes to charge some trafficking offenses. These statutes do not specify prescribed penalties, so it is unclear whether penalties are sufficiently stringent and commensurate with those for other grave crimes, such as rape. Despite the availability of some statutes, Afghanistan did not provide adequate evidence of arresting, prosecuting, or convicting traffickers... There was no evidence that the government [of Afghanistan] made any efforts to investigate, arrest, or prosecute government officials facilitating trafficking offenses despite reports of widespread complicity among border and highway police." [2g] (p53)

- 25.03 The USSD report also recorded that:

"The Government of Afghanistan made inadequate efforts to protect victims of trafficking. Afghanistan lacks resources to provide victims with comprehensive

rehabilitation care; NGOs provided the bulk of assistance to victims. Law enforcement authorities do not employ formal procedures to identify victims of trafficking and refer them to protection services provided by NGOs.... Four women's shelters nationwide provide protection to female victims of abuse, including victims of trafficking, but they have limited capacity and lack adequate funding; the government did not report referring or assisting any victims of trafficking in these centers during the reporting period. Child trafficking victims are sometimes placed in orphanages until reunited with their parents." [2g] (p53)

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## 26. DRUG PRODUCTION AND ADDICTION

- 26.01 The BBC reported in June and August 2007 on the soaring levels of opium production in Afghanistan. [25ba] The BBC also noted that Afghanistan was now accountable for over 90 per cent of opiates in the world, recording that "...Helmand province is now the biggest single drug-producing area in the world, surpassing whole countries such as Columbia *[sic]*." [25bb]
- 26.02 The UNHCR Eligibility Guidelines paper noted that "The security situation is further aggravated by heavy fighting between anti-Governmental elements and the ANA/ISAF/NATO forces and the growth of criminal and drug gangs, which enjoy a symbolic relationship with anti-Government armed groups." [11k] (p35)
- 26.03 The United Nations Office on Drugs and Crime (UNODC) 2008 World Drugs Report recorded that:
- "In 2007, opium production in Afghanistan reached 8,200 mt [metric tonnes]: 24% higher than global opium production in 2006 (6,610 mt). Record levels of cultivation and a high yield led to the 34% increase in potential opium production in 2007. Taking domestic consumption of opium, seizures and opium exports into account, Afghanistan's morphine and heroin production is estimated to have reached 666 mt in 2007, up from 555 mt in 2006. Reaching its highest point since 1990, global opium production rose to more than 8,800 mt in 2007. The proportion of Afghanistan in global opium production remained 92%." [87c] (p228)
- 26.04 The UNODC Opium Winter Rapid Assessment Survey, published February 2008 noted that "... the south and southwest [of Afghanistan] continues to grow opium at an alarming rate, perhaps greater than last year when it accounted for 78 percent of total opium cultivation in Afghanistan. This is a windfall for anti-Government forces who take a tax (usher) of approximately 10 per cent of opium cultivation in regions under their control – further evidence of the dangerous link between opium and insurgency." [87d] (Preface)

## Opium poppy cultivation levels from 2004 to 2007 and expected trends in 2008

| PROVINCE                    | Cultivation<br>2004 (ha) | Cultivation<br>2005 (ha) | Cultivation<br>2006 (ha) | Cultivation<br>2007 (ha) | Change<br>2006-2007<br>(ha) | Change<br>2006-2007<br>(%) | 2008<br>cultivation<br>trend   |
|-----------------------------|--------------------------|--------------------------|--------------------------|--------------------------|-----------------------------|----------------------------|--------------------------------|
| Kabul                       | 282                      | 0                        | 80                       | 500                      | 420                         | 525%                       | Decrease                       |
| Khost                       | 838                      | 0                        | 133                      | 0                        | -133                        | -100%                      | Poppy-free                     |
| Logar                       | 24                       | 0                        | 0                        | 0                        | 0                           | 0%                         | Poppy-free                     |
| Paktya                      | 1,200                    | 0                        | 0                        | 0                        | 0                           | 0%                         | Poppy-free                     |
| Panjshir                    | 0                        | 0                        | 0                        | 0                        | 0                           | 0%                         | Poppy-free                     |
| Parwan                      | 1,310                    | 0                        | 124                      | 0                        | -124                        | -100%                      | Poppy-free                     |
| Wardak                      | 1,017                    | 106                      | 0                        | 0                        | 0                           | 0%                         | Poppy-free                     |
| Ghazni                      | 62                       | 0                        | 0                        | 0                        | 0                           | 0%                         | Poppy-free                     |
| Paktika                     | 0                        | 0                        | 0                        | 0                        | 0                           | 0%                         | Poppy-free                     |
| <b>Central region</b>       | <b>4,733</b>             | <b>106</b>               | <b>337</b>               | <b>500</b>               | <b>163</b>                  | <b>48%</b>                 |                                |
| Kapisa                      | 522                      | 115                      | 282                      | 835                      | 553                         | 196%                       | Decrease                       |
| Kunar                       | 4,366                    | 1,059                    | 932                      | 446                      | -486                        | -52%                       | Decrease                       |
| Laghman                     | 2,756                    | 274                      | 710                      | 561                      | -149                        | -21%                       | Decrease                       |
| Nangarhar                   | 28,213                   | 1,093                    | 4,872                    | 18,739                   | 13,867                      | 285%                       | Strong decrease                |
| Nuristan                    | 764                      | 1,554                    | 1,516                    | 0                        | -1,516                      | -100%                      | Poppy-free                     |
| <b>Eastern region</b>       | <b>36,621</b>            | <b>4,095</b>             | <b>8,312</b>             | <b>20,581</b>            | <b>12,269</b>               | <b>148%</b>                |                                |
| Badakhshan                  | 15,607                   | 7,370                    | 13,056                   | 3,642                    | -9,414                      | -72%                       | Decrease                       |
| Kunduz                      | 224                      | 275                      | 102                      | 0                        | -102                        | -100%                      | Poppy-free                     |
| Takhar                      | 762                      | 1,364                    | 2,178                    | 1,211                    | -967                        | -44%                       | Stable                         |
| <b>North-eastern region</b> | <b>16,593</b>            | <b>9,009</b>             | <b>15,336</b>            | <b>4,853</b>             | <b>-10,483</b>              | <b>-68%</b>                |                                |
| Baghlan                     | 2,444                    | 2,563                    | 2,742                    | 671                      | -2,071                      | -76%                       | Decrease                       |
| Balkh                       | 2,495                    | 10,837                   | 7,232                    | 0                        | -7,232                      | -100%                      | Poppy-free                     |
| Bamyan                      | 803                      | 126                      | 17                       | 0                        | -17                         | -100%                      | Poppy-free                     |
| Faryab                      | 3,249                    | 2,665                    | 3,040                    | 2,866                    | -174                        | -6%                        | Strong decrease                |
| Jawzjan                     | 1,673                    | 1,748                    | 2,024                    | 1,085                    | -939                        | -46%                       | Strong decrease                |
| Samangan                    | 1,151                    | 3,874                    | 1,960                    | 0                        | -1,960                      | -100%                      | Increase                       |
| Sari Pul                    | 1,974                    | 3,227                    | 2,252                    | 260                      | -1,992                      | -88%                       | Stable                         |
| <b>Northern region</b>      | <b>13,789</b>            | <b>25,040</b>            | <b>19,267</b>            | <b>4,882</b>             | <b>-14,385</b>              | <b>-75%</b>                |                                |
| Hilmand                     | 29,353                   | 26,500                   | 69,324                   | 102,770                  | 33,446                      | 48%                        | Stable                         |
| Kandahar                    | 4,959                    | 12,989                   | 12,619                   | 16,615                   | 3,996                       | 32%                        | Increase                       |
| Uruzgan                     | 11,080                   | 2,024                    | 9,703                    | 9,204                    | -499                        | -5%                        | Increase                       |
| Zabul                       | 2,977                    | 2,053                    | 3,210                    | 1,611                    | -1,599                      | -50%                       | Stable                         |
| Day kundi                   | N/A                      | 2,581                    | 7,044                    | 3,346                    | -3,698                      | -52%                       | Stable                         |
| <b>Southern region</b>      | <b>48,369</b>            | <b>46,147</b>            | <b>101,900</b>           | <b>133,546</b>           | <b>31,646</b>               | <b>31%</b>                 |                                |
| Badghis                     | 614                      | 2,967                    | 3,205                    | 4,219                    | 1,014                       | 32%                        | Increase                       |
| Farah                       | 2,288                    | 10,240                   | 7,694                    | 14,865                   | 7,171                       | 93%                        | Increase                       |
| Ghor                        | 4,983                    | 2,689                    | 4,679                    | 1,503                    | -3,176                      | -68%                       | Increase                       |
| Hirat                       | 2,531                    | 1,924                    | 2,287                    | 1,525                    | -762                        | -33%                       | Decrease                       |
| Nimroz                      | 115                      | 1,690                    | 1,955                    | 6,507                    | 4,552                       | 233%                       | Strong increase                |
| <b>Western region</b>       | <b>10,531</b>            | <b>19,510</b>            | <b>19,820</b>            | <b>28,619</b>            | <b>8,799</b>                | <b>44%</b>                 |                                |
| <b>Total (rounded)</b>      | <b>131,000</b>           | <b>104,000</b>           | <b>165,000</b>           | <b>193,000</b>           | <b>28,000</b>               | <b>17%</b>                 | <b>Overall slight decrease</b> |

UNODC, February 2008 [87d] (p3)

26.05 The surge in opium production has been accompanied by a rise in addiction amongst Afghans. (BBC, 28 August 2007) [25bc] (IRIN, 26 June 2007) [36ag]

(Associated Press, 3 January 2008) [54c] The Associated Press reported in January 2008 that:

"The first nationwide survey on drug use, conducted last year by the Ministry of Counter Narcotics and U.N. Office on Drugs and Crime, found nearly 1 million addicts in this nation of about 30 million people, including 60,000 children under age 15....

"Drugs of choice range from hashish, opium and heroin to pharmaceutical medicines. An estimated 5,000 children are addicted to opiates, and the remainder take cough syrup and other drugs, the survey found. The actual numbers are probably much higher, especially for children and women, the report said." [54c]

- 26.06 IRIN News reported on 2 March 2008 that "Villagers in remote areas of Badakhshan Province, north-eastern Afghanistan, have been using opium as a substitute for medicine for years. They are oblivious to the harm it can do to their health." [36a]
- 26.07 A research study carried out by the Afghanistan Independent Human Rights Commission, *Effective Factors Associated with Drug Addiction and the Consequences of Addiction among Afghan Women*, published February 2008, involving 828 individuals interviewed in 21 provinces found that "It is rather difficult to establish a direct relationship between income and drug addiction. Although, the majority of the respondents report very low monthly income, it can not be said that poverty leads to drug addiction, as there are many women who live in poverty, but they are not addicted to drugs. The relationship between poverty and drug addiction, can be explored through access to health care. People with low income are more likely to be concentrated in remote parts of the country, whose access to health centers is very limited. Thus, these women use drugs for medical purposes..." [48b] (p4) However: "In general, as it can be observed from the findings, addicted women are not lonely reclusive women who lack any family members or friends. The fact that the majorities of respondents are married and have children shows that these respondents are surrounded by their immediate family members and lead a social life. However, many [of] these women live in poor economic conditions; they are jobless or involved in the kind of occupations that does not generate sufficient income to sustain a family." [48b] (p9)
- 26.08 The AIHRC research study also recorded that: "A quarter of respondents... report that their children use drugs. The age of children was not reported in the survey, however, the qualitative interviews reveal that younger children are fed opium by their mothers to keep them quiet, and the older children in addition to consuming drugs themselves provide drugs for their mothers. Additionally, other immediate family members who were reported to have been using drugs were fathers (9.78 %), mothers (7.49 %), brothers (6.28 %), and sisters (7.0 %)." [48b] (p10) Furthermore, the study recorded that women's reasons given for using drugs included recreation, pain, insomnia, fatigue, sexual dysfunction, hemorrhage, cough, diarrhoea, sadness and grief. [48b] (p17)

(See also Section 24: [Children](#))

- 26.09 A Reliefweb article dated 20 April 2008 recorded that "Afghan deputy health minister for technical affairs Faizullah Kakar said mental illness and drug abuse were the most urgent health problems that the country now needs to tackle ... 66 percent of Afghans suffer from depression or some form of mental disorder, and an increasing number are turning to illegal drugs..." [40h] "The picture is grim in parts of the country's south and west where Kakar said government healthcare workers have not been able to provide service because of the ongoing Taliban insurgency. 'Forty of our doctors and workers died in the south, so many people are scared to go to the south to work. When we try to build a clinic in the south, it's hard to find a company that will build it. Maintaining it is a challenge.'" [40h]
- 26.10 BBC Online reported on 25 July 2008 that President Karzai had been accused of protecting drug barons and obstructing efforts to eradicate opium crops. According to Thomas Schweich, a former US counter-narcotics official, the former Attorney General had claimed that Mr Karzai had reportedly prevented the prosecution of some 20 officials. Mr Karzai denied the allegations. Although president Karzai denies that his supporters were involved in drug smuggling, Mr Schweich said that "[Mr Karzai] perceives that there are certain people he cannot crack down on and that it is better to tolerate a certain level of corruption than to take an aggressive stand and lose power," Mr Karzai said that "I don't blame Afghans for drugs smuggling. They may do it due to helplessness and there may be only a few of them," [25g]

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## 27. KIDNAPPING

- 27.01 "... anti-government groups have kidnapped at least 41 Afghan civilians in 2007 and killed at least 23 of them, including journalist Ajmal Naqshbandi and driver Sayed Agha in Helmand. Anti-government groups also targeted foreign aid workers. The Taliban claimed responsibility for killing a German national whom they had taken hostage. In July the Taliban abducted a group of 23 South Koreans affiliated with a Christian organization. The Taliban killed two of the hostages before eventually releasing the rest." (HRW, January 2008) [17a]
- 27.02 Amnesty International's Afghanistan Country Report 2008 recorded these incidents in 2007:
- "Four Afghan provincial court employees were abducted by the Talebanwhile travelling in Andar district, Ghazni, on 24 July [2007]. Their bodies were found later by Afghan authorities.
  - Taleban forces abducted 23 Korean nationals on 19 July [2007] while they were travelling through Ghazni. Two of the hostages were killed; the rest were released after six weeks' captivity.
  - Taleban forces abducted five Afghan and two German nationals on 18 July [2007] in Wardak province. One of the Afghans escaped and one of the Germans died in captivity. The remaining hostages were released in October." [71]
- 27.03 Reuters reported on 22 July 2008 that:
- "Two French aid workers kidnapped in central Afghanistan last week are being held by a commander of a former armed faction, a Western radio broadcaster said on Tuesday. The pair were working for the humanitarian agency of Action Against Hunger in the central province of Dai Kundi and were kidnapped while sleeping in their house on Friday, the organisation said. Commander Sedaqat phoned Radio Liberty to claim responsibility for seizing and holding the two, said the U.S.-sponsored station which broadcasts in Afghanistan's main languages, Pashtu and Dari. Sedaqat said he had kidnapped them due to differences with provincial authorities he said had sidelined him from power, the network said. Sedaqat said he wanted to settle the issue peacefully, but made no demand for freeing the pair. Sedaqat belonged to an ethnic Hazara armed faction and briefly joined the Taliban when the group was in power from 1996 till 2001... " [24h]
- (See also Section 24: Children – [Child Kidnappings](#))

## 28. MEDICAL ISSUES

### OVERVIEW OF AVAILABILITY OF MEDICAL TREATMENT AND DRUGS

- 28.01 “Healthcare in Afghanistan has been severely affected by decades of conflict and ranks among the worst in the world. Health infrastructure is damaged and poorly maintained, lacks trained staff, resources and supplies, and is unable to meet the basic health needs of most of the population. Services are provided through the Afghan hospital network and international NGOs and agencies, but there is limited coordination. First-aid is available at the district level but emergency transport is lacking; trauma care and continuing care are limited to a few hospitals in major cities and can be of poor quality and expensive. Cultural barriers mean that women may be denied care or refused treatment by male practitioners, in a country with few female practitioners.
- 28.02 The Foreign & Commonwealth Office (FCO) Afghanistan Country Profile, reviewed in January 2008, stated that:
- “The health infrastructure in Afghanistan damaged or destroyed by years of conflict, is gradually being reestablished by the Afghan Government with the help of the international community. The health services inherited at the end of 2001 were limited in capacity and coverage, and while the Ministry of Health has shown leadership the health status of the Afghan people is still among the worst in the world. The majority of the population lacks access to safe drinking water and sanitary facilities. Disease, malnutrition and poverty are rife and an estimated 6.5 million people remain dependant on food aid.” [4a] (p8-9)
- 28.03 Statistics in the FCO Country Profile on Afghanistan showed that:
- “average life expectancy is 44.5 years (UNDP, July 2005)
  - 1 in 6 babies dies during or shortly after birth (UNDP, July 2005)
  - 20% of children die before reaching the age of 5 (UNICEF, 2005)
  - 17,000 women die each year from pregnancy related causes (UNICEF, 2005)
  - 12% of the population have adequate sanitation (World Bank, July 2005)
  - 13% of the population have clean drinking water (World Bank, July 2005)”
- [4a] (Health)
- 28.04 The same FCO Country Profile also stated that:
- “The World Bank, the United States Agency for International Development and the European Community are helping the Afghan Ministry of Health, through NGOs, to provide a basic healthcare service to the entire population. The package consists of services for maternal and newborn health; child health and immunisation; nutrition; communicable disease; mental health; disability; and the supply of essential drugs. The Ministry of Health has established a Child and Adolescent Health Department and a Department of Women and Reproductive Health to tackle high infant and maternal mortality rates. There

are now over 900 clinics and approximately 40% of the population have access to healthcare.” [4a] (Health)

- 28.05 UNHCR’s Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007, noted that:

“In terms of access to healthcare, Afghanistan’s poor healthcare system has a very strong urban bias in its existing infrastructure. Overall, there are only 210 health facilities with beds to hospitalize patients. With the exception of four provinces, the current ratio of doctors per patient stands at one doctor per 10,000 patients.

“Nevertheless, important progress in healthcare has been made through the Government’s expansion of the basic package of health services. Under the National Health Policy 2005-2009, the Ministry of Public Health is focusing on accelerating the implementation of primary healthcare and Basic Package of Health Services (BPHS) and Essential Package of Hospital Services (EPHS). The BPHS includes maternal and newborn health, child health and immunization, public nutrition, communicable diseases, mental health, disability and supply of essential drugs...

The EPHS has three main objectives:

- to identify a standardized package of defined clinical, diagnostic and administrative services for district, provincial and national hospitals;
- to provide a guide for the Ministry, NGOs and donors on how the hospital sector should be staffed, equipped and provided with drugs for the defined set of services at each level; and
- to promote a health referral system that integrates the BPHS within hospitals.”  
[11k] (p51)

- 28.06 On 24 February 2006, a news article by the Institute for War and Peace Reporting stated that:

“The right to free healthcare is enshrined in the country’s constitution. Yet, if they can afford it, many Afghans would rather go to a private medical facility than to the government’s underequipped, understaffed, and underfunded institutions. Most people, however, don’t have that option as the fees charged by private hospitals, while modest by Western standards, put them beyond their reach.” [73i]

- 28.07 An August 2007 report by the AIHRC, based on research between January and December 2006, “...conducted over 11, 000 interviews in 32 out of 34 provinces of Afghanistan paying particular attention to vulnerable groups and people living in remote areas...” found that “85.9% of those interviewees who answered the question (9,579) stated that governmental health care facilities were available to them; 13.9% of interviewees (1,547) stated that governmental health care facilities were not available.” Additionally, “60.6% of those interviewees who answered the question (5,699) stated that private health facilities were available to them; 38.1% of interviewees (3,588) said that [private] health care facilities were not available.”

The main reasons given for not accessing Government/NGOs health facilities were:

- Difficult to get to – 57.4 per cent (1966);
- Poor quality – 29.8 per cent (1,022);
- Inability to pay for services and medicines – 3.3 per cent (112);
- No female staff – 5.3 per cent (181);
- Discrimination – 2.0 per cent (70).

The main reasons given for not accessing private health care facilities were:

- Difficult to get to – 54.0 per cent (293);
  - Poor quality – 31.9 per cent (173);
  - Inability to pay for services and medicines – 3.5 per cent (19);
  - No female staff – 5.9 per cent (32);
  - Discrimination – 0.6 per cent (3).
- [78f] (p29)

28.08 A UNHCR paper dated May 2006 advised that:

“For some medical cases, return to Afghanistan is impossible, unless effective family or community support and care is available during the treatment period. For others, there may be no treatment possibilities and no medication in Afghanistan for the time being. Particularly secondary, depending on the location, and tertiary health care services are very limited, with the major priorities of Afghanistan’s National Health Policy for the period 2005 to 2009 being the following:

Implementing health services:

- Implement the basic package of health services
- Implement the essential package of hospital services
- Establish prevention and promotion programmes

Reducing morbidity and mortality:

- Improve the quality of maternal and reproductive health care
- Improve the quality of child health initiatives
- Strengthen the delivery of cost effective integrated communicable diseases control programs

Institutional development:

- Promote institutional and management development
- Strengthen human resources development, especially of female staff
- Strengthen health planning, monitoring and evaluation.”

[11g] (p3)

28.09 The same UNHCR paper also advised that “The following diseases and other serious medical conditions cannot currently be treated in Afghanistan: congenital heart diseases; valvular heart diseases; liver cirrhosis; renal failure; thalassemia, hemophilia and leukemia (blood diseases); AIDS; post measles encephalopathy, cerebral palsy, hydrocephalus and CVA (Cerebral Vascular Accident); all cancerous diseases; post organ transplantation; viral diseases (medicines not available).” [11g] (p4)

- 28.10 UNHCR further noted that the following surgical operations cannot be performed and post-operative care is unavailable in Afghanistan: micro-neurosurgery; heart surgery ("One hospital in Kabul, supported by the international community has started to undertake the surgical operation of children with congenital heart diseases (payment)" vascular surgery (only one expert in Kabul who can do peripheral vascular surgery); radiotherapy for treatment of cancer; all kinds of organ transplantation; dialysis; eye and ear surgery. [11g] (p4-5)
- 28.11 The May 2006 UNHCR report also recorded that "The following chronic diseases are treatable in Afghanistan but the patient requires family care and support, which varies based on the condition of the patient: leprosy; myocardial infarction; TB; bone fractures; complicated diabetes; complicated COPDs (Chronic Obstructive Pulmonary Diseases); osteomyelitis; minor mental diseases; juvenile rheumatic arthritis." The report also noted that patients with these conditions require family care in the hospital and at home. [11g] (p5)
- 28.12 UNHCR also noted that:
- "The hospitals may provide only about 30% of the medicine required. The caretaker [family member or relative] is required to purchase about 70% of the medicine in [the] bazaar... In Afghanistan, patients are hospitalized for short periods, because of the limited space for patients in hospitals. When patients come out of a life-threatening condition, they are discharged. The family or relatives are required to take care of the patient at home.
- The services and medicines available in governmental hospitals are free of charge. However, the prices for medical services in the private sector vary from Afs.100–150 (US \$.2–3) for a doctor's visit fee up to Afs.100, 000 (US \$.2, 000) for some basic surgeries. Ambulance services, which are only available in few private clinics in major cities, cost Afs.200–Afs.500 (US \$.4–10) within city limits. An ultrasound examination costs Afs.150–300 (US \$.3–6) whereas a dialysis, which is only available in Kabul, costs Afs.7,000 (US \$140)." [11g] (p5)
- 28.13 UNHCR also advised in May 2006 that the following medicines were not available in Afghanistan:
- "Antineoplasms; Antiviral drugs; Immunoglobulins; Blood factors; Immunosuppressant: most importantly Cyclosporine, Cellcept, Imuran; Azatuprine; Some antibiotics: Imipenemcilastatine, Neomycine Sulfate, Piperacillin; Pralidoxine Chlorid; Acnocoumarol (Anticoagulant Agent); Acetylcysteine (Antidote (Acetonaminophene); Colfusecril palmitate (Pulmonary Surfactant); Some hormones: Corticoptopine (Hypophysical Hormone), Parathormone (Parathyroid Hormone); Desoxycorticosterone Pivalate (Mineralocorticoid); Dimercaprol (Antdote (Au, As, Hg, Pb); Fluorometholone (Ophthalmic Gloecorticoid); Pentaerythritol Tetramitrate (Vasodilator/Anti Angina); Prostaglandin E1; Oruine (Anti Malaria); Finasteride (Antiandrogen); Isoproterenol (Antiarythmia)." [11g] (p5-6)
- 28.14 The World Bank Report, HIV/AIDS in Afghanistan, August 2007 noted that: "Afghanistan has around 12 international NGOs and about 16 national NGOs

involved in the area of health. Eighty percent of existing health facilities are either operated or supported by NGOs. The support of NGOs by the health care system is critical, including drug supplies, supervision, training, and incentives.” [69b] (p3)

- 28.15 On 23 July 2008 IRIN News reported on the increasing amount of health centre closures throughout the country due to insurgency, leaving up to 100,000 people without basic health services over the last four months alone. Abdullah Fahim, a spokesman for the Ministry of Public Health (MoPH), told IRIN that: “Currently some 400,000 people in the country do not have access to basic health services because of attacks on health personnel and health centres, and also due to lack of security for health workers... About 32 health centres were torched, destroyed and/or closed down due to insecurity in 2007. Over the past four months 19 health facilities have been shut down or attacked... At present more than 50 health centres are inactive; some were torched or destroyed, others remain shut because of direct threats to health workers.” [36b]

## WOMEN AND CHILDREN

- 28.16 “Afghanistan’s Maternal Mortality Ratio (MMR) is estimated at 1,600 to 1,900 maternal deaths per 100,000 live births, which is one of the highest in the world. Skilled attendants are present at only 14.3 percent of births and one survey found that between 30 percent and 90 percent of women in rural areas could not access health care during pregnancy.” (United Nations Development Fund for Women, 31 August 2006) [40y]
- 28.17 A March 2006 report from the Afghanistan Independent Human Rights Commission indicated that, according to their studies “... 24.6% of people have no access to acceptable health service[s] and the majority of them are women. In addition 54.8% of people can not use the so called health centers due to long distances... The level of accessibility to health services is different in various provinces. Women[’s] access to health service[s] is only 5 to 7% in the south west (Zabul, Helmand), in some districts of central Afghanistan, there isn’t any female doctor or health worker. Difficult roads are another obstacle for women to have access to health services.” [78b]
- 28.18 A report by the UN Secretary-General dated 30 December 2005 stated that:
- “Enhanced and coordinated efforts are urgently needed to improve women’s access to health services, particularly reproductive health services, and to support the Government in meeting its goal of reducing maternal mortality by 25 per cent by 2008. Insecurity and lack of female doctors still prevent many women from seeking health care. Corrective action must address these problems as well.” [39b] (para. 51)
- 28.19 In July 2006, Isobel Coleman, the Director of Foreign Policy and Women Programme at the Council on Foreign Relations, was reported as saying that the figure of one out of six women destined to die in childbirth in Afghanistan was incredibly high compared to other countries such as the US (one out of 2,500) and Sweden (one out of 29,000):
- “The Afghan government... is well aware of the monumental challenges it is facing, not only with the maternal-mortality rate but with women’s issues in

general. At the same time, there is little that President Hamid Karzai's government can do in the short term to improve the situation.

"There are very few trained midwives and doctors in the country and the government is taking action to try to address that, but it's very expensive,' she says. 'And training of midwives, and improving girls' literacy, all of these things are what it [sic] is going to be required to address the frankly medieval maternal-mortality statistics in Afghanistan today.'

"Coleman says that problems with maternal mortality in Afghanistan are compounded by cultural values, such as poor treatment of women. As a result, she says, women are not only deprived of the basic health care but are often malnourished during pregnancy and do not have access to obstetricians and medicines when emergencies occur. In some parts of Afghanistan, she says, religious stigma toward gender separation is so deeply ingrained that a husband would rather let his wife die in childbirth than allow a male physician to treat her." (Radio Free Europe/Radio Liberty, 4 July 2006) [29x]

28.20 The Rabia Balkhi Women's Hospital is the only women's hospital in Kabul. "Its 13,000 births per year make up only a tiny fraction of the more than one million births nationwide annually, but, nonetheless, the hospital is an irreplaceable starting point for building the capacity of the Afghan health system to care for women." In 2005, doctors at the hospital carried out the first ever blood transfusion that saved a newborn baby's life. (International Medical Corps, 2006) [86b]

28.21 The US State Department 2007 report, published on 11 March 2008, recorded that "Children did not have adequate access to health care; only one children's hospital existed in the country, and it was not readily accessible to those outside Kabul." [2h] (Section 5) However, information on the US Embassy in Kabul's website, accessed on 13 September 2006, showed that there were two children's hospitals in Kabul: the Indira Ghandi and the Atatürk. [9]

28.22 In June 2006, the Institute for War and Peace Reporting reported on the French Medical Institute for Children (also known as the Mother and Child Hospital) in the Kart-e-Sakhi area of west Kabul, which is funded by French donors. It was reported that the hospital had just carried out the first ever open-heart surgery in Afghanistan, on a 13-year-old girl:

"Hospital manager Abdul Rauf Baha said the hospital has about 100 beds and four operating theatres. The 230 staff include 20 doctors, two of them French. Baha said 26 cardiac operations have been carried out at the hospital since it started working, 12 of them involving open-heart surgery. The cardiac operations are performed by French doctor Alain Deloche, with Afghan physicians assisting...

"Younus Delyab, who heads the hospital's charitable arm which assesses patients' ability to pay, explained how discounts are awarded, 'Many patients aren't able to pay a lot of money. Fees vary from 25,000 to 30,000 afghanis (500–600 dollars) per operation. But most patients pay 16 per cent of the fees.' The hospital has carried out around 500 operations of various kinds, but Delyab said only two patients had been charged the full rate." [73e]

(See also Section 23: [Women](#) and Section 24: [Children](#))

## HIV/AIDS

- 28.23 In August 2007 the World Bank Group reported that there was no reliable data on the prevalence of HIV/AIDS in Afghanistan. They reported that 245 HIV cases had been reported. [69b] (p1) On 30 August 2006, IRIN news reported the number of registered cases of HIV as 58 and also said that health officials believed the real number was much higher: "Dr Shokrullah Waheedi, head of preventive medicine in the Ministry of Public Health (MoPH), said a countrywide survey of the virus had not been conducted and it was spreading due to a lack of awareness." [36k]
- 28.24 The 2007 World Bank Report also noted that "...UNAIDS and WHO estimate that there could be between 1,000 and 2,000 Afghans living with HIV. The HIV epidemic is at an early stage in Afghanistan and is concentrated among high-risk groups, mainly injecting drug users (IDU) and their partners. Afghanistan's emerging epidemic likely hinges on a combination of injecting drug use and unsafe paid sex." [69b] (p1)
- 28.25 The IRIN News report of 30 August 2006 also stated that:
- "Health experts have warned that war-ravaged Afghanistan faces a high risk of an HIV/AIDS epidemic due to the growing number of injecting drug users, refugees returning from Pakistan and Iran, the high number of internally displaced people, high illiteracy and ignorance, the low status of women, poor safe sex practices, a weak public health system and low awareness of the virus." [36k]
- 28.26 The August 2007 World Bank Group brief also noted that "The Ministry of Public Health has developed [sic] a national strategic plan (2006-2010) with goals to maintain low HIV prevalence (less than 0.5 percent) and to reduce the mortality and morbidity associated with HIV/AIDS. This strategic framework has been translated into a program operational plan (POP)." [69b] (p2)
- 28.27 A UNHCR paper dated May 2006 stated that it is currently not possible to treat AIDS in Afghanistan. Voluntary testing and counselling centres are available in the cities of Kabul, Herat, Mazar-i-Sharif and Jalalabad. [11g] (p4)

## CANCER TREATMENT

- 28.28 Currently, no cancerous diseases can be treated in Afghanistan. (UNHCR, May 2006) [11g] (p4)

## KIDNEY DIALYSIS

- 28.29 Doctors and the necessary medical instruments to treat renal failure are not currently available in Afghanistan. Dialysis is only available in three locations in Kabul. The treatment is private and a dialysis session costs 7,000 afghanis (US\$140). (UNHCR, May 2006) [11g] (p4)

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**MENTAL HEALTH**

- 28.30 "There is very limited psychosocial trauma support in Afghanistan. Further, in more conservative areas, social mores leave victims of rape or other sexual abuse subject to family rejection and social ostracism and, thus, to the loss of traditional protection mechanisms. Victims of such trauma may thus risk further maltreatment if their being a victim of sexual violence becomes known." (UNHCR, December 2007) [11k] (p9)
- 28.31 A February 2005 discussion paper produced by the Health, Nutrition and Population (HNP) Family of the World Bank's Human Development Network recorded that:
- "Afghanistan is severely under-equipped to address mental health and psychosocial problems. Supplies, staff and training are limited... The Mental Hospital in Kabul is the only mental hospital in the country. It has 60 beds and bed occupancy is often over 100 percent. Fifty to seventy percent of patients are seen daily in the outpatient department, which is a small room in the hospital where children and adults are treated. There are no other facilities for children, except for the Children's Neurological Clinic. The hospital has 25 'psychiatrists,' who received a three-month diploma in psychiatry, funded by WHO [World Health Organisation]. The 50-bed neuropsychiatric unit in one of Kabul's hospitals also serves patients with mental disorders. Problems range from stroke and psychotic disorders to drug abuse; a big problem in Afghanistan, especially among returnees from Iran and Pakistan...
- "MOH [Ministry of Health] provides salary for staff and food for patients but has no money for drugs. Patients have to buy drugs in the bazaars and the quality is often not ensured. The hospital has no laboratory, no X-ray unit, no ambulance and no toxicology laboratory. Self-medication is common among patients with mental disorders." [80] (p35-36)
- 28.32 "Mental health is not a part of [the] primary health care system. Actual treatment of severe mental disorders is not available at the primary level. Community level workers from the local population (villages) have been involved in providing integrated health care for the last 8 years... There are community care facilities for patients with mental disorders. Mental Health is included in Basic Package for Health Services (BPHS) which covers health service delivery up to district level. New treatment guidelines for common mental health disorder[s] are being formulated (draft is ready). Four Community Mental Health Centers have been established in the capital [Kabul], but further expansion is required. There are 2 general psychiatric rehabilitation centres with 160 beds." (World Health Organisation Mental Health Atlas 2005) [43]
- 28.33 "Currently, there are no social workers, and there are only very few trained psychiatrists. Most doctors working as psychiatrists have either had in-service training or have attended short courses abroad. A three month diploma course was held in 1996 to train some doctors in psychiatry. Postgraduate training in psychiatry is not present. Psychologists get their training from Kabul University. Much of qualified manpower and technical expertise has left the country...

"NGOs [Non-Governmental Organisations] are involved with mental health in the country. They are mainly involved in treatment. The Afghan Government collaborates with non-governmental organizations to rapidly expand basic (mental) health services to underserved populations..."

"The following therapeutic drugs are generally available at the primary health care level of the country: carbamazepine, Phenobarbital, amitriptyline, chlorpromazine, diazepam, haloperidol. The cost of medicines keeps fluctuating as the local currency is unstable due to the war. Over-the-counter sales of psychotropics occur." (World Health Organisation Mental Health Atlas 2005) [43]

28.34 A UNHCR paper dated May 2006 advised that:

"There is very limited to no form of psycho-social trauma support in Afghanistan [UNHCR footnote: 'In some regional hospitals, psychiatric facilities exist, but only one hospital in Kabul city provides psychological counseling, as does an international NGO, equally in Kabul']. The concept of 'counseling' as a profession in public health services does not yet exist. All trauma is, if at all, dealt with by discourse with family and friends. Many Afghans, however, are seriously traumatized given their experiences of war and human rights violations. Of particular concern, in this regard, is the situation of women, many of who have suffered forms of sexual violence, including rape [UNHCR footnote: 'Any manifestation of what might be termed 'depression' is treated by medical professions with drugs. Doctors lack diagnostic as well as allopathic resources, thus depression is compounded by overdoses of valium or other medication. Physical conditions that require specialist care are unlikely to find this in Afghanistan. Rape is not a socially recognized category. It is only rarely a legally recognized category; as a report by the International Commission of Jurists found, women tend not to be treated equitably to men before the law. Rather they are judged according to customary law, whereby a victim of rape is more likely to be judged a prostitute and thus face prosecution as the perpetrator of the violation. Male victims of rape are not discussed. Sexual abuse of children is known but not acknowledged. There is no in-country support for rape victims.']

"In addition, for both women and men who have suffered sexual violence, strong cultural taboos surrounding disclosure as a victim inhibit discussion, even with close family members. In more conservative areas, identification as a victim of rape or other sexual abuse can lead to family rejection and social ostracism, therefore it is reasonable to conclude that some victims of this form of trauma may fear return to Afghanistan on the basis that they will be discovered as a victim and face further persecution.

"As a general humanitarian principle, where such trauma constitutes 'compelling reasons arising out of previous persecution', it should be properly recognized even if a change of conditions in the country of origin has taken place at the time a decision on the application is taken. Otherwise, traumatized Afghans who are in need of treatment and counseling, which is not available in Afghanistan, should be allowed to remain on humanitarian grounds..."

"Mentally ill persons who need long term treatment or special care will not be able to cope in Afghanistan unless they have family to take care of them.

There are hardly [any] specialized institutions and personnel. This is particularly true for severe mental illness such that the person cannot be self-sufficient.” [11g] (p2-3)

#### OTHER MEDICAL CONDITIONS

- 28.35 The Danish fact-finding mission of March/April 2004 reported on the availability of treatment for certain illnesses. Their report published in November 2004 stated that:

“The WHO [World Health Organisation] was of the opinion that the initial treatment for diabetes can be carried out in Afghanistan but that there are problems with long term treatments. Insulin is very expensive and paid by the patient himself. Another problem in this context is the general lack of the required facilities to store medicines in a safe manner. An international NGO was of the opinion that no regular and continuous possibilities for treating diabetes exist in Afghanistan.” [8] (Section 9.3.3)

- 28.36 The WHO told the Danish fact-finding mission that simple heart and lung diseases could not be treated in district or provincial hospitals, but required referral to larger hospitals where such problems could be dealt with to a certain extent: “An international NGO found that treatment for serious heart and lung diseases is not available at all in Afghanistan. The source said in this connection that it is not possible to perform a bypass operation in Afghanistan. Patients in need of such an operation must travel either to Iran or Pakistan.” [8] (Section 9.3.3)

- 28.37 On 26 November 2004 the UN Secretary-General reported:

“Tuberculosis remains a serious public health problem in Afghanistan. With support from the World Health Organization (WHO), 162 health facilities in the country are offering services in 141 districts that represent 54 per cent of the country’s population...Under the Roll Back Malaria project, WHO is assisting the Ministry of Health and local health authorities to combat malaria in 14 provinces where the disease is endemic. Through this project, 600,000 individuals are receiving full treatment for malaria every year.” [39f] (p14)

- 28.38 A USAID update of 16 February 2005 reported that “According to World Health Organization (WHO) estimates, approximately 70,000 new TB cases occur annually in Afghanistan, and 20,000 people in the country die from TB every year.” [60b] In a report dated 30 December 2005, the UN Secretary-General advised that “Recent figures on tuberculosis indicate that over 60 per cent of new tuberculosis patients are women.” [39b] (para.47) In March 2006, the AIHRC stated that 70 per cent of tuberculosis victims were women. [78b]

- 28.39 On 14 August 2006, the *Frontier Post*, a Pakistani national newspaper, reported that, according to the overseer of the polio programme in the Afghan Ministry of Public Health, there had been 24 cases of polio in Afghanistan so far in 2006, compared to nine cases during the whole of 2005. All but one were in the south of the country and a number of factors were blamed for the increase: “... the increasing violence, unregulated travel across the border with Pakistan where polio is also a problem, difficulty in establishing local health services and poor communication with community leaders.” [40a]

- 28.40 “Afghan Ministry of Public Health (MoPH) officials estimate hepatitis B kills more than 11,000 people annually, with 7 per cent of the country’s population already infected... ‘The number of patients [with hepatitis B] referring here is increasing every day,’ Dr Murrad Mamozai, deputy director of the 200-bed Antoni infectious disease hospital in Kabul, the Afghan capital, said. Mamozai said nine of the 460 patients admitted to the facility with hepatitis during 2004 and 21 of the 540 patients admitted during 2005 had died.

“Ministry officials said it had launched a vaccination drive targeting children aged under two, but conceded that due to a lack of funds it could not reach all those in need.” (IRIN News, 17 August 2006) [361]

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## 29. HUMANITARIAN ISSUES

### OVERVIEW

- 29.01 The World Bank's economic report on Afghanistan published February 2008, recorded:

"The starting point – in late 2001 at the fall of the Taliban – for recent developments in Afghanistan was dire... Numerous people were suffering (and still are) from low food consumption, loss of assets, lack of social services, disabilities (e.g. from land-mine accidents), and disempowerment and insecurity ... In sum, Afghanistan was essentially left out of the last 25 years of global development, with virtually no increase in per-capita income during this period and average life expectancy of only 43 years."  
[69a] (Executive summary paras. 5 & 6)

(See also Section 2: [Economy](#))

- 29.02 A 2005/06 strategy report by the Department for International Development (DFID) recorded that "After more than twenty years of conflict and isolation, Afghanistan has made rapid progress over the last 3½ years." However,

"Afghanistan's challenges remain formidable...

"After decades of insecurity, destruction and under-investment, poverty is deeply entrenched. Afghanistan is off-track on all [sic] the Millennium Development Goals (MDGs), and has some of the worst human development indicators in the world, ranking 173 out of 178 countries on the 2004 UNDP Human Development Index. Average income is about \$300 per person (including from opium, which disproportionately benefits a minority). 71% of Afghans over the age of 15 cannot read and write, rising to 92% for rural women, and three out of five girls don't go to school. Life expectancy at birth is 45 years, and at least one in five children dies before the age of five. The maternal mortality rate may be the highest in the world: one woman dies from pregnancy-related causes approximately every thirty minutes, and in rural areas fewer than 10% of women give birth in a health facility. Large parts of Afghanistan's infrastructure are in tatters; in more remote areas it has never been developed. The vast majority of Afghans do not have access to electricity or safe water." [51a] (Paragraph 1.1–1.2)

- 29.03 A June 2005 report by the UNHCR stated that "Overall, only 23% of the Afghan population has access to safe water, 18% in rural and 43% in urban areas. Access to adequate sanitation is even lower, with an estimated 12%."  
[11b] (p33)

- 29.04 IRIN News reported on 1 February 2006 that, in spite of previous donations of billions of dollars bringing improvements such as new hospitals, clinics, roads and educational opportunities, most Afghans remained entrenched in poverty.  
[36g]

- 29.05 "Afghanistan is facing an imminent food crisis due to inadequate rainfall in the months of April and May [2006]. The drought conditions will affect up to an estimated 2.5 million people living in mostly rain-fed agro-ecological zones

affected by drought. This estimate is in addition to the 6.5 million people who are seasonally or chronically food insecure...

"To adequately address the existing humanitarian needs and to limit further negative effects of a continuing drought, the Islamic Republic of Afghanistan and the United Nations are requesting assistance to the value of US\$ 76,391,754." (Joint appeal by the Islamic Republic of Afghanistan and the UN, July 2006) [55]

- 29.06 The UN News Service reported on 15 August 2006 that, in response to the appeal for assistance, the UN Office for the Coordination of Humanitarian Affairs (OCHA) was giving 11 million dollars. [40d] IRIN News reported on 4 August that the US Agency for International Development (USAID) was supplying food aid worth more than 16 million dollars in addition to the 20 million dollars the US agency pledged in late July 2006. [36f]
- 29.07 The UN News Service also reported on 15 August 2006 that recent floods had affected more than 5,500 families in Ghazni and Paktya provinces in the east of the country. [40d] On 6 September 2006, IRIN News reported that at least 11 people were missing after floods struck Nangarhar province, also in the east. Furthermore, "On 10 August, local authorities confirmed that floods had killed 33 and left thousands of people homeless in the southeastern provinces of Paktika, Ghazni and Paktia." Floods had also caused the deaths of at least 23 people and the destruction of hundreds of homes in Baghlan and Faryab provinces in the north of the country in April and July. [36o]
- 29.08 The UN Secretary-General's report of 11 September 2006 stated that "Insecurity has taken a serious toll on the capacity of the United Nations and aid organizations to deliver their humanitarian programmes in insurgency-affected areas. The majority of districts in the south are chronically or temporarily inaccessible for United Nations movements." [39n] (p12)
- 29.09 On 29 September 2006, the UN World Food Programme reported that the current military action against insurgents in southern and eastern Afghanistan was uprooting civilians and making conditions worse for people already in chronic need of food. The WFP update noted that "... the overall security situation throughout Afghanistan remains alarming and continues to impose limits on WFP operations..." [40q]
- 29.10 In October 2006 IRIN News reported on the drought which affected millions of Afghans across much of the country. Christian Aid warned that some 2.5 million were facing food shortages after losing much of their crops. Many people were being forced to leave their homes in search of clean drinking water. [36v] Furthermore, in November 2006, deadly floods struck Nangarhar in the east killing at least four people with five others being reported missing. Dan McNorton, a public information officer said that "Our initial reports indicate that over 1,000 houses have been destroyed either partially or totally". [36w]
- 29.11 In March 2007 flash floods and avalanches killed 83 people and displaced thousands across a third of Afghanistan's provinces. [36x] Reaching those affected by the flooding proved difficult due to the scale of the disaster but after two weeks relief had reached almost all affected areas. [36y]

(See also Section 31: [Refugees and Internally Displaced People \(IDPs\)](#))

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## INTERNATIONAL AID

29.12 On 7 March 2006 the UN Secretary-General stated that participating countries and organisations at an international conference in London had announced further financial assistance for Afghanistan of \$10.5 billion, over a five-year period. [39h] (p12)

29.13 On 30 January 2006, Human Rights Watch had stated that:

“Two past international donors’ conferences, held in Tokyo in 2002 and Berlin in 2004, failed to provide the \$28 billion the World Bank and the Afghan government estimated was needed to rebuild the country. Slightly more than half of this figure has been pledged by the international community, but less than \$5 billion delivered, over the past four years. By comparison, reconstruction budgets in Kosovo, Bosnia, and East Timor were up to 50 times greater on a per capita basis.” [17p]

29.14 On 7 July 2006, the Institute for War and Peace Reporting reported on the Joint Coordination and Monitoring Board (JCMB), a committee set up to oversee aid money coming into Afghanistan:

“The Joint Coordination and Monitoring Board is a 28-member committee of internationals [sic] and Afghan officials whose job is to monitor the implementation of the Afghanistan Compact, a framework plan of action agreed at a donor conference in London on January 31–February 1 [2006].

“At the meeting, the various participating governments pledged 10.5 billion US dollars to Afghanistan over the next five years, to be spent in three key areas: security; governance, rule of law and human rights; and economic and social development. The JCMB is a response to past concerns about the lack of a system to check and manage where the foreign aid money was going. Coordination by different groups doing similar things was at times incoherent and it was unclear where some of the funds ended up.” [73i]

(See also Section 3: [Afghanistan Compact](#))

## HUMANITARIAN SITUATION IN KABUL AND OTHER URBAN AREAS

29.15 On 21 June 2006, the UN Human Settlements Programme (UN-HABITAT) reported on the speech of Afghanistan’s Minister of Urban Development, Mr Mohammad Yusuf Pashtun, at the World Urban Forum:

“After 25 years of war, Afghanistan’s cities had been destroyed, many of them literally flattened on a scale unimaginable to people outside the country. He [the minister] characterised the country’s urban landscape as being in a severe state of post-conflict breakdown: more than 70 percent of all urban infrastructure had been totally destroyed, with the remaining 30 percent in poor condition.

"At the same time, between 1978 and 2002 the urban populations had grown from 1.5 million to over five million people. He also said a further 5 million refugees had returned, and that with internally displaced people now streaming back to towns and cities, the country was experiencing a 5 percent urban growth rate. They were mainly starting life in new slums and mushrooming informal settlements.

"Afghanistan also faces rapid rural to urban migration, the absence of effective land management policies, and acute shortages of technical human capacities at the planning and municipal levels,' he said. 'The situation could not be better described than as a real urban crisis posing real urban problems.'" [40k]

29.16 The US Agency for International Development (USAID) concurred in an article dated 13 February 2006 which stated that "Given ambient levels of housing and urban service quality, it is highly likely that much, if not most, of the Kabul area population has experienced a decline in living conditions since 2001." [60a]

29.17 An IRIN News article dated 28 September 2005 reported that "Since the Taliban were ousted in December 2001, rent prices in the capital have skyrocketed, fuelled in part by the arrival in strength of foreign NGOs, with an average family house now going for up to US \$800 per month - far beyond the reach of Kabul residents." [36d]

29.18 On 30 January 2006, an article by a Board member of the International Crisis Group stated that:

"Since the fall of the Taliban, despite huge amounts of international money spent on overhauling civic infrastructures, material improvements have lagged, bringing little relief to the daily life of a largely dispirited population who lack basic commodities and struggle with soaring prices.

"Yet, the city is bustling, with streets streaming with people... And the sound of music, a vital component in Afghan life, floats in the air. Indeed, a sharp contrast with the authoritarian and anguishing regime imposed by the Taliban. The situation in Kabul is paradigmatic of the contradictions still embedded in Afghan society." [26g]

29.19 On 22 June 2006, the World Bank published a report on land management in Kabul which stated that the population of Kabul was expected to grow by about 150,000 each year for the next few years:

"The majority of Kabul's new migrants are informally housed. While this has prevented an even larger crisis of homelessness, informal development has led to legal and regulatory violations, including violations of property rights and rights of way, and has left insufficient space for infrastructure and social facilities...

"Kabul's main problem is not housing, but access to land and provision of infrastructure. Only 0.5% of Kabul's population is considered homeless, including 10,000 people living in tents and 5,000 living in the ruins of destroyed buildings...

"Informal settlements now shelter about 80% of Kabul's population, cover 70% of its land area, and represent a private investment in fixed capital of US\$2.5 billion (not including land value). Hence, informal settlements are here to stay." [69c] (Policy Note Series n.1)

- 29.20 The World Bank report also noted that the quality of houses in the informal settlements was good; however, "... most informal neighbourhoods in Kabul lack basic infrastructure, including access to water, sewerage, and drainage. [69c] (Policy Note Series n.2) A report by the Afghanistan Research and Evaluation Unit (AREU), dated April 2006, also stated that "Many informal areas in Kabul are still not supplied with basic infrastructure such as electricity, safe water supply and adequate sanitation systems, and the constant new influx of people puts additional pressure on the already overloaded service infrastructure." [22b] (p3-4)

- 29.21 In a BBC Online article dated 13 June 2008 it was reported that, although Kabul City was build to accommodate 400,000 people it is currently home to almost four million people. [25x]

- 29.22 "Job opportunities for the unskilled and less literate labour force in Kabul (and for that matter also in other cities) are unreliable, irregular and subject to high seasonal variance. Access to opportunities is usually limited to the heterogeneous sector of informal employment and is prone to high competition, and many poor residents of the Afghan capital have huge difficulties or never succeed in finding constant and secure sources of income, which keeps their available cash at an erratic and chronically low level...

"Ecologically, Kabul poses the threat of very harsh winters. This is the time of the year that is the most difficult to bear for poor and vulnerable populations. Prices of foodstuffs rise, high expenditures for fuels are needed, children scavenge the streets in search of burnable garbage, many people are exposed to cold temperatures due to having only insufficient shelter or limited capacities to afford fuel, health risks rise dramatically and job opportunities reach a bottom line. Winterisation programmes carried out by NGOs try to address the immediate needs of people under stress by providing income opportunities mainly through cash-for-work initiatives. Though these provide important sources of regular income through the winter months and thus enable participants to cope better with attendant difficulties, there seems to be no lasting effect beyond the project end." (Afghanistan Research and Evaluation Unit, April 2006) [22b] (p4)

- 29.23 "Unemployment data is hard to come by in a country where government institutions are still emerging and have limited reach. Government estimates say about 33 per cent of the working-age population are jobless. Most of the unemployed are returning refugees from Pakistan and Iran, left stranded by the failure of the Afghan economy to pick up. Others swelling the jobless ranks include school and university leavers.

"At a May 29 [2006] press briefing in Kabul, Shengjie Li, the International Labour Organisation's liaison officer, said that many of those without work are women or people with disabilities...

"While Kabul presents a veneer of rapid economic development, with smart new houses and shopping centres springing up in fashionable areas, the

changes are largely skin-deep and have not generated large numbers of jobs. In urban centres outside the capital, employment opportunities are even thinner on the ground.” (Institute for War and Peace Reporting, 13 July 2006) [73y]

- 29.24 “A person with language skills, especially English, and a good level of education would have good prospects of finding work in Kabul; otherwise only people like doctors and a few other professions which are in short supply might expect to find work. The unskilled will have serious difficulties, because the returnees to the country are mostly of working age, unemployment is high and there is a recession which is beginning to hit the building trade which is the main source of employment for cheap labour.” (Dr Antonio Giustozzi, 26 June 2006) [37]

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## LAND AND PROPERTY DISPUTES

- 29.25 The report of the UN-appointed independent expert of the Commission on Human Rights in Afghanistan dated 21 September 2004 stated that:

“Another significant human rights issue involves illegal forcible seizure of land, access to land and housing, and the violations associated with land disputes. The problems regarding land are linked to many years of conflict, lack of clarity regarding land ownership, irregularities in the exercise of local and regional power, and the large number of returning refugees and IDPs [Internally Displaced Persons]. The value of land has increased substantially, and the country’s highly irregular titling system and general lawlessness have allowed those with political power and armed backing to grab large tracts of land throughout the country. The general corruption of the legal system makes it easy for those with power to obtain false title to land, and the inability of the State to provide basic legal protection for landowners makes it difficult for those without connections or power to defend their rights.

“The land situation in Afghanistan involves an array of interconnected problems. For example, different people often hold legal title to the same land. At various times, more than one titling agency existed or subsequent administrations provided different titles, so it is possible for legitimate competing claims to the same piece of property to exist. Also, those with title to land (or someone who has lived somewhere for a long time and may not have legal title) are often forcibly removed or denied access to their property by powerful individuals and groups. Sometimes this occurs at the order of an individual such as a warlord or local commander. Other times, a person may be forced off the land by a less dominant figure who possesses arms or has political connections.” [39k] (para 73 & 74)

- 29.26 A UNHCR report dated June 2005 stated that in rural areas:

“Up to 36 percent of owners have their land under a form of mortgage that is to the full advantage of creditors, resulting in high and increasing indebtedness and increasing vulnerability. Formal land records are unreliable, where they exist. Traditional or statutory controls relating to boundaries between arable and pastoral lands have broken down, resulting in rampant

encroachment, contestation and environmental degradation. This situation is aggravated by the fact that there are inconsistencies among and within bodies of law, often resulting in a generally unclear legal status both in formal and informal justice systems. The weak rule of law renders application or enforcement of the law unlikely at this point. The power and influence of armed political groups, commanders and militias extends into the formal and informal justice systems, leaving rural Afghans at the mercy of these groups and with little ability to access justice.” [11b] (p34)

29.27 The UNHCR report further noted:

“The situation with regard to land tenure in urban areas indicates similar problems and challenges. Property law is outdated and disregarded, there is no consistency in the recognition of ownership by the authorities, multiple ownership is a problem due to the sales of State owned apartments and plots as well as the sale without regard for inheritance rights of others. The municipal property administration is inconsistent and the existing master-plan outdated and not corresponding to realities. It is against this background, that land and property issues pose a serious challenge for many Afghans, including many returnees, both in terms of livelihoods as well as in terms of respect for their rights and legal safety.” [11b] (p34-35)

29.28 The same report noted that “Land occupation and confiscation of land by powerful local commanders or members of the majority ethnic group in areas of return has been reported by returnees or stated as an obstacle to return by refugees. Returnees therefore face difficulties in recovery of property upon return from exile.” [11b] (p35)

29.29 “Formal property disputes in Kabul are numerous, but not as numerous as expected. Most formal conflicts pertain to high-value properties on private lands, and it is value rather than volume that gives the conflicts issue a high profile. Nevertheless, the potential for significant conflict remains, and it arises from the insecurity of tenure and fear of bulldozing faced by 2.44 million people in the large and expanding sector of informal settlements... Potential for conflict also arises from poor governance in the allocation or cancellation of building plots and state apartments.” (World Bank, 22 June 2006) [69c] (Policy Note Series n.4)

29.30 “The Special Land Disputes Court was instituted to specifically deal with private persons who are returnees or internally displaced and who seek to retrieve private properties of which they have been unwillingly deprived during the period since 1978. Neither the government nor its agents can use the court to seek restitution of nonprivate property. The court’s structure has been modified since 2002 and today it consists of 18 judges operating in two courts, one for Kabul and one for the rest of the country. A second-level court for appeal within the overall Special Court has been established as well.

“The Special Court is failing to deal swiftly or effectively with claims. Despite its statutory requirement of resolving cases within two months, only 5% of all cases registered have been resolved and an acute dissatisfaction with the rulings prevail.” (World Bank, 22 June 2006) [69c] (PolicyNote Series n.5)

29.31 The UNHCR report of June 2005 advised:

“There may be circumstances in which Afghan landowners may be exposed to a risk of persecution by non-state agents. The risk is acute in circumstances where houses have been occupied by powerful commanders and restitution is being pursued by a landowner, including where there is a court decision for the return of the property. In such circumstances, the rightful owners are at greater risk if they do not have political, tribal or family protection and the authorities are unable to protect their rights (including the enforcement of a court-decision).” [11b] (p56)

(See also Section 32: [UNHCR guidelines](#))

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### 30. FREEDOM OF MOVEMENT

- 30.01 The USSD 2007 report, published on 11 March 2008, reported that the law provides for freedom of movement but certain laws limited citizens' movement:

"The law provides for freedom of movement within the country, foreign travel, emigration, and repatriation; however, certain laws limited citizens' movement, and the government limited citizens' movement due to security interests. The greatest restriction to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, and landmines made travel extremely dangerous, especially at night. The government cooperated with UNHCR and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, asylum seekers, stateless persons, and other persons of concern.

"During the year the parliament amended the passport law to give women the right to apply for a passport without permission from a male relative. In some areas of the country, however, local custom or tradition forbids women from leaving the home except in the company of a male relative.

"Taxi, truck, and bus drivers reported that both security forces and armed militants operated illegal checkpoints and extorted money and goods. The number of such checkpoints increased at night, especially in the border provinces. In Kunduz the customs department had no effective control of the many illegal crossings and claimed the corruption of border police permitted smuggling of drugs, weapons, and other commodities. Residents reported having to pay bribes to ANP and border police officials at checkpoints and border crossings between Jalalabad and Pakistan. The Taliban imposed nightly curfews on the local populace in regions it controlled." [2h] (section 2d)

- 30.02 In June 2005, the UNHCR noted that:

"The freedom of movement of women is severely limited, especially in rural areas. In most villages, women are restricted to family compounds except for necessary movements to water points. In some rural areas, tribal culture provides women with marginally greater freedom of movement for example to work in the fields. In urban areas, freedom of movement is less restricted but normally requires a male escort (mahram). Single women of marriageable age rarely move alone because they risk exposure to harassment and social disrepute." [11b] (p53)

(See also Section 23: [Women's participation in public life and institutions](#) for further information on restrictions on movement for women)

- 30.03 On 4 December 2005, the AIHRC issued an open letter to President Karzai, which stated that:

"...people are recently facing serious problems in enjoying their right to freedom of movement and in accessing public places as a result of unjustifiable and irresponsible actions taken by a number of security institutions especially private security companies under the pretext of security measures...The AIHRC, in its continual monitoring, has observed an increase in unjustifiable security measures for convening sessions, conferences and

seminars that sometimes exceed the security requirements of those gatherings.

"These measures have violated and restricted the right of people to freedom of movement and free use of public facilities and in addition, have led to inaccessible points in Kabul that sometimes prevent the access of people to emergency health care." [78d]

- 30.04 "Attacks on civilians, including the use of suicide bombings, have seriously hurt the security of ordinary Afghans and their ability to exercise basic rights on a daily basis, such as going to market, attending schools, and receiving health care. The Taliban and other armed groups freely travel across the Pakistan-Afghanistan border and use Pakistani territory as shelter from Afghan and international forces." (Human Rights Watch, 27 September 2006) [17f]

### INTERNAL FLIGHT OR RELOCATION

- 30.05 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, December 2007 stated that:

"In the context of Afghanistan, UNHCR considers that internal flight or reallocation alternative for those fleeing persecution or generalized violence is generally not available. Local commanders and armed groups are often able to extend their influence beyond local areas due to links to more powerful actors, including at the central level. Due to limited capacity and on-going conflict, State authorities are largely unable to provide effective protection from non-state actors.

"Extended family and community structures within Afghanistan society are the predominant means for obtaining protection and economic survival, including access to accommodation. Thus, it is very unlikely that Afghans will be able to lead a relatively normal life without undue hardship upon relocation to an area to which they have no effective links, including in urban areas of the country." [11k] (P11)

(See also Section 23: [Single women and widows](#) )

- 30.06 "It is not difficult to track people down in Afghanistan, although it might take time. Neighbours and landlords will check people's backgrounds, because everyone thinks in terms of security, and so they would want to check a newcomer's background in their home area. Further, messages are sent across the country via chains of communications based on personal contacts, and it would be natural to investigate where someone was from in order to see what role they could play in such a network. The postal service is unreliable and only delivers to the district centres, not to the villages, so that travellers are often used to deliver messages and goods to relatives and friends." (Dr Antonio Giustozzi, Afghanistan Notes, 28 June 2006) [37]

### MINES AND UNEXPLODED ORDNANCE

- 30.07 The 2007 Afghanistan Landmine Monitor Report stated that:

“Although Afghanistan has the oldest, largest and most richly resourced mine action program in the world, mines and explosive remnants of war (ERW) continue to pose a formidable challenge to social and economic reconstruction, which is critical to the country’s political stabilization and to the return of refugees. Contamination affects towns and commercial areas as well as villages, farmland, grazing land and roads; the heaviest contamination and greatest impact is in eastern Afghanistan around Kabul, the northeast and southeast.

“Many years after the 1989 withdrawal of Soviet troops, ensuing civil war and the 2001 fall of the Taliban government, security forces continue to discover huge quantities of abandoned explosive ordnance (AXO) and unexploded ordnance (UXO). The US-led coalition’s intervention in late 2001 added considerable UXO to the problem, including large quantities of cluster submunitions, and this was followed by further mine use by non-coalition forces.

“The Afghanistan Landmine Impact Survey (ALIS), completed in 2005, found 2,368 communities and more than four million people affected by mines. It identified some 715 square kilometers of hazardous areas, concentrated in 12 of Afghanistan’s 32 provinces. Despite the release of more than 100 square kilometers of land since then, the estimate of contamination has increased, as a result of new survey and information generated by the return of refugees to previously unoccupied land. In its statement to the Standing Committee meetings in April 2007, Afghanistan reported 723 square kilometers of suspected hazardous areas, affecting 2,387 communities and 17 percent of the population. Updated estimates at the end of May 2007 put total contamination even higher - 778 square kilometers.” [14a] (p5-6)

- 30.08 “The Afghanistan Compact sets benchmarks for the clearance of areas contaminated by land mines. It indicates that by the end of 2010, in line with Afghanistan’s Ottawa Convention obligations, the land area contaminated by mines and unexploded ordnances will be reduced by 70 percent; all stockpiled anti-personnel mines will be located and destroyed by end-2007; and by end-2010, all unsafe, unserviceable and surplus ammunition will be destroyed. (UNHCR, December 2007) [11k] However, the Afghanistan Landmine Monitor Report, 2007 recorded that “Afghanistan was unable to meet its 1 March 2007 deadline for stockpile destruction. In April 2007 it told States Parties that while it had destroyed 486,226 stockpiled antipersonnel mines, two depots of antipersonnel mines still remained in Panjshir province, about 150 kilometers north of Kabul. The provincial authorities apparently did not make the mines available for destruction in a timely fashion.” [14a] (p4)

(See also Section 22: [Disability](#))

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### 31. REFUGEES AND INTERNALLY DISPLACED PEOPLE (IDPs)

- 31.01 The report of the UN-appointed independent expert of the Commission on Human Rights in Afghanistan dated 21 September 2004 stated:

“As a result of three decades of conflict, large portions of the Afghan population were forced to become refugees or IDPs. With the fall of the Taliban, large numbers of refugees have returned to Afghanistan... As these individuals return to the country, whether to their original homes or to new settlement areas, they face an array of problems and, as highly vulnerable populations, they are often the victims of serious human rights violations. Returning refugees and resettled IDPs are commonly subjected to acts of violence, including killing; arbitrary arrest and detention; illegal occupation and confiscation of their land by warlords, commanders and others; forced labour, extortion, illegal taxation and other abusive economic practices; discrimination and persecution based on ethnic identity; and sexual violence and gender-related discrimination. There are thousands of reported cases of returnees being subjected to these violations in many communities.” [39k] (para 70-72)

(See also Section 20.07: [Pashtuns](#) for more information on Pashtuns returning to the north)

- 31.02 The UNHCR reported on 2 September 2005 that “Afghanistan has signed the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, a significant sign of recovery for a country that used to be one of the world’s largest producers of refugees and asylum seekers.” [11a]

- 31.03 A UNHCR press release of 4 September 2006 provided an update in respect of IDPs:

“So far in 2006, 620 families comprising 3,636 individuals from Zhari Dasht camp in Kandahar have been assisted to return to their places of origin. They are mainly ethnic Pashtun originated from the North who had been displaced to the South in 2001. UNHCR will continue helping another 1,000 families who have already been registered in Zhari Dasht camp to go home to the north and west of the country. The majority of IDP returns have been to the provinces of Faryab, Badghis, Sari Pul and Herat.

“There are still some 145,000 internally displaced Afghans, mostly living in camps in the southern provinces. Since 2002, more than half a million internally displaced Afghans have been assisted to return by the UN refugee agency.” [11e]

- 31.04 The same UNHCR press release gave the following update on returns to Afghanistan:

“Despite ongoing security problems in parts of the country, particularly in the South and Southeast, as well as the slow pace of rehabilitation and development, a number of Afghan refugees continue returning home.

“The total number of Afghan refugees returning this year from Pakistan and Iran under the UNHCR’s voluntary return operation has exceeded 125,000. This is some 58 percent lower compared to the same period last year

(January–August) when 295,000 Afghans made the journey back home. An estimated 2.5 million Afghans remain in Pakistan and 900,000 in Iran, many of whom have lived in exile for more than 20 years and have well integrated into their host countries.

“Since the commencement of the UNHCR voluntary return operation in 2002, now in its fifth year, some 3.7 million Afghan refugees have been assisted to return home. In addition, some 1 million Afghans have returned spontaneously. Under the UNHCR repatriation assistance programme, refugees returning home receive USD 12 per person as [an] initial reintegration grant to meet their immediate needs upon return as well as [a] transportation allowance of between USD 4–37 per person to help them organize their return journey (depending on traveling distance).” [11e]

31.05 IRIN News reported on 4 September 2006 that:

“Nader Farhad, UNHCR’s spokesman in Kabul, said returning refugees faced many problems including deteriorating security, unemployment, lack of shelter and schooling and a shortage of health services. Recent media reports claimed that Iran had given many Afghans living legally in the country three months to leave. However, Farhad doubted such a ruling would be enforced. ‘We expect that the Iranian government will not implement such an announcement because Afghanistan doesn’t have the absorption capacity of such a huge number of refugees in only a three month period,’ Farhad said.” [36]

31.06 The UN Secretary-General’s report of 11 September 2006 stated that:

“Despite the prevailing [humanitarian] situation, Afghan refugees continue to return. The total number of returnees this year is over 122,000, mostly from Pakistan. The Office of the United Nations High Commissioner for Refugees is preparing to assist a total of 220,000 returnees this year. Early in 2006, the Pakistani Government announced it would close four refugee camps in the North-West Frontier Province and in Balochistan. The 250,000 residents were offered the option of returning to Afghanistan or relocating to other camps in Pakistan. The 31 July deadline for closures passed with little or no movement and, it is not clear if the Government of Pakistan will take more direct action to close the camps.” [39n] (p12)

31.07 The same report also noted that “In the spring and summer of this year [2006], major military and combat operations between insurgent groups and the military in the south have internally displaced at least 450 families in Uruzgan and Kandahar provinces.” [39n] (p9)

31.08 On 29 September 2006 the UN World Food Programme reported higher displacement figures, stating that “Nearly 15,000 families have been reportedly displaced as a result of the fighting in the Kandahar area...” This figure referred to just one area affected by the fighting. [40q] Further, the BBC recorded in October 2006 that the UNHCR said that “Between 80,000 and 90,000 had been displaced by the conflict in the provinces of Helmand, Kandahar and Uruzgan. The figure brings the total displaced in the area to about 200,000.” [25au]

- 31.09 On 29 September 2006 UNHCR announced that this year's Afghan repatriation assistance programme from Pakistan would close by 14 October 2006, mainly due to a slow pace of returns:

"The programme is in its last operational year under [the] existing tripartite agreement between Afghanistan, Pakistan and the UN refugee agency that will expire at the end of December... The pace of returns has been slow this year since the start of the repatriation season in March...

"In 2006, some 130,000 Afghans have [been] repatriated so far, according to UNHCR. However, the UN agency expected that 400,000 Afghans would return home in 2006. UNHCR has announced that the repatriation assistance programme will resume in March 2007, pending the approval of the new tripartite accord." [46a]

- 31.10 UNHCR reported on 16 October 2006 the registration of more than 1,000 Afghans in Pakistan. The exercise, which was started by the government, was to issue the Afghans with identification for the first time. The registration which was due to run to the end of the year [2006], was a follow-up to a "government census last year [2005] that counted 3.04 million Afghans who arrived in Pakistan after the 1979 Soviet invasion and are still living in the country." All those registered, over the age of five, will be granted a Proof of Registration card which will recognise them as Afghan citizens living in Pakistan and will be valid for three years. [11]

- 31.11 IRIN News reported on 25 January 2007 that in recent weeks about 28,000 Afghans had returned to Panjwayi and Zhari districts in Kandahar, after nearly 90,000 had been forced to flee the districts in September 2006 when NATO forces launched a military attack against the Taliban. Very few aid agencies operate in the southern region of Afghanistan due to insecurity making it difficult for those returning to gain access to shelter and food. [36z]

- 31.12 Abdullah Tokhi, a 35-year-old Afghan was killed after he returned to Afghanistan when his application for asylum in the UK was denied. He had repeatedly pleaded with the British Government to allow him to stay in Britain for fear of his life if he were to return to Afghanistan after being accused of helping to fund the Taliban, a charge that his family denied. "A week after his father's [Abdullah Tokhi's] death, 10-year-old Nasratullah was on his way to school when he was shot from a car. The bullets hit him on the arm and legs... Today Mr Tokhi's widow, two sons and seven daughters live in fear at a farm in Paghman, south-east of Kabul. They say the police were complicit in the death and the suspected killers can be seen in the area, walking around with impunity. Amanullah, an elder brother of Mr Tokhi, has been killed, as well as one of his sons, Sayed Agha." (*The Independent*, 5 February 2007) [35b]

- 31.13 The UN Secretary-General's report of 6 March 2008 stated that:

"In 2007, 365,410 Afghans voluntarily returned to Afghanistan, bringing the overall assisted repatriation figure since 2002 to 4,090,602. There are indications, however, that the rate of voluntary repatriation will be difficult to sustain in the future owing to a combination of deteriorating security, limited economic and social opportunities and the fact that over 80 per cent of the estimated remaining 2.8 million Afghan refugees have been in exile for over two decades. In recognition of this complex challenge, at its sixth meeting the

Joint Coordination and Monitoring Board endorsed the proposal of the Government of Afghanistan to hold an international conference on return and reintegration in 2008.” [39x] (p12-13)

- 31.14 “Nearly two million Afghan refugees have returned to their country, mostly from Pakistan. But the United Nations continues to report the presence of three to four million Afghan refugees in Pakistan and Iran. Between April and June the Iranian government forcibly deported nearly 100,000 registered and unregistered Afghans living and working in Iran.” (HRW, 2008) [17a]
- 31.15 Iran is to start deporting over one million unregistered Afghans, Seyyed Taghi Ghaemi, director of the Iranian bureau for aliens and foreign immigrants, informed IRIN News: “We will deport them from Iran as we encounter them.” But he did not specify whether all unregistered Afghans would be removed from Iran in 2008. [36am] “Many Afghans - most of them single males - illegally cross the border into Iran in search of work, according to the Afghanistan Research and Evaluation Unit (AREU), an independent Kabul-based research organisation. Remittances from Afghans working in Iran provide a lifeline to many vulnerable families in Afghanistan, AREU says. Cheap Afghan labour is also considered to be beneficial to Iran and Pakistan, where Afghans are widely employed in the construction industry.” (IRIN News, 4 March 2008) [36am]
- 31.16 However, Radio Free Afghanistan report on 10 January 2008 that:
- “Amid a violent insurgency in its south, Afghanistan is finding it hard to cope with thousands of internally displaced people as well as millions of former refugees repatriated from Pakistan and Iran.
- “Most of them have congregated in the already overburdened capital, Kabul, and other cities, adding to unemployment and housing problems. Thousands live in tents and makeshift homes on city outskirts, or rent places in the poorest areas.
- “Since 2002, some 4 million refugees have returned to Afghanistan under a coordinated voluntary repatriation of refugees from Iran and Pakistan. They receive limited assistance from the UNHCR to resettle in their homeland.” [29ag]
- 31.17 An Oxfam research report, dated February 2008 stated that:
- “Waves of displacement, both internally and beyond, have placed additional pressure on communities that have been forced to accommodate large numbers of newcomers or returnees. Disputes arise when returnees seek to reclaim their land or other property, and social and cultural difficulties can be caused by the fact that many returnees acquire different attitudes or mindsets as a result of their experiences overseas. Some four million Afghans have returned to Afghanistan since 2002...” [75]

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## 32. UNHCR GUIDELINES ON THOSE AFGHANS WHO MAY BE AT RISK

- 32.01 UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, dated December 2007 provided a summary of those main groups considered to be at risk:

*"Afghans perceived as critical of factions or individuals exercising control over an area*

Afghans expressing their political opinions are exposed to risk if these opinions are perceived as opposing the interests of local and regional commanders, powerful factions or armed opposition forces, primarily the Taliban and forces allied with the Taliban movement or with veteran Pashtun warlord Gulbuddin Hekmatyar's groups. These risks extend but are not limited to journalists and those persons known to have political affiliations different from those of persons linked to armed factions exercising de facto power at the local level.

(See also Section 11: [Non-Government Armed Forces](#))

*"Government officials*

Government officials, including local and district officers, judges, and law enforcement personnel are increasingly targeted for intimidation and assassination, particularly in areas where the government's presence is limited. Targets at times receive 'night letters' warning them of attacks if they continue working for the Government or cooperating with international forces.

*"Ethnic minorities in certain areas*

Continuing efforts to address the problems faced by persons residing in areas where they constitute an ethnic minority are reflected in a more tolerant climate in some localities. However, such minorities may still face persecutory acts, such as physical abuse and detention, or discrimination amounting to persecution by local power-holders in some areas. Where it occurs, discrimination often manifests itself in terms of access to education and other services, political representation and with regard to land and property.

(See also Section 20: [Ethnic Groups](#))

*"Converts from Islam to other faiths*

Afghans suspected or accused of having converted from Islam to Christianity or other faiths risk persecution. The risk emanates from family and/or tribe members as well as the broader community. Severe punishment within the legal system is also possible for those who do not recant their conversion.

(See also Section 19: [Freedom of Religion – Converts and Christians](#))

*"Women with specific profiles*

Afghan women, both in urban and rural areas, must conform to conservative and traditional norms of behaviour in order to be safe from physical and

psychological violence or abuse. Those at heightened risk include women who are perceived as or actually transgressing prevailing social mores, foreign wives of Afghans, and women without male protection. Single women without male protection, (husband, father, brother or extended family member) will have difficulty both in sustaining themselves, given social restrictions on travelling in public without a male escort in many areas, as well as physical protection problems. Women who suffer domestic violence and are fortunate enough to find accommodation in one of the few shelters available are unable to be integrated elsewhere in the country. Without an alternative durable solution, most eventually return to their family after assurances of safety have been negotiated. This situation reflects the inability for single women to reside safely in Afghanistan without a male family member to provide the traditional protection function.

(See also Section 23: [Women](#))

*“Unaccompanied children*

Unaccompanied children in Afghanistan are at particular risk of violence and exploitation, including child trafficking and child labour. The government does not have the capacity to provide protection or shelter for all those at risk. Those children without at least extended family support in Afghanistan are likely to experience homelessness and abuse.

(See also Section 24: [Children](#))

*“Victims of serious trauma (including sexual violence)*

There is very limited psychosocial trauma support in Afghanistan. Further, in more conservative areas, social mores leave victims of rape or other sexual abuse subject to family rejection and social ostracism and, thus, to the loss of traditional protection mechanisms. Victims of such trauma may thus risk further maltreatment if their being a victim of sexual violence becomes known.

(See also Section 23: [Women - Violence against women and girls](#))

*“Individuals at risk or victims of harmful traditional practices*

Harmful traditional practices in Afghanistan, including forced and early marriage, honour killings, detention for behaviour not formally criminalised under national law, and blood feuds, impact both men and women though the latter are disproportionately affected. Women without effective male or family-support and single women of marriageable age are uncommon in Afghanistan, and continue to be viewed with some suspicion. They face a high risk of being married off by their families against their will. Single women are likely to be ostracized by the Afghan community or fall prey to malicious gossip which could destroy their reputation and social status. This exposes them to an increased risk of abuse, threats, harassment and intimidation by Afghan men, including risk of being kidnapped, sexually abused and raped. In the majority of these cases, the Government is not in a position to effectively protect women.

(See also Section 23: [Women](#))

*“Homosexuals*

Open homosexual relations are not possible in Afghanistan given conservative social mores. In addition to gays and lesbians risking violence from family or community members, most interpretations of the applicable criminal law indicate that homosexual acts would lead to severe punishment were they to come to the attention of authorities.

(See also Section 21: [Lesbian, Gay, Bisexual and transgender Persons](#))

*“Afghans associated with international organizations and security forces*

Afghans working or associated with international organizations and security forces, in areas where there are anti-Government insurgent activities or infiltrations of Taliban and Hezb-e-Islami forces, are at increasing risk of being targeted.

Those attacked include civilian workers, such as truck drivers or construction workers, as well as interpreters, humanitarian workers and journalists.

(See also Section 18: [Human Rights Institutions, Organisations and Activists - Afghans working for international organisations and international security forces](#))

*“Landowners*

Landowners seeking restitution or compensation for land or property taken by powerful commanders or local authorities risk violence and/or detention unless they have political, tribal or family protection. Court decisions supporting the legal rights of such property owners do not translate into effective national protection, which depends on the local authorities' ability and willingness to assist in such disputes.

(See also Section 29: [Humanitarian Issues – Land and Property Disputes](#))

*“Afghans associated with the People’s Democratic Party of Afghanistan*

While many former PDPA members and officials of the former communist regime are able to enjoy protection through family, tribal or political ties, others, unable to rely on community links to provide protection, remain at risk due to their prior political affiliation. Such risk extends to high ranking or publicly known PDPA figures, their family members, as well as security officials. While at particular threat of retaliatory violence are those associated with human rights violations perpetrated by the Communist regime, asylum applications of those who served in the military, police and security service, as well as some high ranking party and officials in particular ministries, will require scrutiny under the exclusion clauses under the 1951 Convention.”  
[11k] (p8-10)

(See also Section 16: [Political Affiliation - Former members of the PDPA \(Peoples Democratic Party of Afghanistan\)](#))

For more information on the categories in this section, see Section 16: [Treatment of former KhAD members](#) and [Former members of the PDPA](#);

Section 23: Women; Section 17: Freedom of speech and media; Section 20: Pashtuns; Section 11: Former Taliban members, Persons in conflict with present power brokers and War crimes and human rights abuses prior to 2001; Section 19: Ismailis, Sikhs and Hindus and Converts and Christians; Section 21: Lesbian, gay, bisexual and transgender persons; Section 28: Land and property disputes.

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## UNHCR GUIDELINES ON RETURN TO AFGHANISTAN

32.02 “Given the open conflict in Afghanistan, increasing frequency of indiscriminate attacks on civilians and the lack of national protection available, there will be cases in which the granting of international protection is warranted even in the absence of a specific link to the criteria enumerated in the 1951 Convention. Section III discusses this situation, listing the security risks entailed. In this context, it should be noted that access to conflict-affected regions is severely curtailed for United Nations’ staff, affecting monitoring, project implementation and protection activities.” (UNHCR, December 2007) [11k] (p8-10)

32.03 The UNHCR report of 2007 also stated that:

“Given the long history of serious and widespread human rights abuse and violations of international humanitarian law in Afghanistan, exclusion considerations may well arise in individual claims for refugee status. Such scrutiny should take place on an individual basis and only after it is determined that the applicant meets the criteria for refugee protection as outlined herein. As noted above, this is particularly the case for Afghans associated with the military, police, security services and high-ranking Government officials of particular ministries during the Taraki, Hafizullah Amin, Babrak Karmal, and Najibullah regimes.

“Many of the activities of members of armed groups resisting the communist regimes and the Soviet occupation – from 27 April 1978 until the fall of Najibullah in April 1992 – amounted to war crimes and crimes against humanity, both against combatants of rival factions and against civilians. Similarly, between 1992 and 1996 armed conflict between various factions was also accompanied by serious violations of international human rights law and humanitarian law.

“The applicability of the exclusion clauses will need to be evaluated also in relation to members and military commanders of the Taliban, Hezb-e-Islami Hikmatyar and other armed groups currently involved in Afghanistan’s insurgency.” [11k] (p10)

32.04 The report further stated that “... UNHCR urges States to exercise caution, for humanitarian reasons, when considering return for those with very specific vulnerabilities. Return and reintegration will not be viable, unless family and/or community support is available, for single parents with small children, the elderly and ill or disabled persons who cannot work.” [11k] (p10)

(See Section 27: Medical Issues – Women and children for more detailed information on the situation for people who fall into these categories)

The UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, published December 2007, can be located at: <http://www.unhcr.org/refworld/pdfid/477ce70a2.pdf>

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### 33. CITIZENSHIP AND NATIONALITY

- 33.01 The United States Office of Personnel Management document, Citizenship Laws of the World, dated March 2001 records:

"Citizenship laws [in Afghanistan] are based upon the Official Gazette of the Ministry of Justice for the Republic of Afghanistan dated March 19, 1992.

BY BIRTH: Birth within the territory of Afghanistan does not automatically confer citizenship. Exception is a child of unknown/stateless parents.

BY DESCENT: Child whose mother or father is a citizen, regardless of the country of birth.

MARRIAGE: Foreign national who marries a citizen of Afghanistan is granted citizenship upon application.

BY NATURALIZATION: Afghan citizenship may be acquired upon fulfillment [sic] of the following conditions: Person was born in Afghanistan and has resided continually in country for at least five years.

DUAL CITIZENSHIP: NOT RECOGNIZED.

Exceptions: A former citizen of Afghanistan, who fled the country due to political instability or war and has acquired new citizenship, may still hold 'unofficial' Afghan citizenship. This is recognition that those who fled the country might some day want to return as Afghan citizens without losing new citizenship. The Afghani spouse of a foreign national is not required to renounce Afghan citizenship unless demanded by the spouse's country.

LOSS OF CITIZENSHIP: VOLUNTARY: Voluntary renunciation of Afghan citizenship is permitted by law... The following persons are not allowed to renounce citizenship:

- Person who has continuing financial obligations to the government or other institutions.
- Person who has been convicted of a crime and sentenced to jail.
- Persons involved in national security, whose loss to the country might endanger Afghan security.

INVOLUNTARY: The following is grounds for involuntary loss of Afghan citizenship: Person voluntarily acquires foreign citizenship and does not fall under the exempted status described under 'Dual Citizenship'. Persons concerned with dual citizenship should not assume their Afghan citizenship was lost by default. Embassy should be contacted and citizenship formally renounced." [61] (p13)

- 33.02 Article Four of the Constitution of January 2004 states "The word Afghan applies to every citizen of Afghanistan. No member of the nation can be deprived of his/her citizenship of Afghanistan. Affairs related to the citizenship and asylum are regulated by law." [81]

- 33.03 The Danish fact-finding mission of March/April 2004 reported in November 2004 that, according to UNHCR:

“... the government has announced that all Afghan citizens can return to Afghanistan with a partner of non-Afghan origin, and that citizenship will automatically be given to the non-Afghan partner [in accordance with the provisions of Afghan law on nationality]. However, the source was of the opinion that foreign women generally have more problems than foreign men, of being made an integral part of the community.

“The source stated that, the question as to whether the couple will be subject to persecution from their families depends on the attitude of the families. The source knew about cases where mixed couples had returned from their exile to Afghanistan without encountering problems. However the source was of the opinion that partners in mixed marriages should return to larger cities to avoid problems. The source explained that the UNHCR had been involved in a case in which a mixed couple, an Afghan Hazara man and a Pakistani woman were subject to persecution and threats from their families due to their marriage. The couple had tried to settle in various towns in Afghanistan but in the end they had been forced to leave the country.” [8] (Section 6.9)

- 33.04 “Afghanistan does recognize dual citizenship. However, the decision, made back [sic] three years ago, remains void of any bilateral or multilateral enforcement bearing as it has been adopted solely by the Government of Afghanistan. The decision principally aims to facilitate and ultimately pave the way for the return of expatriates including refugees abroad to Afghanistan and to get them engaged in the ongoing political and reconstruction processes. The Government has yet to establish regulatory and even statutory frameworks to define legal parameters of the issue both domestically and within the context of bilateral relations involving other States, and for that matter Pakistan. At present, laws and rights of Afghan nationals for dual Afghanistan-Pakistan citizenship remains pending...

“Children born in countries other than the country of origin, including Pakistan, to father or mother or both, who are Afghanistan citizens are considered entitled to Afghanistan citizenship. In fact, the prevailing acts on citizenship in Afghanistan provide that citizenship is hereditary and a child born to either or both Afghan parents anywhere would automatically acquire Afghanistan citizenship.

“However, according to information provided by the High Commission of Pakistan, in Ottawa, Pakistan does not recognize dual nationality with Afghanistan, and although the child of parents who are Afghan citizens may have been born in Pakistan, he/she is not be [sic] entitled to Pakistani citizenship (25 Feb. 2005).” (Research Directorate, Immigration and Refugee Board, Canada, February 2005) [111a]

- 33.05 “Official Stationery is not yet standardised, in particular as far as headed paper is concerned. Standard complaint forms exist, but not for other purposes. Officials are often seen scribbling orders on plain paper. However, official stamps appear not to be widely in use both in police stations and in local administrations. Corruption is so rife that it might be possible to pay for a copy of a document that showed that an individual was of interest.” (Dr Antonio Giustozzi, Afghanistan Notes, 28 June 2006) [37]

## IDENTITY CARDS

- 33.06 The Research Directorate, Immigration and Refugee Board of Canada, Ottawa recorded on 18 December 2008 that:

"In 16 April 2006 correspondence, a representative of the Afghanistan Research and Evaluation Unit (AREU) - a donor-funded, Kabul-based research organization (AREU n.d.) - indicated that tazkiras [identity documents] are much more common than passports. The Representative stated that about 70 percent of Afghans have such documents (AREU 16 Apr. 2006). Similarly, the report of a Finnish fact-finding mission to Afghanistan states that the taskira (referred to in the report as Tashkera) is the most commonly used identity document in Afghanistan (Finland Sept. 2006, 36). The United States (US)-issued Reciprocity Schedule states that the taskira is "the most universal and accurate document in Afghanistan" (US n.d.). According to the AREU Representative, the identity cards "are required for transacting any business with the government, including the purchase or sale of immovable property, the preparation of official documents (including the passports), admission into school and so on" (AREU 16 Apr. 2006)." [111b]

- 33.07 Furthermore the Refugee Board of Canada recorded that:

"In 7 April 2006 correspondence, the Counsellor of the Embassy of Afghanistan in Ottawa informed the Research Directorate that there are two kinds of identity cards still in circulation in Afghanistan: tazkiras (identity cards) and tazkira certificates. According to the Counsellor, in 1990 or 1992 the Afghan government stopped issuing the tazkira, which is a 20-page identity document, and replaced it with a tazkira certificate, which is only one page that includes the minimum essential information: name of the person, father's name, grandfather's name, date of birth (according to the Hijri calendar) and birthplace (Afghanistan 7 Apr. 2006). [111b]

- 33.08 However, a news article by the Institute for War and Peace Reporting dated 30 July 2005 stated that most Afghans do not have national identity cards. Moreover, "The ID problem in Afghanistan is not something that can be easily resolved. 'Different regimes have issued different ID cards in Afghanistan and some people outside or inside Afghanistan have been issued fake ones. The only way to prevent all these problems is to issue new IDs,' said Mir Abdul Rahman Maqul, head of the statistics department of the interior ministry." Mr Maqul was also reported as saying that the Government planned to issue new ID cards eventually. [73u]

- 33.09 On 29 September 2006, UNAMA reported that:

"... a country wide registration of millions of Afghan refugees in Pakistan will run from 15 October to 29 December [2006], providing them with refugee ID cards valid for three years. According to UNHCR, any future return assistance will only be given to Afghans returning with the refugee ID cards issued after the registration drive. The cards will be issued to the Afghans, who were counted in the census conducted in February and March 2005." [46a]

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## DOCUMENTS AND REGISTRATION OF BIRTHS AND MARRIAGES

33.10 The US State Department 2007 report published on 11 March 2008 recorded that “During the year the parliament amended the passport law to give women the right to apply for a passport without permission from a male relative. In some areas of the country, however, local custom or tradition forbids women from leaving the home except in the company of a male relative. [2h] (Section 2d)

33.11 The Danish fact-finding mission of March/April 2004 reported in November 2004 that, according to the Ministry of Interior (MoI):

“The applicant has to submit his request for a passport in person. The applicant should at the same time prove his identity, for example by showing an identity card. If the applicant is not in possession of such documentation, his identity can be established by other means among other things by conducting a personal interview. In order to have an Afghan national passport extended it is necessary to appear in person. According to the source a male Afghan citizen can have his wife and children up to age of 14 registered in his passport without his wife having to appear at the passport office to sign the passport. However, pictures of wife and children have to be submitted.” [8] (Section 8.1)

33.12 The Danish report also noted:

“According to the Ministry of the Interior, the provincial authorities have the authority to issue national passports. Police headquarters have passport departments. The validity for such passports is one or two years depending on the period requested... When issuing a passport the applicant has to pay a fee of 1,160 Afghani (approximately US \$ 20–22) per year the passport is valid.

“According to the Ministry of the Interior all Afghan embassies and consulates have the authority to issue passports for Afghan citizens. One has to appear in person to be identified at the representative office abroad in order to have a passport issued. However the source informed that the Afghan authorities consider the identity determined if a government, e.g. the Danish government, forwards passports to the Afghan representative office abroad.

“The Afghan authorities have begun to register all passports that are being issued. The serial number, photograph and fingerprint are noted in a book. In this way, it is possible to verify whether a passport has actually been issued to the person holding it. The Ministry of Interior was of the opinion that many citizens from Afghanistan’s neighbouring countries have illegally been issued an Afghan national passport. This applies to people from Pakistan, Iran, Uzbekistan and Tadjikistan [Tajikistan]. This has happened because it has not been possible to check the identity of the applicants.” [8] (Section 8.1)

33.13 The Danish report also noted that:

“The Ministry for the Interior informed that there are very few Afghans who have a marriage certificate and that in general such certificates are not issued at all outside large towns. The source pointed to the fact that there does not exist systematic registration of marriages making it impossible to check whether or not two Afghan citizens are in fact married to one another. The

Vice Minister for Women's Affairs mentioned in this connection that in Afghanistan there is a lack of offices where marriages can be registered.”

An international NGO agreed that very few couples possess a marriage certificate. According to the source only about 25–30 per cent of all couples in Kabul possess a marriage certificate and outside Kabul only ten per cent of married couples have one. [8] (Section 8.2)

33.14 The Danish report continued:

“Both the Ministry of the Interior and the international NGO said that a marriage certificate can be issued after the marriage. In such cases one should approach the court where a form has to be filled in. It is necessary to go to the court accompanied by persons who can testify being witnesses to the marriage, e.g. the witnesses who took part in the marriage ceremony, or the families of the partners.

“The Ministry of the Interior explained furthermore that the Afghan representations abroad are not in principle authorized to issue proofs of marriage, because they cannot check whether or not the couple is married. If embassies issue such proofs, this is more an expression of goodwill than a proper confirmation in the legal sense.” [8] (Section 8.2)

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### 34. EMPLOYMENT RIGHTS

- 34.01 Article 48 of the new Constitution adopted in January 2004 states “Work is the right of every Afghan. Working hours, paid holidays, right of employment and employee and other related affairs are regulated by law. Choice of occupation and craft is free within the limits of law.” [81]
- 34.02 “The law provides broad provisions for protection of workers; however, little was known about their enforcement. In January [2007] the parliament passed a new labor law. Implementation remained a problem due to lack of funding, personnel, and political will. Labor rights were not understood outside of the Ministry of Labor, and workers were not aware of their rights. There was no effective central authority to enforce them. The largest employers in Kabul were the ministries and local and international NGOs. The labor law does allow unionization and the formation of associations. (USSD report 2007) [2h] (Section 6a)
- 34.03 “.... The new [Labor] law does not provide for the right to strike, and the country lacked a tradition of genuine labor-management bargaining. The law did not protect collective bargaining. There were no known labor courts or other mechanisms for resolving labor disputes. Wages were determined by market forces, or, in the case of government workers, dictated by the government. (USSD report 2007) [2h] (Section 6b)
- 34.04 “No reliable information existed regarding a statutory minimum wage or maximum workweek or the enforcement of safe labor practices. The national minimum wage of approximately \$1,000 (5,000 AFD) per month did not provide a decent standard of living for a worker and family and was not observed in practice. Many employers allotted workers time off for prayers and observance of religious holidays.... Article 30 of the Labor Rights Law defines the standard workweek as 40 hours per week, eight hours per day with one hour for lunch and noon prayers. Reduced standard workweeks were stipulated for youth, pregnant women, nursing mothers, and miners and other occupations that present health risks to laborers. These standards were not effectively enforced, and citizens were not generally aware of the full extent of their labor rights under the law.... There were no occupational health and safety standards and no enforcement mechanism. Employment was at-will, and while there was a Ministry of Work and Social Affairs, there were few if any protections for workers under either the 1987 or the new laws.” (USSD report 2007) [2h] (Section 6b)
- 34.05 “The law prohibits forced or compulsory labor, including by children; however, there were reports that such practices occurred. There were reports of women being given away as laborers to another family in order to settle disputes and debts.” (USSD report 2007) [2h] (Section 6c)
- 34.06 “Children under 13 may not work under any circumstances. The law recognizes the standard legal age for work as 15, but there are provisions for 13- and 14-year-olds to work as apprentices, provided they only work 35 hours per week. There was no evidence that authorities in any part of the country enforced labor laws relating to the employment of children. Child labor remained a pervasive problem. According to UNICEF estimates, at least 20 percent of primary school age children undertook some form of work and there were more than one million child laborers under age 14. An AIHRC report

released in 2006 estimated that most child laborers worked as street vendors (13 percent) or shop keepers (21 percent). Other common forms of labor were workshop labor, blacksmiths, farming, auto repair, and tailoring. In cities, a larger proportion of child laborers were involved in collecting paper, scrap metal, and firewood; shining shoes; and begging. Some of these practices exposed children to the danger of landmines. Boys comprised 86 percent of child laborers.

“AIHRC reported approximately 60,000 child laborers in Kabul alone, the majority of whom migrated to the city from other provinces. Many employers subjected them to sexual exploitation and forced labor. UNHCR noted that Jalalabad and Mazar-e-Sharif also had large numbers of child laborers. According to Save the Children, there were up to 5,000 child laborers working in brick factories in Nangarhar. Children faced numerous health and safety risks at work and some of them sustained serious injuries such as broken bones.” (USSD report 2007) [2h] (Section 6d)

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## Annex A: Chronology of major events

Source [25b] unless otherwise stated.

- 1919** Afghanistan regains independence after third war against British forces trying to bring country under their sphere of influence.
- 1926** Amanullah proclaims himself king and attempts to introduce social reforms leading to opposition from conservative forces. [NB. Europa records that Amanullah succeeded his father, Habibullah, after Habibullah's assassination in 1919.] [1f] (p53)
- 1929** Amanullah flees after civil unrest over his reforms.
- 1933** Zahir Shah becomes king and Afghanistan remains a monarchy for next four decades.
- 1953** General Mohammed Daud becomes prime minister. Turns to Soviet Union for economic and military assistance. Introduces a number of social reforms, such as abolition of purdah (practice of secluding women from public view).
- 1963** Mohammed Daud forced to resign as prime minister.
- 1964** Constitutional monarchy introduced – but leads to political polarisation and power struggles.
- 1973** Mohammed Daud seizes power in a coup and declares a republic. Tries to play off USSR against Western powers. His style alienates left-wing factions who join forces against him.
- 1978** General Daud is overthrown and killed in a coup by leftist People's Democratic Party. But party's Khalq and Parcham factions fall out, leading to purging or exile of most Parcham leaders. At the same time, conservative Islamic and ethnic leaders who objected to social changes begin armed revolt in countryside.
- 1979** Power struggle between leftist leaders Hafizullah Amin and Nur Mohammed Taraki in Kabul won by Amin. Revolts in countryside continue and Afghan army faces collapse. Soviet Union finally sends in troops to help remove Amin, who is executed.
- 1980** Babrak Karmal, leader of the People's Democratic Party Parcham faction, is installed as ruler, backed by Soviet troops. But anti-regime resistance intensifies with various mujahedin groups fighting Soviet forces. US, Pakistan, China, Iran and Saudi Arabia supply money and arms.
- 1985** Mujahedin come together in Pakistan to form alliance against Soviet forces. Half of Afghan population now estimated to be displaced by war, with many fleeing to neighbouring Iran or Pakistan. New Soviet leader Mikhail Gorbachev says he will withdraw troops from Afghanistan.

- 1986** US begins supplying mujahedin with Stinger missiles, enabling them to shoot down Soviet helicopter gunships. Babrak Karmal replaced by Najibullah as head of Soviet-backed regime.
- 1988** Afghanistan, USSR, the US and Pakistan sign peace accords and Soviet Union begins pulling out troops.
- 1989** Last Soviet troops leave, but civil war continues as mujahedin push to overthrow Najibullah.
- 1991** The US and USSR agree to end military aid to both sides.
- 1992** Resistance closes in on Kabul and Najibullah falls from power. Rival militias vie for influence.
- 1993** Mujahedin factions agree on formation of a government with ethnic Tajik, Burhanuddin Rabbani, proclaimed president.
- 1994** Factional contests continue and the Pashtun-dominated Taleban emerge as major challenge to the Rabbani government.
- 1996** Taleban seize control of Kabul and introduce hardline version of Islam, banning women from work, and introducing Islamic punishments, which include stoning to death and amputations. Rabbani flees to join anti-Taleban northern alliance.
- 1997** Taleban recognised as legitimate rulers by Pakistan and Saudi Arabia. Most other countries continue to regard Rabbani as head of state. Taleban now control about two-thirds of country.
- 1998** Earthquakes kill thousands of people. US launches missile strikes at suspected bases of militant Osama bin Laden, accused of bombing US embassies in Africa.
- 1999** UN imposes an air embargo and financial sanctions to force Afghanistan to hand over Osama bin Laden for trial.
- 2001** **January:** UN imposes further sanctions on Taleban to force them to hand over Osama bin Laden.  
**March:** Taleban blow up giant Buddha statues in defiance of international efforts to save them.  
**April:** Mullah Mohammad Rabbani, the second most powerful Taleban leader after the supreme commander, Mullah Mohammad Omar, dies of liver cancer.  
**May:** Taleban order religious minorities to wear tags identifying themselves as non-Muslims, and Hindu women to veil themselves like other Afghan women.  
**September:** Eight foreign aid workers on trial in the Supreme Court for promoting Christianity. This follows months of tension between Taleban and aid agencies.  
Ahmad Shah Masood, legendary guerrilla and leader of the main opposition to the Taleban, is killed, apparently by assassins posing as journalists.  
**October:** USA, Britain launch air strikes against Afghanistan after Taleban refuse to hand over Osama bin Laden, held responsible for the September 11 attacks on America.

**November:** Opposition forces seize Mazar-e Sharif and within days march into Kabul and other key cities.

**5 December:** Afghan groups agree deal in Bonn for interim government.

**7 December:** Taleban finally give up last stronghold of Kandahar, but Mullah Omar remains at large.

**22 December:** Pashtun royalist Hamid Karzai is sworn in as head of a 30-member interim power-sharing government.

**2002 January:** First contingent of foreign peacekeepers in place.

**April:** Former king Zahir Shah returns, but says he makes no claim to the throne.

**May:** UN Security Council extends mandate of International Security Assistance Force (ISAF) until December 2002.

Allied forces continue their military campaign to find remnants of Al-Qaeda and Taleban forces in the south-east.

**June:** Loya Jirga, or grand council, elects Hamid Karzai as interim head of state. Karzai picks members of his administration which is to serve until 2004.

**July:** Vice-President Haji Abdul Qadir is assassinated by gunmen in Kabul. US air raid in Uruzgan province kills 48 civilians, many of them members of a wedding party.

**September:** Karzai narrowly escapes an assassination attempt in Kandahar, his home town.

**December:** President Karzai and Pakistani, [and] Turkmen leaders sign agreement paving way for construction of gas pipeline through Afghanistan, carrying Turkmen gas to Pakistan.

Asian Development Bank resumes lending to Afghanistan after 23-year gap.

**2003 June:** Clashes between Taleban fighters and government forces in Kandahar province leave 49 people dead.

**August:** NATO takes control of security in Kabul. It is the organisation's first operational commitment outside Europe in its history.

**2004 January:** Grand assembly – or Loya Jirga – adopts new constitution which provides for strong presidency.

**March:** Afghanistan secures \$8.2bn (£4.5bn) in aid over three years.

**April:** Fighting in northwest between regional commander and provincial governor allied to government.

Twenty people, including two aid workers and a police chief, are killed in incidents in the south. Taleban militants are suspected.

First execution since the fall of the Taleban is carried out.

**June:** Eleven Chinese construction workers killed by gunmen in Kunduz.

**September:** Rocket fired at helicopter carrying President Karzai misses its target; it is the most serious attempt on his life since September 2002.

**October/November:** Presidential elections: Hamid Karzai is declared the winner, with 55 per cent of the vote. He is sworn in, amid tight security, in December.

**2005 February:** Several hundred people are killed in the harshest winter weather in a decade.

**May:** Details emerge of alleged prisoner abuse by US forces at detention centres in Afghanistan.

**September:** First parliamentary and provincial elections in more than 30 years.

**December:** New parliament holds its inaugural session.

- 2006** **January:** More than 30 people are killed in a series of suicide attacks in southern Kandahar province.  
**February:** International donors meeting in London pledge more than \$10bn (£5.7bn) in reconstruction aid over five years.  
**May:** Violent anti-US protests in Kabul, the worst since the fall of the Taliban in 2001, erupt after a US military vehicle crashes and kills several people.  
**May–June:** Scores of people are killed in battles between Taliban fighters and Afghan and coalition forces in the south during an offensive known as Operation Mountain Thrust.  
**October:** NATO assumes responsibility for security across the whole of Afghanistan.
- 2007** **March:** Mullah Obaidullah Akhund, the third most senior member of the Taliban's leadership council is arrested, according to Pakistan authorities. Afghan President Hamid Karzai signs a controversial bill which provides sweeping amnesty for war crimes committed over more than two decades of conflict in Afghanistan.  
**May:** Taliban's most senior military commander, Mullah Dadullah, is killed during fighting with US, Afghan forces.  
 Afghan and Pakistani troops clash on the border in the worst violence in decades in a simmering border dispute.  
**July:** Former king Zahir Shah dies.  
**November:** Forty-one people killed after suicide attack on a parliamentary delegation in Baghlan. [25be]
- 2008** **February:** Prince Harry's tour of duty in Afghanistan comes to an end after spending ten weeks on the front-line in Helmand Province. [25be]  
**June:** 350 Taliban militants break out of Kandahar prison. [25be]  
**July:** More than 40 are killed in suicide attack on Indian Embassy in Kabul. [25be]

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## Annex B: Political organisations and other groups

In September 2003 a new law allowing the formation of political parties was passed. By July 2007 more than 80 parties were registered with the Ministry of Justice. [1e] (Political Organisations)

### REGISTERED POLITICAL PARTIES

The Ministry of Justice website provides an undated list of licensed political parties in Afghanistan, which recounted 84 parties when accessed on 6 August 2008. [112]

- 1     **Republican Party (Hizb-e Jamhuri Khwahan)**  
Leader: Sibghatullah Sanjar
- 2     **National Unity Movement (Tahrik-e Wahdat-e Melli)**  
Leader: Sultan Mahmood Ghazi
- 3     **Freedom Party of Afghanistan (Hizb-e-Istiqlal-e-Afghanistan)**  
Leader: Ghulam Farooq Najrabi
- 4     **Youth Solidarity Party of Afghanistan (Hizb-e Hambastagi-ye Melli-ye Jawanan-e Afghanistan)**  
Leader: Mohammad Jamil Karzai
- 5     **National Unity Party of Afghanistan (Hizb-e Wahdat-e Melli-ye Afghanistan)**  
Leader: Abdul Rasheed Jalili (The International Crisis Group (ICG) noted in June 2005 that Jalili is a former Education Minister and dean of the agriculture faculty at Kabul University under the PDPA's Amin. The party depends on support from intellectual Pashtuns and former Khalqi Pashtuns. [26e] (p9))
- 6     **National Tribal Unity Islamic Party of Afghanistan (Hizb-e Melli-ye Wahdat-e Aqwam-e Islami-ye Afghanistan)**  
Leader: Mohammad Shah Khugianay
- 7     **Labor and Progress of Afghanistan Party (Hizb-e Kar wa Tawse'a-e Afghanistan)**  
Leader: Zulfiqar Omid
- 8     **National Solidarity Movement of Afghanistan (Nahzat-e Hambastagi-ye Melli-ye Afghanistan)**  
Leader: Pir Sayyad Ishaq Gailani
- 9     **National Islamic Front of Afghanistan (Mahaz-e Melli-ye Islami-ye Afghanistan)**  
Leader: Sayyad Ahmad Gailani
- 10    **Freedom and Democracy Movement of Afghanistan (Nahzat-e Azadi wa Demokrasi-ye Afghanistan)**  
Leader: Abdul Raqib Jawed Kohestani
- 11    **Afghan Social Democratic Party (Afghan Mellat)**

Leader: Anwar al-Haq Ahadi

- 12 **Islamic Movement of Afghanistan (Harakat-e Islami-ye Afghanistan)**  
Leader: Mohammad Ali Jawed
- 13 **United Afghanistan Party (Hizb-e Afghanistan-e Wahid)**  
Leader: Mohammad Wasel Rahimi
- 14 **People's Welfare Party of Afghanistan (Hizb-e Sahadat-e Mardum-e Afghanistan)**  
Leader: Mohammad Zubair Payroz
- 15 **National Unity Movement of Afghanistan (Hizb-e Harakat-e Melli-ye Wahdat-e Afghanistan)**  
Leader: Mohammad Nader Atash
- 16 **Human Rights Protection and Development Party of Afghanistan (Hizb-e Hifazat az Hoquq-e Bashari wa Inkeshaf-e Afghanistan)**  
Leader: Baryalai Nasrati
- 17 **National Party of Afghanistan (Hizb-e Melli-ye Afghanistan)**  
Leader: Abdul Rashid Aryan (ICG noted in June 2005 that the party has its roots in the Khalq faction of the PDPA. [26e] (p8))
- 18 **National Congress Party of Afghanistan (Hizb-e Kongra-ye Melli-ye Afghanistan)**  
Leader: Abdul Latif Pedram
- 19 **Peace Movement (Da Afghanistan Da Solay Ghorzang Gond)**  
Leader: Shahnawaz Tanai
- 20 **Islamic People's Movement of Afghanistan (Hizb-e Harak-e Islami-ye Mardum-e Afghanistan)**  
Leader: Al-Hajj Sayyed Hosain Anwari
- 21 **Islamic Justice Party of Afghanistan (Hizb-e Adalat-e Islami-ye Afghanistan)**  
Leader: Mohammad Kabir Marzban
- 22 **People's Message Party of Afghanistan (Hizb-e Risalat-e Mardum-e Afghanistan)**  
Leader: Noor Aqa Wainee
- 23 **People's Welfare Party of Afghanistan (Hizb-e Refah-e Mardum-e Afghanistan)**  
Leader: Miagul Waseq
- 24 **National Peace & Unity Party of Afghanistan (Hizb-e Sulh wa Wahdat-e Melli-ye Afghanistan)**  
Leader: Abdul Qader Imami
- 25 **Understanding and Democracy Party of Afghanistan (Hizb-e Tafahum-e wa Demokrasi-ye Afghanistan)**  
Leader: Ahmad Shaheen

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214 This Country of Origin Information Report contains the most up-to-date publicly available information as at 29 August 2008. Older source material has been included where it contains relevant information not available in more recent documents.

- 26 **Young Afghanistan's Islamic Organization (Sazman-e Islami-ye Afghanistan-e Jawan)**  
Leader: Sayyed Jawad Husaini
- 27 **National Peace & Islamic Party of the Tribes of Afghanistan (Hizb-e Sulh-e Melli-ye Islami-ye Aqwam-e Afghanistan)**  
Leader: Abdul Qaher Shari'ati
- 28 **Islamic Unity Party of Afghanistan (Hizb-e Wahdat-e Islami-ye Afghanistan)**  
Leader: Mohammad Karim Khalili ICG noted in June 2005 "The rump faction of the party led by Vice President Karim Khalili maintains a larger and more powerful network of former commanders than its competitor led by Mohaqqueq [see party 29 below] but appears to have comparatively little infrastructure or public support. It did badly in the elections to the Constitutional Loya Jirga, when Khalili was criticised by Hazara delegates for soft-peddling the issues of language and parliamentary powers. He has yet to regain lost ground with his Hazara base." [26e] (p8)
- 29 **Islamic Unity Party of the People of Afghanistan (Hizb-e Wahdat-e Islami-ye Mardum-e Afghanistan)**  
Leader: Haji Mohammad Mohaqeq (ICG noted in June 2005 that this faction of the Wahdat had gained support, as shown in its leader's credible performance [third [25y]] in the presidential elections. "It [the party] appears to have shifted its identity from primarily Shia to Hazara nationalism. Avowedly anti-Karzai and fearful of 're-Pashtunisation' of the government – which plays on historical Hazara concerns about political and economic marginalisation – the party has gained support from many Hazara intellectuals." [26e] (p8)
- 30 **People's Liberal Freedom Seekers Party of Afghanistan (Hizb-e Libral-e Azadi-ye Khwa-e Mardum-e Afghanistan)**  
Leader: Ajmal Sohail
- 31 **People's Prosperity Party of Afghanistan (Hizb-e Falah-e Mardum-e Afghanistan)**  
Leader: Ustad Mohammad Zareef
- 32 **Solidarity Party of Afghanistan (Hizb-e Hambastagi Afghanistan)**  
Leader: Abdul Khaleq Ne'mat
- 33 **Afghan Society for the Call to the Koran and Sunna (Jama'at al-Da'wat il'l Qur'an wa Sunnat al-Afghanistan)**  
Leader: Mawlawi Sami'ullah Najibi
- 34 **National Movement of Afghanistan (Hizb-e Nahzat-e Melli-ye Afghanistan)**  
Leader: Ahmad Wali Masood
- 35 **National Peace Islamic Party of Afghanistan (Da Afghanistan Da Solay Melli Islami Gond)**  
Leader: Shah Mahmud Popalzai
- 36 **People's Aspirations Party of Afghanistan (Hizb-e Arman-e Mardum-e Afghanistan)**

Leader: Al-Hajj Sirajuddeen Zafari

- 37 **National Solidarity Party of Afghanistan (Hizb-e Paiwand-e Melli-ye Afghanistan)**  
Leader: Sayyed Mansur Naderi
- 38 **National Prosperity and Islamic Party of Afghanistan (Hizb-e Sahadat-e Melli wa Islami-ye Afghanistan)**  
Leader: Mohammad Osman Salekzada
- 39 **Freedom Party of Afghanistan (Hizb-e Azadi-ye Afghanistan)**  
Leader: Abdul Malik
- 40 **People's Uprising Party of Afghanistan (Hizb-e Rastakhaiz-e Mardum-e Afghanistan)**  
Leader: Sayyed Zaher Qaydam Al-beladi
- 41 **Peace and National Welfare Activists Society (Majmah-e Melli-ye Fahalin-e Sulh-e Afghanistan)**  
Leader: Shams al-Haq Nur Shams
- 42 **Islamic Party of the Afghan Land (Da Afghan Watan Islami Gond)**  
Leader: Mohammad Hassan Ferozkhel
- 43 **People's Freedom Seekers Party of Afghanistan (Hizb-e Azadi-ye Khwa-e Mardum-e Afghanistan)**  
Leader: Fida Mohammad Ehsass
- 44 **Muslim Unity Movement Party of Afghanistan (Hizb-e Wahdat-ul-Muslimeen Afghanistan)**  
Leader: Wazir Mohammad Wahdat
- 45 **Tribes Solidarity Party of Afghanistan Hizb-e Hambastagi-ye Melli-ye Aqwam-e Afghanistan)**  
Leader: Mohammad Zareef Naseri
- 46 **National Islamic Moderation Party of Afghanistan (Hizb-e Etedaal Melli Islami ye Afghanistan)**  
Leader: Qara Baik Izadyar
- 47 **National Development Party of Afghanistan (Hizb-e Taraqi Melli ye Afghanistan)**  
Leader: Dr. Assef Baktash
- 48 **National Independence Party of Afghanistan (Hezb-e-Isteqlal Milli Afghanistan)**  
Leader: Taj Mohammad Wardak
- 50 **National Islamic Unity Party of Afghanistan (Hizb-e Wahdat-e Melli-ye Islami-ye Afghanistan)**  
Leader: Mohammad Akbari
- 51 **People's Sovereignty Movement of Afghanistan (Nahzat-e Hakimyat-e Mardum-e Afghanistan)**

Leader: Hayatullah Subhani

**52 National Islamic Movement of Afghanistan (Hizb-e Junbish-e-Melli-ye Afghanistan)**

Leader: Sayed Noorullah [112] (formerly General Abdul Rashid Dostam [Dostum] until 17 April 2005) [40b]

Formed in 1992 mainly from troops of former Northern Command of the Afghan army; predominantly Uzbek/Tajik/Turkmen/Isma'ili and Hazara Shi'a; 65,000–150,000 supporters. [1f] Agence France-Presse reported on 18 April 2005 that the faction had been registered as a formal political party, allowing it to run in the September 2005 parliamentary elections. [40b] The JEMB list of political parties approved by the Ministry of Justice dated 20 August 2005 included Junbish-i Melli [Hezb-e-Junbish Mili Islami-e-Afghanistan], led by Sayed Noorullah. [74a]

**53 Islamic Unity of the Nation of Afghanistan Party (Hizb-e Wahdat-e-Islami Millat-e-Afghanistan)**

Leader: Qurban Ali Irfani

**54 Elites People of Afghanistan Party (Hib-e Nukhbagan-e Mardum-e-Afghanistan)**

Leader: Abdul Hamid Jawaad

**55 National Country Party**

Leader: Ghulam Mohammad

**56 National Freedom Seekers Party (Hizb-e-Azaadi Khwahan-e-Maihan)**

Leader: Abdul Hadi Dabeer

**57 National Patch of Afghanistan Party (Hib-e-Paiwand-e-Mehanee Afghanistan)**

Leader: Sayyed Kamal Sadaat

**58 Islamic Society of Afghanistan (Jami'at-e Islami-ye Afghanistan)**

Leader: Ustad Rabbani

**59 Afghanistan's Islamic Mission Organization (Tanzim-e Dahwat-e Islami-ye Afghanistan)**

Leader: Abdul Rabb Rasool Sayyaf

**61 People's Party of Afghanistan (Hizb-e Mardum-e Afghanistan)**

Leader: Ahmad Shah Asar

**62 National Stability Party (Hizb-e Subat-e Melli)**

Leader: Mohammad Sami Kharotai

**63 National Islamic Fighters Party of Afghanistan (Da Afghanistan Da Melli Mubarizinu Islami Gond)**

Leader: Amanat Nangarhari

**64 Democratic Party of Afghanistan (Hizb-e-Democrat-e-Afghanistan)**

Leader: Abdul Kabir Ranjbar

- 65 **People's Movement of the National Unity of Afghanistan (Da Afghanistan da Melli Wahdat Wolesi Tahreek)**  
Leader: Abdul Hakim Noorzai
- 66 **National Sovereignty Party (Hizb-e-Iqtedar Melli)**  
Leader: Sayyed Mustafa Kazimi
- 67 **New Afghanistan Party (Hezb-e-Afghanistan Naween)**  
Leader: Mohammad Yunis Qanuni
- 68 **National Prosperity Party (Hizb-e Refah-e Melli)**  
Leader: Mohammad Hasan Jahfari
- 69 **National Stance Party (Hizb-e-Melli Dareez)**  
Leader: Habibullah Janebdar
- 70 **Afghanistan's Welfare Party (Hizb-e Refah-e Afghanistan)**  
Leader: Mir Mohammad Asef Za'ifi
- 71 **Afghanistan's Islamic Nation Party (Hizb-e-Umat-e-Islami Afghanistan)**  
Leader: Tooran (Captain) Noor Aqa Ahmadzai
- 72 **Afghanistan's National Islamic Party (Hizb-e-Melli Islami Afghanistan)**  
Leader: Ruhullah Ludin
- 73 **The People of Afghanistan's Democratic Movement (Hizb-e-Junbish-Democracy Mardum-e-Afghanistan)**  
Leader: Mohammad Sharif Nazari
- 74 **Progressive Democratic Party of Afghanistan (Hizb-e-Mutaraqi Democaraat Afghanistan)**  
Leader: Mohammad Wali Aria
- 75 **Democratic Party of Afghanistan (Hizb-e-Democracy Afghanistan)**  
Leader: Al-hajj Mohammad Tawoos Arab
- 76 **Muslim People of Afghanistan Party (Hizb-e-Mardum-e-Muslman-e-Afghanistan)**  
Leader: Bismillah Joyan
- 77 **Hizullah-e-Afghanistan**  
Leader: Qari Ahmad Ali
- 78 **Islamic Party of Afghanistan (Hizb-e-Islami Afghanistan)**  
Leader: Mohammad Khalid Farooqi
- 79 **Comprehensive Movement of Democracy and Development of Afghanistan Party (Hizb-e-Nahzat Faragir Democracy wa Taraqi-e-Afghanistan)**  
Leader: Sher Mohammad Bazgar
- 80 **Afghanistan Peoples' Treaty Party (Hizb-e-Wolesi Tarhun Afghanistan)**  
Leader: Sayyed Amir Tahseen

- 81 **United Islamic Party of Afghanistan (Hizb-e-Mutahed Islami Afghanistan)**  
Leader: Wahidullah Sabawoon
- 82 **Islamic Movement of Afghanistan Party (Hizb-e-Nahzat-e-Melli Islami Afghanistan)**  
Leader: Mohammad Mukhtar Mufleh
- 83 **National and Islamic Sovereignty Movement Party of Afghanistan (Hizb-e-Eqtedar-e-Melli wa Islami Afghanistan)**  
Leader: Engineer Ahmad Shah Ahmadzai
- 84 **The Afghanistan's Mujahid Nation's Islamic Unity Movement (Da Afghanistan Mujahid Woles Yaowaali Islami Tahreek)**  
Leader: Saeedullah Saeed

## OTHER POLITICAL PARTIES AND GROUPS

### Hizb-e Islami Gulbuddin [or Hizb-e Islami Hekmatyar]

(NB. Spellings differ e.g. Hezb-e Islami/Hisb-i Islami/Hisb-e Islami)  
Pashtun/Turkmen/Tajik. Leader: Gulbuddin Hekmatyar. c. 50,000 supporters (estimate); based in Iran 1998–99. [11] Founded in the 1970s and reached the height of its power in 1992 when the Soviet-backed Government of President Najibullah fell to a coalition of mujahedin factions, including Hizb-i-Islami. Hekmatyar served as Prime Minister in 1995. [73n] Hekmatyar was designated a terrorist by the US State Department on 18 February 2003 [114] for participation in and support for terrorist acts committed by Al-Qaeda and the Taleban, and is currently in hiding. [73n]

"Gulbuddin Hekmatyar runs his own faction of Hezb-i-Islami, a radical Islamist group that is loosely aligned with al Qaeda and the Taliban. Hekmatyar was a key player in the Soviet-Afghan war and led one of the biggest insurgent factions against Soviet and Afghan communists' [Sic] forces. His brutal battlefield tactics and wanton destruction of Kabul following the collapse of the Afghan Communist regime in the early 1990's led to the demise of Hekmatyar's popularity. The Taliban overran his last stronghold south of Kabul in 1995 and forced him into exile in Iran from 1996-2002.

"His low-profile return to Afghanistan led to a small and temporary alliance with the Taliban before Mullah Omar ultimately ceased cooperation with Hekmatyar's meager forces. Two groups, however, were created as a merger between local Taliban and Hezb-i-Islami fighters in 2002, Nohzat al-Fath and Lashkar Fedayan-e Islam. Both facilitated training with suicide bombers and improvised explosive devices.

"Hekmatyar leads a band of a few hundred loyalists and several senior subcommanders including, Kahsmir Kahan, Haji Eshanullah, Abdul Salam Hashemi, Engineer Obaidullah, and Munshi Abdul Majid. Kashmir Khan, the most notorious of the bunch, is believed to have helped top al Qaeda members escape the Coalition's air blitz on their Tora Bora Mountain hideout in December 2001. Khan kept a low-profile up until 2006 when he re-emerged as a key insurgent leader in Afghanistan's northeastern regions.

"The Hezb-i-Islami's fighting potential has eroded over the years,' Hekmatyar expert Dr. Ishtiaq Ahmad said in an interview with Afgha.com. 'The current insurgency is essentially led by the Taliban. However, this does not mean the contribution to this insurgency by Hezb-i-Islami is meaningless. Its renegade commanders still at large

such as Kashmir Khan and Obaidullah still pose a threat to Afghanistan, as they are the ones who carry out Hekmatyar's politically motivated militarism on the ground in alliance with the Taliban." [113a]

(See also Section 11:61 [Hisb-e-Islami](#))

### **Hizb-e Islami Khalis [Khales] (Islamic Party Khalis): Pashtun**

Leader: Maulvi Muhammed Younis Khalis (deceased) [113b] "Pashtun; promotes establishment of an Islamic state in accordance with Qu'ran, Sunnah and Shariah doctrines." c. 40,000 supporters. [1e] In December 2005, Radio Free Europe/Radio Liberty reported that:

"In a statement sent to some media outlets on 11 December [2005], Hizb-e Islami (Khales faction) denounced the planned expansion of the NATO-led International Security Assistance Force (ISAF) in Afghanistan as a 'satanic plot,' Peshawar-based Afghan Islamic Press (AIP) reported... Hizb-e Islami (Khales faction) was one of the seven mujahedin parties operating against the Soviets and their client regime in Afghanistan in the 1980s. Party leader Mawlawi Mohammad Yunus Khales, after staying away from the Afghan civil war of the 1990s when mujahedin parties were fighting for power, resurfaced in 2003 and declared a jihad against U.S. forces in Afghanistan." [29s]

A February 2008 report in The Long War Journal stated "The faction folded into the Afghan Taliban movement following the death of Yunus Khalis in 2006." [113b]

(See Section 11 [Hisb-e-Islami](#))

### **Ittihad-i Islami Bara i Azadi Afghanistan (Islamic Union for the Liberation of Afghanistan): Pashtun**

Leader: Prof. Abdul Rasul Sayef [Sayyaf]; Deputy Leader: Ahmad Shah Ahmadzay; c. 18,000 supporters. [1f] Sayef's party was renamed and registered as Tanzim Dawat-e-Islami-e-Afghanistan to run in the September 2005 parliamentary elections [see party 59 above]. [74a]

### **Jamiat-i Islami (Islamic Society): Turkmen/Uzbek/Tajik [1f]**

The ICG noted in June 2005: "Led by former President Burhanuddin Rabbani, the Jamiat is one of the country's oldest Islamist political organisations but its support has been undermined by internal fissures, stemming from discontent with Rabbani's leadership as well as sub-regional rivalries in the north." [26e] (p9) In June 2005, the ICG [26e] (p5) and UNHCR [11b] (p19) noted that Rabbani's Jamiat-i Islami were among the major parties registered for the September 2005 elections. The JEMB list of political parties approved by the Ministry of Justice dated 20 August 2005 included Jamiat-i Islami [Hezb-e-Jamihat-e-Islami-e-Afghanistan], led by Ustad Rabanee. [74a]

A report by the Afghan Research and Evaluation Unit (AREU) dated December 2005 stated that "In the WJ [Wolesi Jirga] elections candidates affiliated informally and formally with the original Jamiat party won 47 seats, more than double the amount of any other party. These seats, however, were divided between approximately ten different factions of the party and new parties that have split off from Jamiat, which were relatively evenly distributed between those that either opposed or supported the government." [22c] (section 2.2)

### **Khudamul Furqan Jamiat (KFJ) – Society of Servants of the Holy Koran**

Eurasianet reported on 27 December 2001 "The KFJ is a Pashtun-dominated organization, and, according to sources, is led by so-called moderate Taliban. KFJ leaders include former Taliban Minister of Foreign Affairs Wakil Ahmed Muttawakil, Education Minister Maulvi Arsala Rahmani, and the Taliban's envoy to the United Nations, Abdul Hakim Mujahid." [45] Radio Free Europe/Radio Liberty reported on 4 March 2005 that the KFJ were involved in talks with the Afghan Government following the amnesty offer made to many Taliban members. [29b]

### **Jabhe-ye-Motahed-e-Milli (United National Front - UNF) / National Understanding Front (NUF)**

The ICG recorded in June 2005:

"On 1 April 2005, the leader of the Hizb-e Afghanistan-e Nawin (New Afghanistan Party), Younus Qanooni, and a group of mainly Islamist parties announced formation of a new coalition, the National Understanding Front (NUF), comprised of eleven re-branded mujahidin groups and personalities, including three former presidential candidates...Although the NUF's leadership is multi-ethnic and includes Ahmad Shah Ahmadzai, a Pashtun, Qanooni, a Tajik and Mohammad Mohaqqueq, a Shia Hazara, many of its parties share common perceptions that Afghanistan, under Karzai, will again become a Pashtun-dominated state." [26e] (p10-11) Radio Free Europe/Radio Liberty reported on 29 December 2005 that Qanuni had resigned as leader of the NUF after being elected as speaker of the Afghan National Assembly's People's Council (Wolesi Jirga). [29o]

However, Europa World Online recorded the following information: Chair. Prof. Burhanuddin Rabbani. Founded in 2007. An informal political grouping including former members of the United Front. The UNF/NUF advocates a parliamentary system of government rather than presidential system; members include Younis Qanooni, Ahmad Zia Masoud, Gen. Abdul Rashid Dostam and Marshal Muhammed Qassim Fahim. [1e]

### **Northern Alliance**

Europa records that the Northern Alliance (NA) was an anti-Taliban coalition formed in 1996 by Ahmed Shah Masoud [Masood], General Dostam [Dostum] of Uzbek origin [Jonbesh-e-Melli-e-Islami], and the Hazara leader, General Karim Khalili [Hizb-i-Wahdat] under the presidency of Burhanuddin Rabbani. The NA was expanded and strengthened in June 1997 and restyled as the United Islamic Front for the Salvation of Afghanistan (commonly known as the Northern Alliance or United Front). Following the terrorist attacks on the US on 11 September 2001, US-led coalition forces strengthened and assisted the NA, resulting in the defeat of the Taliban. [1f] (p60-61) A report by the Netherlands Institute of International Relations dated April 2005 noted that the Northern Alliance has essentially disappeared as "Little had held it together other than opposition to the Taliban." [89] (p48)

(See also [UIFSA](#) below.)

### **People's Democratic Party of Afghanistan (PDPA)**

UNHCR recorded in June 2005:

"The PDPA was founded in 1965 and split into two factions in 1967: Khalq (The People), led by Nur Mohammed Taraki and Hafizullah Amin and Parcham (The Banner), led by Babrak Kamal. Khalq was more rural-based, mostly comprising of members of the Pashtun tribes. Parcham was more urban oriented and was dominated

by Dari speakers. In 1977, the two factions reunited under Soviet pressure. In 1988 the name of the party was changed to Watan (Homeland) Party. The PDPA based government collapsed in 1992 when, following the Peshawar Accords, Mujaheddin troops entered Kabul and the last President of a 'communist' government in Afghanistan, Mohammed Najibullah (previously head of the secret service Khad) had to seek refuge in a UN-building in Kabul where he stayed until he was killed by Taliban troops entering Kabul in September 1996." [11b] (p46)

### **Revolutionary Association of the Women of Afghanistan (RAWA)**

The RAWA website, accessed on 26 August 2008, advised:

"RAWA, the Revolutionary Association of the Women of Afghanistan, was established in Kabul, Afghanistan, in 1977 as an independent political/social organization of Afghan women fighting for human rights and for social justice in Afghanistan. The founders were a number of Afghan woman intellectuals under the sagacious leadership of Meena who in 1987 was assassinated in Quetta, Pakistan, by Afghan agents of the then KGB in connivance with fundamentalist band of Gulbuddin Hekmatyar. RAWA's objective was to involve an increasing number of Afghan women in social and political activities aimed at acquiring women's human rights and contributing to the struggle for the establishment of a government based on democratic and secular values in Afghanistan." [49]

A May 2007 article in the New Internationalist recorded:

"In Pakistan, where many RAWA members are based and where the organization runs schools to counter fundamentalist ideology, the group comes under attack from the Taliban, from other jihadi fanatics and from Pakistani fundamentalist political parties. Saba tells of extremists shooting at the staff at a RAWA-run hospital, attacks with stones and teargas on RAWA demonstrations, and threats published in newspapers.

"Even the magazine the organization sporadically publishes is too hot to handle. 'If it were found in someone's house or they were seen reading it, their life would be in danger. In the Taliban time, a few of our male supporters who were transporting the magazines were arrested and sent to prison. Only with the mediation of some tribal leaders were they released after a few years.' ...

"Under the brutal Taliban regime, RAWA kept schools going for girls in private houses. They exposed via their website the testimony of widows forced into prostitution by the Taliban's ban on women working and the hypocrisy of Taliban supporters who were the women's frequent clients. They risked life and limb to photograph secretly the Taliban's gruesome punishments and public executions. Today they run orphanages and teach literacy classes for women who often graduate as grassroots activists for women's rights. And they continue to inform the world of news about Afghanistan the mainstream media won't touch. They have achieved all this without breaking cover." [115]

### **Shura-yi Nazar**

An August 2007 International Crisis Group report recorded that "After the fall of the Taliban, the security organs at the centre were monopolised by the Panjshiri Tajik-dominated Shura-yi Nazar-i Shamali one of whose leaders, Younus Qanooni, was appointed interior minister." [26k] (p5) "The Shura-yi Nazar Shamali (Supervisory Council of the North) was a regional military and political structure founded by Ahmad Shah Massoud. Its core leaders were Panjshiris associated with the Jamiat-i Islami party of former President Burhanuddin Rabbani." [26k] (Footnote 32)

**Taliban [Taleban]**

Emerged in 1994; Islamist fundamentalist; mainly Sunni Pashtuns; in power 1996–2001; also active in the Federally Administered Tribal Areas of Pakistan. Leader Mullah Mohammad Omar. c. 12,000 supporters. [1e] UNHCR noted in June 2005 that “The core of the Taliban was educated in madrassas (religious schools) in Pakistan which adhere to the Deobandi orthodox legal and state doctrine and promote taqlid, the obedience to the Koran in its original letter. The political aims of the Taliban were to re-establish security in Afghanistan, to create a truly Islamic State, to disarm the population and to implement a strict interpretation of Shari’a law throughout the country.” [11b] (p48)

An Associated Press article of August 2008 noted “Taliban insurgents once derided as a ragtag rabble unable to match U.S. troops have transformed into a fighting force - one advanced enough to mount massive conventional attacks and claim American lives at a record pace.” [54d]

-(See also Section 11.33: [Taliban](#))

**United National Islamic Front for the Salvation of Afghanistan (UIFSA) – commonly known as the Northern Alliance or United Front**

An anti-Taliban coalition that superseded the Supreme Council for the Defence of Afghanistan in June 1997. [1f] (p60) Europa World Online, accessed on 26 August 2008, recorded that “The [Northern] alliance was reported to have been expanded and strengthened in early June [1997] by the inclusion of the forces of Hekmatyar and of the Mahaz-i-Melli-i-Islami (National Islamic Front), led by Pir Sayed Ahmad Gailani. This new coalition, which superseded the Supreme Council for the Defence of Afghanistan, was known as the United National Islamic Front for the Salvation of Afghanistan, commonly known as the United Front and the Northern Alliance. The United Front was the military wing of the exiled Government, the ‘Islamic State of Afghanistan’.” [1c]

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## Annex C: Prominent people

### ALI Hazrat

Hazrat Ali (a close ally of Jamiat-i-Islami) was appointed Security Commander for Nangahar Province by President Karzai on 20 July 2004. (BAAG, July 2004) [71b] (p7) He stepped down from his position as Police Chief of Nangahar and turned in weapons in order to stand for the September 2005 parliamentary election. (*Christian Science Monitor*, 8 September 2005) [19c] The final JEMB results recorded that Hazrat Ali was elected in Nangahar Province, polling the highest number of votes. [74b]

A September 2004 Human Rights Watch report noted that, as one of the military commanders having de facto control of the eastern provinces of Nangahar and Laghman, including Nangahar's capital, Jalalabad, his commanders operated criminal enterprises and engaged in numerous human rights abuses, including the seizure of land and other property, kidnapping civilians for ransom and extorting money. Their forces had also been involved in political abuses, including past threats against Loya Jirga candidates and purchasing of votes. [17i] (p16)

Hazrat Ali commanded a Northern Alliance force against the Taliban and Al Qaeda and has worked closely with the US military since 2001:

"Several officials with the Afghan Independent Human Rights Commission maintain that Ali disbanded his private army only on paper and that his men still participate in drug trafficking and land grabs, terrorizing the citizenry... Many of Ali's ex-soldiers are now Nangahar provincial police. One ranking Nangahar police official [said] that Ali's men, 'imposed with pressure and power,' have a disproportionate presence on his force. 'They're involved in illegal activities. The battalion commanders, the border police, they're all involved in illegal activities,' the police official said, adding that the crimes include extortion, drug trafficking and other smuggling operations." (*Christian Science Monitor*, 8 September 2005) [19c]

### DOSTUM (General) Abdul Rashid

"The Uzbek general who was one of the most powerful warlords with an independent military base in the north remains a powerful figure in the country... He was one of the most high profile candidates to challenge Mr Karzai in the presidential elections in October 2004. The veteran of many wars, he has displayed an uncanny ability to switch sides and stay on the right side of those in power. In the 1980s Gen Dostum backed the invading forces of the Soviet Union against the mujahideen rebels. He then played a prominent role in the civil war that destroyed much of the capital Kabul and left thousands dead. In 2001, while helping the United States, his militias were accused of suffocating hundreds of Taleban prisoners to death by locking them inside shipping containers." (BBC News, 4 July 2006) [25y]

BBC News reported that General Dostum survived an assassination attempt by the Taliban in January 2005. [25ah] Reuters reported on 1 March 2005 that Dostum had come fourth in the presidential elections. He was appointed President Karzai's personal military chief of staff on 1 March 2005. [24b] On 3 March 2005, BBC News reported the view of Human Rights Watch (HRW) that Dostum should not have been given the high-profile military post. HRW expressed concern that it could mean he will not be held accountable for alleged past human rights abuses. Amnesty International also expressed concern over the appointment. [25c] Agence France-Presse reported that Dostum officially joined President Karzai's administration on 18 April 2005 after

resigning as leader of Junbesh-i Melli-i Islami. [40b] However, the ICG in June 2005 stated that “Dostum will undoubtedly remain the de facto head [of Junbesh-i Melli-i Islami].” [26e] (p9)

#### **HAZAMI Abdul Salam**

Approved by parliament as the new Chief Justice of the Supreme Court in July 2006 to replace Fazel Hadi Shinwari. “Hazami graduated from Kabul University and obtained a master’s degree in 1967 from Egypt’s Al-Azhar University, the Sunni Muslim world’s highest seat of learning. He also did postgraduate studies in the United States. He left Afghanistan during the Soviet occupation, returning after the Taliban regime was toppled by U.S.-led forces for harboring Osama bin Laden.” [54a]

#### **HEKMATYAR (Engineer) Gulbuddin [also spelt ‘Hikmatyar’]**

“Leader of the Hezb-e Islami, Mr Hekmatyar is a warlord who is in hiding – evading American forces – and is believed to be somewhere along the Afghan-Pakistan border. He is opposed to President Karzai and the presence of US-led foreign forces in Afghanistan and is blamed for carrying out several major attacks in the country. The US labelled him a terrorist in 2003. Hekmatyar’s Hizb-e-Islami was the strongest force during the years of Soviet occupation. This was largely because his party was the main benefactor of the seven official Mujahideen groups recognised by Pakistan and US intelligence agencies for the channelling of money and arms. He later joined forces with General Dostum because he felt his power had been slighted by the Mujahideen administration which ran the country from 1992 to 1996. The fighting between him and Kabul’s administration at the time, controlled by the murdered Afghan commander, Ahmad Shah Masood, is said to have resulted in the deaths of more than 25,000 civilians.” [25y]

In May 2006, Hekmatyar was reported as saying that he was ready to fight under the banner of al-Qaeda: “Correspondents say that statements from Gulbuddin Hekmatyar are rare, but when they appear, their theme and tone is the same: hatred of the United States and its allies in Afghanistan and calls for rebellion there in the name of Islam.” [25e]

(See also Section: 11.61 [Hizb-e-Islami](#))

#### **JALAL Masooda**

Masooda Jalal was the only female candidate in the October 2004 presidential elections. “A qualified paediatrician from Kabul, she was treating children when the Taleban came to power in 1996 and stopped women from working. Ms Jalal made her presence felt when she challenged President Karzai in the first loya jirga (grand council) after the Taleban were ousted. She was appointed minister for women’s affairs in December 2004, but was dropped in the reshuffle of April 2006.” (BBC News, 4 July 2006) [25y]

#### **KHAN Mohammed Fahim (Marshal Mohammad Qasem Fahim)**

As former Defence Minister, Mohammed Fahim Khan used to be one of the most powerful men in the country but has now been sidelined:

“He lost his place in the cabinet and is now a member of the upper house [Meshrano Jirga]. Gen Fahim commanded thousands of men loyal to the Tajik-dominated Northern Alliance that helped topple the Taleban in late 2001. He was widely expected to be named as one of President Karzai’s running mates in the 2004 presidential poll, but ended up backing the main challenger, fellow Tajik Yunus Qanuni.

He was head of intelligence of the Northern Alliance and succeeded General Ahmad Shah Masood, who was assassinated shortly before the 11 September attacks on the US." (BBC News, 4 July 2006) [25y]

#### **KARZAI Hamid**

"Hamid Karzai, who was sworn in as Afghanistan's first elected president in December 2004, is a moderate Pashtun leader from Kandahar. A charismatic and stylish member of the influential Popolzai tribe, he has built up a considerable international profile, especially in the West and is backed by the United States. But some at home view his closeness to America with suspicion and distrust. He initially supported the Taliban but hardened against them after the assassination of his father, a former politician, for which the Taliban was widely blamed." (BBC News, 4 July 2006) [25y]

#### **KHALILI (General) Abdol Karim**

Hazara; Economic Minister of Afghanistan 1993 – 995; Vice-President in the Interim Government of 2001. [31] Mr Khalili is currently the second Vice-President in the present Government inaugurated in December 2004. [67] Khalili is also the leader of Hezb-e-Wahdat-e-Islami-e-Afghanistan. The party was registered by the Ministry of Justice and participated in the September 2005 parliamentary elections. [74a]

#### **KHAN Ismail**

Ismail Khan is currently Minister for Energy in the Afghan Cabinet and was formerly the Governor of Herat:

"Known as the Lion of Herat, Ismail Khan is a veteran and legendary Tajik commander who freed Herat from Soviet control, and became a thorn in the side of the Afghan communist government... Controlling the trade route from Iran, he turned the city of Herat into one of the most developed cities in the country soon after taking control of the area after the fall of the Taliban. It was his independent power base and apparent refusal to join hands with the Karzai government that led to his eventual removal and reappointment as energy minister in September 2004. President Karzai's move to replace him was met with violent protests from his supporters. Ismail Khan remains a powerful figure, although with considerably reduced influence." (BBC News, 4 July 2006) [25y]

#### **MASOUD [MASSOOD] (General) Ahmed Shah**

Tajik. Commander allied to Jamiat-i-Islami. [85] BBC News recorded on 8 September 2004 that "Commander Masood [Masoud] – known as the Lion of the Panjshir – was killed three years ago in a suicide bomb attack by two men posing as journalists. That attack – just before the 11 September [2001] bombings in the United States – was subsequently blamed on al-Qaeda and its Taliban allies. Masood remains a powerful symbol. He was famed as a military strategist during the war against the Soviet Union and gained his nom de guerre from his dogged resistance in the Panjshir valley." [25z]

#### **MASOUD [MASSOOD] Ahmad Zia**

Tajik; formerly Afghanistan's ambassador to Russia and a brother of Ahmad Shah Massoud [Masoud], who led the resistance to the Taliban regime until he was killed by Al-Qaida terrorists on 9 September 2001 (see above). [18b] He is the first Vice-President in the Government inaugurated in December 2004. [67]

#### **MOHAMMAD (General) Atta**

"An arch rival of Gen Dostum, Atta Mohammad is the governor of the northern province of Balkh. Their bitter history goes back to the days of the Soviet occupation, when they fought on opposite sides. A former teacher, Atta briefly joined forces with Dostum to

recapture Mazar-e-Sharif from the Taliban in 2001. For now, he remains a key regional player in Afghanistan with considerable influence. His appointment as governor of Balkh was viewed as a move to curb Gen Dostum." (BBC News, 4 July 2006) [25y]

#### **MOHAQEQ [MOHAQIQ] Haji Mohammad**

"A member of the minority ethnic Hazara community, Mohammed Mohaqiq was elected as an MP in the 2005 elections. He comes from Mazar-e-Sharif and teamed up with Gen Dostum and Atta Mohammad to free the city from the Taliban in 2001. The head and founder of the Wahdat-e-Mardum political party, he had considerable support among the Shia Hazaras, many of whom fought under his command. Planning minister in the interim Afghan government, Mr Mohaqiq performed well to finish third behind Mr Karzai and Mr Qanuni in the presidential election in 2004. He did not keep his post in the new Karzai cabinet after the 2005 parliamentary elections." (BBC News, 4 July 2006) [25y]

Mohaqeq's party was registered as Hezb-e-Wahdat-e-Islami Mardom-e-Afghanistan by the Ministry of Justice and participated in the September 2005 parliamentary election. [74a]

#### **MOJADDEDI [MUJADIDI] Sebghatullah**

A Radio Free Europe/Radio Liberty (RFE/RL) article dated 23 November 2005 stated that Mojaddedi was head of the "Peace Commission", which aims to persuade armed opposition fighters to join the peace process. [29t] RFE/RL also reported on 29 December 2005 that Mojaddedi had been elected speaker of the Meshrano Jirga (Council of Elders). [29o] A BBC News article of 21 December 2005 stated that he was a former Afghan President and a pro-Karzai mujahideen leader. [25ak]

#### **OMAR (Mullah) Mohammad**

Omar is the leader of the Taliban who lost his right eye fighting the occupying forces of the Soviet Union in the 1980s. He survived the US-led military action, which led to the fall of the Taliban in late 2001 and has evaded capture. (BBC News, 2 September 2006) [25s] Mullah Omar has reportedly called on Taliban supporters to unite and fight Afghan and foreign troops. (BBC News, 25 July 2005) [25ae]

#### **QANUNI [QANOONI] Yunus**

"A former minister, Mr Qanuni is now the Speaker of the Wolesi Jirga, the lower house of parliament. Seen by some as the most serious contender to Mr Karzai, he stood against him in the presidential elections of 2004. A key figure in the Northern Alliance in the immediate aftermath of the fall of the Taliban, Mr Qanuni first held the powerful post of interior minister but later moved to the education ministry. Differences with President Karzai led to his resignation from the cabinet, following which he formed his own political party, [Hezb-e-] Afghanistan-e-Naween. Though unable to hold together a political alliance which could provide a formidable challenge to the Karzai government, Mr Qanuni has been too powerful to be completely marginalised." (BBC News, 4 July 2006) [25y]

The list of political parties approved by the Ministry of Justice to run in the September 2005 parliamentary elections included Qanuni's new party, Hezb-e-Afghanistan-e-Naween. [74a] Qanuni resigned as leader of the NUF after being elected Speaker of the Wolesi Jirga. (Radio Free Europe/Radio Liberty, 29 December 2005) [29o]

#### **RABBANI Burhanuddin**

"A former Afghan president, Mr Rabbani was elected as an MP from Badakshan in [the] 2005 parliamentary elections. He remains an influential Tajik figure although he is not a frontline political player. He heads the conservative Jamiat-e-Islami, which was the largest political party in the Northern Alliance that helped sweep the Taleban from power in 2001." (BBC News, 4 July 2006) [25y]

(See also [Annex B: Jamiat-i-Islami](#))

### **SAMAR Sima**

A 2004 report by the Global Health Council noted that "Dr. Sima Samar founded and directs the Shuhada Organization, the oldest Afghan non-governmental organization (NGO) operating in the region and the largest woman-led NGO." [6] An RFE/RL article dated 29 December 2005 stated "Sima Samar was the first minister of the newly established Ministry of Women's Affairs in the transitional government of Hamid Karzai after the fall of Taliban. She is now the head of the Afghan Independent Human Rights Commission and a UN special rapporteur for human rights in Sudan." [29d]

### **SAYYAF Abdul Rassoul**

"A former mujahideen leader, Mr Sayyaf is now an elected member of parliament. Leader of the Islamic Union for the Liberation of Afghanistan, he was the only anti-Taleban Pashtun leader to be part of the Northern Alliance. A hardliner, he is believed to have formed his party with Saudi backing. A former professor of Islamic law, Mr Sayyaf was the chairman of the first rebel alliance in 1980. He was a member of the constitutional loya jirga of 2003. Abdul Rassoul Sayyaf was a major player in the civil war in 1992, which left vast areas of the capital, Kabul, in ruins." (BBC News 4 July 2006) [25y]

In June 2005, the International Crisis Group noted that Sayyaf's influence was eroding because the tenth division of the Afghan military forces was being dismantled under the Disarmament, Demobilisation and Reintegration Programme (DDR) and this militia had helped him assert control over much of western Kabul province, including his home district of Paghman. [26e] (p10) The list of political parties approved by the Ministry of Justice to run in the September 2005 parliamentary elections included Sayyaf's party, formerly known as Ittihad-i-Islami [17i] and now renamed as Tanzim Dawat-e-Islami-e-Afghanistan. [74a]

### **SEDDIQI Suhaila**

A BBC News Profile, accessed on 14 March 2005, recorded that Suhaila Seddiqi is a Tajik, a respected doctor and well-known former army general who lives in Kabul. She served as a surgeon in Kabul's military hospital for two decades. She never left Afghanistan and played a key role in keeping the hospital functioning through the 1990s when rocket attacks caused thousands of casualties. Even the Taleban were forced to give Seddiqi back her job after briefly removing her from the post. She was Health Minister in the Interim Government. [25m]

### **SHERZAI Gul Agha**

"Nangarhar province Governor Gul Agha Sherzai commands considerable loyalty among the Pashtuns in Kandahar, the city he controlled before the Taleban took power in 1994. Within hours of the Northern Alliance taking control of Kabul in 2001, Sherzai entered and took control of the southern city. In December 2004, he was appointed as governor of Kandahar with an added, though symbolic, portfolio of minister adviser to Mr Karzai. His reappointment became controversial and human rights groups have accused Mr Sherzai of involvement in the drugs trade. Mr Sherzai was made governor

of Nangarhar as part of a series of reshuffles viewed as an attempt to curb the power of the warlords.” (BBC News, 4 July 2006) [25y]

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## Annex D: List of Cabinet Ministers

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Europa World Online entries for Cabinet, dated April 2008, when accessed on 5 August 2008:

**President:**

H.E. Hamid Karzai [1h]

**Vice Presidents:**

Ahmad Zia Massoud (First) [106a]

Ahmad Zia Masoud [1h]

Mohammad Karim Khalili (Second) [106a] [1h]

**Senior Minister in the Cabinet**

Hedayat Amin Arsala [106a] [1i]

**Foreign Affairs Minister:**

Dr Rangin Dadfar Spanta (formerly Dr Abdullah Abdullah until he was replaced in March 2006 [1f]) [106a] [1i]

**National Defence Minister:**

General Abdul Rahim Wardak [106a] [1i]

**Interior Affairs Minister:**

Zarar Ahmad Moqbel [Moqbil] (formerly Ali Ahmad Jalali until his resignation in September 2005 [1c]) [106a] [1i]

**Finance Minister:**

Prof Dr Anwar-ul-Haq Ahadi [106a] [1i]

**Education Minister:**

Dr Mohamad Hanif Atmar (formerly Noor Mohmamad Qarqin) [106a]

Dr Mohammed Hanif Atmar [1i]

**Borders & Tribal Affairs Minister:**

Abdul Karim Barawi [5b]

Abdul Karim Barahowie [106a]

Abdul Karim Barahawi [1i]

**Economy Minister:**

Dr Mohammad Jalil Shams [29j] [106a] [1i]

**Mines and Industries Minister:**

Engineer Ibrahim Adel [formerly Engineer Mir Mohammad Sediq] [106a]

Ibrahim Adil [1i]

**Women's Affairs Minister:**

Hosna Banu Ghazanfar (Hosn Bano Ghazanfar) [29j] [1i] [106a]

**Public Health Minister:**

Dr Mohammad Amin Fatimi [Fatemi/Fatimie] [106a] [1i]

**Agriculture, Irrigation and Livestock Minister:**

Obaidullah Ramin [106a]

Obaidollah Ramin [1i]

**Justice Minister:**

Sarwar Danish [106a]

Mohammad Sarwar Danesh [1i]

**Commerce Minister:**

Mir Muhammad Amin Farhang [29j]

Dr Mohammad Amin Farhang [1i] [106a]

**Communications and Information Technology Minister:**

Engineer Amirzai Sangin [Sangeen] [106a] [1i]

**Culture and Youth Affairs Minister**

Abdull Karim Khorram [29j]

Abdul Karim Khoram [106a] [1i]

**Refugees and Repatriation Minister:**

Sher Mohammad Etebari [1i] [106a]

**Haj and Islamic Affairs Minister:**

Professor Nematullah Shahrani [106a] [1i]

**Urban Development Minister**

Engineer Yousef Pashtun [106a]

Mohammad Yousef Pashtun [1i]

**Work, Social Affairs, the Martyred and the Disabled Minister:**

Noor Mohammad Qarqeen [106a]

Noor Mohammad Karkin [1i]

**Public Welfare Minister:**

Dr Sohrab Ali Saffary [106a]

Suhrab Ali Safari [1i]

**Water and Energy Minister:**

Mohammad Ismail Khan [106a] [1i]

**Higher Education Minister:**

Dr Ahzam Dadfar [formerly Sayed Amir Shah Hassanyar] [106a]

Dr Mohammad Azam Dadfar [1i]

**Transport and Aviation Minister:**

Hamidullah Qaderi [1i] [106a]

**Rural Development and Rehabilitation Minister:**

Eshan Zia [106a] [1i]

[Ihsan Zia (formerly Hanif Atmar)]

**[Anti-] Counter-Narcotics Minister:**

Gen. Khodaidad (acting) [1i] [106a]

**Parliamentary Affairs Minister:**

Dr Farooq Wardak [1i]

**National Security Advisor:**

Dr Zalmay Rassoul [1i]

**Supreme Court Chief Justice:**

Abdul Salam Hazami [54a] (formerly Sheikh Hadi Shinwari)

Abdul Salam Azimi [1z]

## Annex E: List of Abbreviations

|                 |   |
|-----------------|---|
| <b>AI</b>       | Amnesty International   |
| <b>ANBP</b>     | Afghanistan New Beginnings Programme                                      |
| <b>CEDAW</b>    | Committee on the Elimination of All Forms of Discrimination Against Women |
| <b>CPJ</b>      | Committee to Protect Journalists  |
| <b>DDR</b>      | Disarmament, Demobilisation and Reintegration Programme                   |
| <b>DIAG</b>     | Disbandment of Illegal Armed Groups (DIAG)                                |
| <b>EU</b>       | European Union  |
| <b>EBRD</b>     | European Bank for Reconstruction and Development                          |
| <b>FCO</b>      | Foreign and Commonwealth Office (UK)                                      |
| <b>FH</b>       | Freedom House   |
| <b>GDP</b>      | Gross Domestic Product  |
| <b>HIV/AIDS</b> | Human Immunodeficiency Virus/Acquired Immunodeficiency Syndrome           |
| <b>HRW</b>      | Human Rights Watch  |
| <b>IAG</b>      | Illegal Armed Group   |
| <b>ICG</b>      | International Crisis Group  |
| <b>ICRC</b>     | International Committee for Red Cross                                     |
| <b>IDP</b>      | Internally Displaced Person   |
| <b>IFRC</b>     | International Federation of Red Cross and Red Crescent Societies          |
| <b>IMF</b>      | International Monetary Fund   |
| <b>IOM</b>      | International Organisation for Migration                                  |
| <b>JCMB</b>     | Joint Coordination and Monitoring Board                                   |
| <b>MSF</b>      | Médecins sans Frontières  |
| <b>NA</b>       | Northern Alliance   |
| <b>NATO</b>     | North Atlantic Treaty Organisation  |
| <b>NGO</b>      | Non Governmental Organisation   |
| <b>OCHA</b>     | Office for the Coordination of Humanitarian Affairs                       |
| <b>ODIHR</b>    | Office for Democratic Institutions and Human Rights                       |
| <b>ODPR</b>     | Office for Displaced Persons and Refugees                                 |
| <b>OECD</b>     | Organisation of Economic Cooperation and Development                      |
| <b>OHCHR</b>    | Office of the High Commissioner for Human Rights                          |
| <b>RSF</b>      | Reporters sans Frontières   |
| <b>STC</b>      | Save The Children   |
| <b>STD</b>      | Sexually Transmitted Disease  |
| <b>TB</b>       | Tuberculosis  |
| <b>TI</b>       | Transparency International  |
| <b>UN</b>       | United Nations  |
| <b>UNAIDS</b>   | Joint United Nations Programme on HIV/AIDS                                |
| <b>UNAMA</b>    | United Nations Assistance Mission in Afghanistan                          |
| <b>UNESCO</b>   | United Nations Educational, Scientific and Cultural Organization          |
| <b>UNHCHR</b>   | United Nations High Commissioner for Human Rights                         |
| <b>UNHCR</b>    | United Nations High Commissioner for Refugees                             |
| <b>UNICEF</b>   | United Nations Children's Fund  |
| <b>UNIFEM</b>   | United Nations Development Fund for Women                                 |
| <b>UNODC</b>    | United Nations Office on Drugs and Crime                                  |
| <b>USAID</b>    | United States Agency for International Development                        |
| <b>USSD</b>     | United States State Department  |
| <b>WFP</b>      | World Food Programme  |
| <b>WHO</b>      | World Health Organization   |

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