



Home Office

## **Country Information and Guidance**

Afghanistan: persons supporting or perceived to support the government and/or international forces

February 2015

# Preface

This document provides guidance to Home Office decision makers on handling claims made by nationals/residents of – as well as country of origin information (COI) about – Afghanistan. This includes whether claims are likely to justify the granting of asylum, humanitarian protection or discretionary leave and whether – in the event of a claim being refused – it is likely to be certifiable as ‘clearly unfounded’ under s94 of the Nationality, Immigration and Asylum Act 2002.

Decision makers must consider claims on an individual basis, taking into account the case specific facts and all relevant evidence, including: the guidance contained with this document; the available COI; any applicable caselaw; and the Home Office casework guidance in relation to relevant policies.

## Country Information

The COI within this document has been compiled from a wide range of external information sources (usually) published in English. Consideration has been given to the relevance, reliability, accuracy, objectivity, currency, transparency and traceability of the information and wherever possible attempts have been made to corroborate the information used across independent sources, to ensure accuracy. All sources cited have been referenced in footnotes. It has been researched and presented with reference to the [Common EU \[European Union\] Guidelines for Processing Country of Origin Information \(COI\)](#), dated April 2008, and the European Asylum Support Office’s research guidelines, [Country of Origin Information report methodology](#), dated July 2012.

## Feedback

Our goal is to continuously improve the guidance and information we provide. Therefore, if you would like to comment on this document, please [e-mail us](#).

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The Independent Advisory Group on Country Information (IAGCI) was set up in March 2009 by the Independent Chief Inspector of Borders and Immigration to make recommendations to him about the content of the Home Office’s COI material. The IAGCI welcomes feedback on the Home Office’s COI material. Information about the IAGCI’s work and a list of the COI documents which have been reviewed by the IAGCI can be found on the Independent Chief Inspector’s website at <http://icinspector.independent.gov.uk/country-information-reviews/>

It is not the function of the IAGCI to endorse any Home Office material, procedures or policy.

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# Section 1: Guidance

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## 1.1 Basis of Claim

- 1.1.1 Fear of persecution by anti-Government elements (AGEs) because of a person's perceived or actual support for the government / international forces.
- 1.1.2 The main AGEs operating in Afghanistan are: the Taliban; Hikmatyar Faction/Hizb-e-Islami Gulbuddin; and the Haqqani faction.

See Country information, [Anti Government elements](#)

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## 1.2 Summary of Issues

- ▶ Is the person's account a credible one?
- ▶ Is a person who supports or is perceived to support the government and / international forces at risk of serious harm?
- ▶ Is a person at risk able to seek effective protection?
- ▶ Is a person at risk able to internally relocate within Afghanistan?

See also [Country Information](#), [Country Information and Guidance: Afghanistan, Security, August 2014](#) and [Asylum Instructions on Assessing Credibility and Refugee Status and Gender Issues in the Asylum Claim](#)

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## 1.3 Consideration of Issues

### Is the person's account a credible one?

- 1.3.1 Decision makers must consider whether the material facts relating to the person's account of their working for or being associated with the government / international forces are reasonably detailed, internally consistent (e.g. oral testimony, written statements) as well as being externally credible (i.e. consistent with generally known facts and the country information). Decision makers should take into account the possible underlying factors as to why a person may be inconsistent or unable to provide details of material facts.

For more information, see Asylum Instruction [Assessing Credibility and Refugee Status](#)

### Is a person who supports or is perceived to support the government and / international forces at risk of serious harm?

- 1.3.2 Individuals who support, or are perceived as supporting, the Government and / or the international community have been subjected to intimidation, threats, abduction, arson attacks and targeted killing by AGEs, including the Taliban. Persons accused of spying for the government have been subject to executions, beheadings, amputation of limbs, beatings, lashings and illegal detention. Family members have also been threatened and abducted by AGEs. Targeted groups include:
- national and local political leaders (including MPs and members of Peace Councils)
  - government officials (including justice sector workers)

- off-duty police officers
- tribal elders
- religious leaders
- women in the public sphere
- civilians accused of spying for pro-government forces
- human rights activists, humanitarian and development workers
- construction workers; persons supporting the peace process
- civilians perceived to be cooperating with/working for the international community, including contractors, translators, administrators and logistics personnel
- individuals perceived as contravening the Taliban's interpretation of Islamic principles
- teachers
- healthcare professionals

1.3.3 In 2014, UNAMA documented 1,114 civilian casualties (753 deaths and 361 injuries) from targeted killings (or attempts to kill) in 668 different incidents, a five per cent decrease from 2013 (the total for which was 1,076 casualties, including 743 deaths from 605 incidents). Over 95% of these incidents were attributed to AGEs.

1.3.4 In the case of H. and B. v. The United Kingdom - 70073/10 44539/11 - Chamber Judgment [2013] ECHR 298 (09 April 2013), the European Court of Human Rights (ECtHR), considered the position of two individuals who had worked as an interpreter for the US armed forces and as a driver for the UN respectively and would be returned to Kabul, and found that:

'...The Court observes that the parties to the case did not dispute the conclusion of the December 2010 UNHCR Guidelines that, inter alia, individuals associated with, or perceived as supportive of the Afghan Government and the international community fall within a potential risk category and require a particularly careful examination of the risks to them upon return to Afghanistan... All the evidence before the Court supports this assessment. Indeed, the evidence paints a disturbing picture of the attacks carried out by the Taliban and other armed anti-government forces in Afghanistan on civilians with links to the international community.' (paragraph 96)

1.3.5 However the ECtHR found 'that not every person with links to the international community and forces would automatically be at risk in Afghanistan...' (para 99) and that the risk faced by applicants who are perceived as supportive of the international community will depend on 'the individual circumstances of their case, the nature of their connections to the international community and their profile.' The court further found that it was '... not persuaded that the applicants have established that everyone with connections to the UN or the US forces, even in Kabul, can be considered to be at real risk of treatment contrary to Article 3 regardless of their profile or whether or not they continue to work for the international community.' (para 100)

1.3.6 Harassment, intimidation and targeted attacks are in general more likely to take place in areas which are under the control of or which are contested by AGEs (primarily rural areas; the main cities and towns remain under the control of the government) particularly in the south, south-east and east of Afghanistan, where 65-70% of all security incidents took place between January and November 2014. Kabul, Mazar and Herat are reportedly safer than other cities. However AGEs have undertaken attacks in all parts of the country, including in Kabul. The ECtHR in H and B, noting that Kabul was under the under Government control (Paragraph 114), found, '... that there is

insufficient evidence before it at the present time to suggest that the Taliban have the motivation or the ability to pursue low-level collaborators in Kabul or other areas outside their control.’ (Paragraph 97)

See Country information, [Regional differences](#)

1.3.7 The ECtHR further noted, ‘There is also little evidence that the Taliban are targeting those who have, as requested by them, already stopped working for the international community and who have moved to other areas...’ (paras 98) An individual may be able to reduce the risk of being targeted by AGEs if they leave their job or post, though the degree to which the risk is reduced will depend on the person’s former role, the organisation they worked for and the nature of their work, and the ability of the AGE to pursue the individual.

1.3.8 Whether a person is at risk of serious harm on return to Afghanistan will depend on their personal circumstances. A person who works in a capacity which brings with it an enhanced level of risk, will have done so as a matter of choice. That choice will have been informed by his overall circumstances, including their personal security arrangements that may relate to the means of travelling around and to their place of residence and the level of security in which s/he is able to live.

1.3.9 In assessing whether a person is at risk, decision makers should take into account the following factors:

- the particular profile of the person, including, where relevant, previous personal security arrangements, their professional role, whether the organisation they work for or with is domestic/international and its perceived relationship with the government.
- the extent to which they and their activities are known by the AGEs and are perceived to support the government/international forces
- the nature of the threat from and the capability of the AGEs to pursue the person
- whether the person has been previously threatened / harassed by the AGEs
- whether the person has ceased to engage/will cease to engage in the activities that have brought them to the attention of the AGEs
- where the person was threatened / fears returning to, and how far the threat would extend in Afghanistan
- their personal circumstances, such as gender, age, family and tribal links, religion, ethnicity and previous interaction with the AGEs

1.3.10 In general, individuals with a high profile, such as high ranking government officials, district leaders, MPs, high and mid ranking military officials, and contractors for the military, may be at risk of serious harm from AGEs throughout the country. Conversely, individuals with a low profile, such as off-duty truck drivers, low-level government officials, and teachers, are unlikely to be of continuing interest to an AGE if they leave their job and / or relocate to an area not controlled by the AGE, unless there are specific individual circumstances that increase the risk or which could lead to continued targeting.

1.3.11 For people working for the International Military Forces, it might not be sufficient to simply quit their job or stop their activity in order to escape intimidation and targeting by the insurgents. However persons are also targeted and killed for a perceived association with the government/international forces who might have a ‘low’ profile, such as those accused of spying.

See also Country information, [Targeted groups](#), for more information about the groups above including the size of the group and numbers of incidents where available; and,

Anti Government elements for background on the principal AGEs operating in Afghanistan

Are those at risk able to seek effective protection?

- 1.3.12 In areas controlled by the AGE, no effective state protection will be available.
- 1.3.13 In Kabul and other cities and towns controlled by the government, in general the authorities may be willing to offer protection but they are unlikely to be able to offer effective protection given the structural weaknesses in the security forces, including a lack of resources, training and adequate equipment, poor vetting of recruits, weak command and control structures together with corruption and official impunity for serious abuses. The judiciary remains underfunded, understaffed, inadequately trained, ineffective, and subject to threats, political influence, and corruption, with powerful families or factions often able to obtain the release from jail or non-prosecution of their members and supporters. However some persons, such as senior members of the Afghan government and ANSF, may have access to more resources for protection including armed vehicles and body guards, and may be able to obtain effective protection. A decision maker's assessment of whether a person would be able to access assistance and protection must be carefully considered on the facts of the case.
- 1.3.14 Decision makers must take particular account of past persecution (if any) and consider whether there are good reasons to consider that such persecution (and past lack of effective protection) is likely to be repeated. In each case, decision makers must identify whether attempts were made to seek protection and what the response of the authorities was. If the person did not seek the protection of the authorities, decision makers must assess why the person was reluctant to do so (e.g. increased security risk; inability of the security forces to provide protection; lack of trust/corruption).

See also Country information, Protection, and Asylum Instruction, Assessing Credibility and Refugee Status, section 8

Are those at risk able to internally relocate within Afghanistan?

- 1.3.15 Internal relocation may be both relevant and reasonable but this will depend on the individual's profile and personal circumstances.
- 1.3.16 In general those individuals who have a low profile or have ceased the activities that created the risk will be able to relocate to a part of Afghanistan not controlled by the AGE that they fear. However, high profile individuals who have been able to demonstrate that they are of continuing interest to an AGE may be at risk in other parts of Afghanistan if the AGE are able and willing to pursue them.
- 1.3.17 However in all cases careful consideration must be given to the relevance and reasonableness of internal relocation on a case by case basis taking full account of the individual circumstances of the particular person. Decision makers need to consider the ability of the persecutor to pursue the person in the proposed site of relocation, and whether effective protection is available in that area. Decision makers will also need to consider the age, gender, health, ethnicity, religion, financial circumstances and support network of the person, as well as the security, human rights and socio-economic conditions in the proposed area of relocation, including their ability to sustain themselves.
- 1.3.18 In country guidance case, AK (Article 15(c)) Afghanistan CG [2012] UKUT 00163(IAC) (18 May 2012), found that whilst women with a male support network may be able to relocate internally, it would be unreasonable to expect lone women and female heads of household to do so. (Headnote, B. Country conditions, para (v))



See Country information, [Freedom of movement and Country Information and Guidance: Afghanistan, Security, August 2014](#) and information see Asylum Instruction, [Assessing Credibility and Refugee Status](#), section 8

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## 1.4 Policy Summary

- 1.4.1 **A person who supports or is perceived to support the government and / or international forces may face a real risk of serious harm from AGEs depending on their individual circumstances.**
- 1.4.2 **Relevant factors in assessing any such risk are the particular profile of the individual, the nature of the threat, whether the person has been previously threatened / harassed, how far the risk would extend, the nature of any personal security arrangements and whether the person has ceased/will cease to engage in the activities that have brought them to the attention of the AGEs.**
- 1.4.3 **High profile individuals, such as senior government officials, national and district political leaders, and high ranking members of the ANSF, are likely to face greater risk of serious harm throughout Afghanistan.**
- 1.4.4 **Low profile individuals are unlikely to face serious harm if they leave their job and / or come from or relocate to a part of the country not controlled by the AGE, unless there are specific individual circumstances that increase the risk or which could lead to continued targeting.**
- 1.4.5 **In general, the state is unable to provide effective protection, although each case will need to be considered on its specific facts.**
- 1.4.6 **Internal relocation may be both relevant and reasonable but this will depend on the individual's profile and personal circumstances. Internal relocation will not be reasonable for lone women and female heads of households.**
- 1.4.7 **If a person is able to demonstrate a well-founded fear of persecution because of their real or imputed political opinion and is unable to acquire effective protection or relocate internally, a grant of asylum will normally be appropriate.**
- 1.4.8 **Where a claim falls to be refused, decision makers should consider whether on its facts it can be certified as 'clearly unfounded' under section 94 of the Nationality, Immigration and Asylum Act 2002.**

See also Asylum Instructions on [Humanitarian Protection](#); [Discretionary Leave](#) and; [Non-Suspensive Appeals: Certification Under Section 94 of the NIA Act 2002](#)

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# Section 2: Information

Updated: 18 February 2015

## 2.1 Anti Government elements

2.1.1 The United States Congressional Research Service's report of 2 December 2014 stated: 'Security in Afghanistan is challenged by several armed groups, loosely allied with each other. There is not agreement about the relative strength of insurgents in the areas where they operate.'<sup>1</sup>

2.1.2 IHS Jane's provided the following information, dated 10 September 2013:

'The deteriorating security situation in the south and east of the country can be attributed to the increased tempo and scale of operations launched by militant Islamist insurgents from either side of the Afghan-Pakistan border. While these are invariably depicted as falling under the convenient Taliban/al-Qaeda banner, the reality is far more complex. The relatively limited pool of hardcore Taliban ideologues is swollen by a blend of local men hired to fight, local leaders keen to preserve their revenue streams, opium farmers angered by government crop eradication programmes and foreign fighters seeking to use Afghanistan as part of a global jihad.

'The fluidity and highly localised nature of these alliances means that they are unlikely to solidify into a single, unified entity. Indeed, inter-factional fighting is commonplace. However, given the sheer number of actors willing to coalesce, however temporarily, into anti-coalition insurgent forces, there is a genuine concern that competing elements will be keen to prove themselves as the most radical.'<sup>2</sup>

2.1.3 For an overview of the main groups, see also section 1.2.2 of the European Asylum Support Office COI report, Afghanistan: Security situation, January 2015<sup>3</sup>

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## The Taliban/ 'Quetta Shura Taliban'

2.1.4 The Congressional Research Service report of 2 December 2014 continued:

'The core insurgent faction in Afghanistan remains the Taliban movement, much of which remains at least nominally loyal to Mullah Muhammad Umar, leader of the Taliban regime during 1996-2001. He and those subordinates reportedly still operate from Pakistan, probably areas near the border or near the Pakistani city of Quetta... Some of Umar's inner circle has remained intact and appear to have become increasingly amenable to a political settlement... However, the Taliban warned Afghans not to vote in the 2014 presidential election process and claimed responsibility for several attacks on election-related targets before and during the voting... There are also a substantial number of anti-compromise leaders in the top Taliban ranks. The hardliners purportedly believes outright Taliban victory is possible as international forces thin out.'<sup>4</sup>

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<sup>1</sup> United States Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 2 December 2014, RL30588, (p 13) available at: <http://www.refworld.org/docid/5488050a4.html> Date accessed: 10 December 2014

<sup>2</sup> IHS Jane's (subscription only) Security, 10 September 2013 (Terrorism and insurgency) <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1304897> Date accessed: 13 February 2014

<sup>3</sup> European Asylum Support Office, COI Report: Afghanistan, section 1.2.2, <http://easo.europa.eu/asylum-documentation/easo-publication-and-documentation/> January 2015, accessed on 13 February 2015

<sup>4</sup> United States Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 2 December 2014, RL30588, (p 13) available at: <http://www.refworld.org/docid/5488050a4.html> Date accessed: 10 December 2014

See also [Pakistani groups](#) for further information on this subject.

2.1.5 IHS Jane's provided the following information, dated 10 September 2013: 'Taliban militants are a serious threat to the stability of Afghanistan and their attacks on infrastructure and international and Afghan military forces have increased dramatically since 2006. Audacious attacks since 2008 in Kabul point to a sustained campaign by militants to undertake asymmetric attacks upon high value targets in the capital.'<sup>5</sup>

2.1.6 IHS Jane's added the following information, dated 10 February 2014: '... with the Taliban far from defeated, the US has stepped up efforts to talk to the militants in what some view as a tacit admission that the Taliban will continue to be important political actors after 2014.'<sup>6</sup>

See also [Targeted groups](#) for information about groups targeted by AGEs.

2.1.7 The following reports provide further information about the Taliban:

- Afghanistan Analysts Network, Can the Taleban outwrestle the government? An assessment of the insurgency's military capability, 25 March 2014<sup>7</sup>
- EASO COI Report; Afghanistan; Taliban strategies - recruitment, July 2012<sup>8</sup>
- Amnesty International opinion on the EASO COI Report, Afghanistan: Taliban Strategies – Recruitment, July 2012<sup>9</sup>
- UNHCR, Forced recruitment by the Taliban in Afghanistan: UNHCR's perspective, 10 July 2012<sup>10</sup>

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## Al Qaeda

2.1.8 The Congressional Research Service report of 2 December 2014 stated:

'U.S. officials have long considered Al Qaeda to have a minimal presence in Afghanistan itself, acting there as more a facilitator of rather than a fighting force. U.S. officials put the number of Al Qaeda fighters in Afghanistan at between 50-100, operating mostly in provinces of northeastern Afghanistan such as Kunar. DOD [Department of Defense] has expressed concerns that Al Qaeda could regroup in Afghanistan if the security situation there becomes unstable...

'Some outside experts assert that Al Qaeda is far more active in Afghanistan than the DOD assessments indicate. These experts point to the fact that U.S. airstrikes as recently as October 2014 killed Al Qaeda operative Abu Bara Al Kuwaiti in Nangarhar Province, and that an Al Qaeda affiliate, the Islamic Movement of Uzbekistan (IMU), might have as many as 300 fighters in Konduz Province alone. The IMU contingent in

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<sup>5</sup> IHS Jane's (subscription only) Security, 10 September 2013 (Terrorism and insurgency) <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1304897>  
Date accessed: 13 February 2014

<sup>6</sup> IHS Jane's (subscription only) Executive Summary, 10 February 2014 (Risk pointers) <https://janes.ihs.com/CustomPages/Janes/DisplayPage.aspx?DocType=Reference&ItemId=+++1304775>  
Date accessed: 13 February 2014

<sup>7</sup> Afghanistan Analysts Network, Can the Taleban outwrestle the government? An assessment of the insurgency's military capability, 25 March 2014 <http://www.afghanistan-analysts.org/can-the-taleban-outwrestle-the-government-an-assessment-of-the-insurgencys-military-capability/>, date accessed 15 January 2015

<sup>8</sup> EASO COI Report; Afghanistan; Taliban strategies - recruitment, July 2012, <http://easo.europa.eu/wp-content/uploads/BZ3012564ENC.pdf>, , date accessed 15 January 2015

<sup>9</sup> Amnesty International opinion on the EASO COI Report "Afghanistan: Taliban Strategies – Recruitment", July 2012 [http://www.amnesty.eu/content/assets/EASO\\_COI\\_Report\\_.pdf](http://www.amnesty.eu/content/assets/EASO_COI_Report_.pdf), date accessed 15 January 2015

<sup>10</sup> UN High Commissioner for Refugees (UNHCR), *Forced Recruitment by the Taliban in Afghanistan - UNHCR's perspective*, 10 July 2012 <http://www.refworld.org/docid/4ffc31a32.html>, , date accessed 15 January 2015

Afghanistan reportedly is led by Qari Balal, who escaped from a Pakistani jail in 2010.’<sup>11</sup>

- 2.1.9 The report added that, following the death of Bin Laden in May 2011, Ayman al-Zawahiri was named the new leader of Al Qaeda.<sup>12</sup>

See also [Regional differences](#) for further information on this subject.

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## Hikmatyar Faction/Hizb-e-Islami Gulbuddin

- 2.1.10 The Congressional Research Service report of 2 December 2014 stated:

‘Another significant insurgent leader is former mujahedin party leader Gulbuddin Hikmatyar, who leads Hizb-e-Islami-Gulbuddin (HIG)... HIG currently is ideologically and politically allied with the Taliban insurgents, but HIG fighters sometimes clash with the Taliban over control of territory in HIG’s main centers of activity in provinces to the north and east of Kabul. HIG is not widely considered a major factor on the Afghanistan battlefield and has focused primarily on high-profile attacks. A suicide bombing on September 18, 2012, which killed 12 persons, including eight South African nationals working for a USAID-chartered air service, was allegedly carried out by a female HIG member. HIG claimed responsibility for a suicide bombing in Kabul on May 16, 2013, that killed six Americans (two soldiers and four contractors). On February 19, 2003, the U.S. government formally designated Hikmatyar as a “Specially Designated Global Terrorist,” under Executive Order 13224, subjecting it to a freeze of any U.S.-based assets. The group is not designated as a “Foreign Terrorist Organization” (FTO).

‘HIG is nonetheless widely considered amenable to reconciliation with Kabul... In January 2014, Hikmatyar reportedly told his partisans to vote in the April 5, 2014, Afghan elections—guidance interpreted as an attempt to position HIG for a future political role.’<sup>13</sup>

See also [Regional differences](#) for further information on this subject.

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## Haqqani faction

- 2.1.11 The Congressional Research Service report of 2 December 2014 stated:

‘The “Haqqani Network,” founded by Jalaludin Haqqani, a mujahedin commander and U.S. ally during the U.S.-backed war against the Soviet Union, is often cited by U.S. officials as a potent threat to Afghan security. The Defense Department report on Afghan security calls the faction “the most virulent strain of the insurgency, the greatest risk to coalition forces, and a critical enabler of Al Qaeda.” Jalaludin Haqqani served in the Taliban regime (1996-2001) as Minister of Tribal Affairs, and his network has since fought against the Karzai government. The Haqqani Network is believed closer to Al Qaeda than to the Taliban—in part because one of the elder Haqqani’s wives is Arab...

‘The deaths of some of the Haqqani’s sons and other relatives reinforced assessments that the Haqqani Network’s influence in its core base of Paktia, Paktika, and Khost

<sup>11</sup> United States Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 2 December 2014, RL30588, (p 13-14) available at: <http://www.refworld.org/docid/5488050a4.html> Date accessed: 10 December 2014

<sup>12</sup> United States Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 2 December 2014, p 14) <http://www.refworld.org/docid/5488050a4.html> Date accessed: 26 January 2015

<sup>13</sup> United States Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 2 December 2014, RL30588, (p 14) available at: <http://www.refworld.org/docid/5488050a4.html> Date accessed: 10 December 2014

provinces of Afghanistan was waning. Some prominent Afghan clans in those areas are said to have drifted from the Haqqani orbit to focus on participating in the Afghan political process. The Haqqani Network had about 3,000 fighters and supporters at its zenith during 2004-2010, but its size as of 2014 is not known. The Haqqani Network's earns funds through licit and illicit businesses in Pakistan and the Persian Gulf and in controlling parts of Khost Province.

'Potentially countering assessments of its declining strength, attacks in July 2014 bore the hallmarks of the Haqqani Network. One attack was a truck bomb that killed 72 persons at a market in eastern Afghanistan. The other was a grenade attack on the well-guarded Kabul International Airport. If these operations were conducted by the Haqqani Network, it is possible that the group might be gathering momentum again as international troops thin out.

'Suggesting it often acts as a tool of Pakistani interests, the Haqqani network has targeted several Indian interests in Afghanistan, almost all of which have been located outside the Haqqani main base of operations in eastern Afghanistan.... The attacks on Indian interests and the fact that it is at least tolerated in the North Waziristan area of Pakistan supports those who allege that it has ties to Pakistan's Inter-Services Intelligence Directorate (ISI), which might view the Haqqanis as a potential ally in Afghanistan...

'Even as the group continues to conduct attacks, top Haqqani commander [sic] have reportedly told journalists that the Haqqani Network would participate in political settlement talks with the United States if Taliban leader Mullah Umar decided to undertake such talks... The faction's possible participation in a settlement could potentially be complicated by its designation as an FTO under the Immigration and Naturalization Act.'<sup>14</sup>

See also [Regional differences](#) for further information on this subject.

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## Pakistani groups

2.1.12 IHS Jane's provided the following information, dated 10 September 2013:

'Insurgents operate in and from the Pashtun-dominated southern and eastern areas of Afghanistan and are given refuge in the contiguous tribal areas of Pakistan... The growth of the Pakistani Taliban's influence since 2006 has created the false impression of a strong and unified cross-border movement. The movement claims loyalty to Mullah Omar, and supports his campaign to expel foreign forces from Afghanistan and re-establish the Taliban's "Islamic Emirate of Afghanistan". However, closer examination reveals that the Pakistani Taliban is a collection of disparate groups that are heavily divided along regional and tribal lines.'<sup>15</sup>

2.1.13 The Congressional Research Service report of 2 December 2014 provided the following information:

'A major Pakistani group, the Pakistani Taliban (Tehrik-e-Taliban Pakistan, TTP), primarily challenges the government of Pakistan but also supports the Afghan Taliban. Some TTP fighters reportedly operate from safe havens in Taliban-controlled areas on the Afghan side of the border... the State Department designated the TTP as an FTO on September 2, 2010...

<sup>14</sup> United States Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 2 December 2014, RL30588, (p 15) available at: <http://www.refworld.org/docid/5488050a4.html> Date accessed: 10 December 2014

<sup>15</sup> Congressional Research Service <http://www.loc.gov/crsinfo/>; Afghanistan: Post-Taliban Governance, Security, and U.S. Policy (Who is 'The Enemy?' p 17); Kenneth Katzman, Specialist in Middle Eastern Affairs; 29 May 2014 <http://fas.org/sqp/crs/row/RL30588.pdf> Date accessed: 24 July 2014

‘Another Pakistani Islamist militant group said to be increasingly active inside Afghanistan is Lashkar-e-Tayyiba (LET, or Army of the Righteous). LET was initially focused on operations against Indian control of Kashmir, but reportedly is increasingly active elsewhere in South Asia and elsewhere. The State Department has stated that the group was responsible for the May 23, 2014, attack on India’s consulate in Herat. Another Pakistan-based group that is somewhat active in Afghanistan is Lashkar-i-Janghvi—it was accused of several attacks on Afghanistan’s Hazara Shiite community during 2011-2012.’<sup>16</sup>

See also [Regional differences](#) for further information on this subject.

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## 2.2 Targeted groups

### 2.2.1 The UNHCR Eligibility Guidelines for Assessing the International Protection Needs for Asylum-Seekers from Afghanistan, dated August 2013, stated:

‘[Anti Government Elements – the Taliban and other militant groups] AGEs are reported to systematically target civilians who are associated with, or who are perceived to be supporting the Afghan Government and the international community in Afghanistan, including the IMF [international military forces] and international humanitarian and development actors. As noted above, in 2012 this campaign of systematic targeting intensified, with UNAMA documenting the deaths of 698 civilians and the wounding of 379 others in incidents of targeted killings or attempted targeted killings. The first six months of 2013 saw a further 29 [persons] increase in civilian casualties as a result of such attacks compared to the same period in 2012, with 312 civilians killed and 131 injured. Among the primary targets of such attacks are national and local political leaders, government officials, teachers and other civil servants, off-duty police officers, tribal elders, religious leaders, women in the public sphere, civilians accused of spying for pro-government forces, human rights activists, humanitarian and development workers, construction workers, and persons supporting the peace process... As in 2012, the Taliban announcement of its 2013 spring offensive warned that civilians associated with President Karzai’s government or its international allies would be at risk of attack.

‘Apart from targeted killings, AGEs are also reported to use threats, intimidation and abductions to intimidate communities and individuals and thus extend their influence and control, targeting those who challenge their authority and ideas.’<sup>17</sup>

### 2.2.2 The UNHCR Eligibility Guidelines of August 2013 also stated:

‘AGEs are reported to kill civilians deliberately to punish them for supporting the government, with the killings intended to serve as a warning to others. AGEs are also reported to use “night letters” (shab nameha), threatening text messages and local radio broadcasts to warn civilians against supporting the Government. In locations where AGEs have been unable to win public support, they are reported to harass and intimidate local communities, and to mete out punishments against the local population for supporting the Government... Civilians suspected of participating in government-

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<sup>16</sup> United States Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 2 December 2014, RL30588, (p 17) available at: <http://www.refworld.org/docid/5488050a4.html> Date accessed: 10 December 2014

<sup>17</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1, p 31.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

supported uprisings against the Taliban and other AGEs have reportedly been subjected to brutal reprisals, including targeted killings of civilians.’<sup>18</sup>

- 2.2.3 The US State Department Country Reports on Human Rights Practices; Afghanistan, dated 27 February 2014, covering events in 2013 (USSD Report 2013) stated:  
‘Antigovernment elements continued to attack religious leaders who they concluded spoke against the insurgency or the Taliban. Antigovernment elements also continued to target government officials and forces. Statistics showed that casualties for the ALP, ANP, and ANA more than doubled during the year... The Taliban and antigovernment elements continued to engage in indiscriminate use of force, attacking and killing villagers, foreigners, and NGO workers in attacks and with car bombs and suicide bombs. IED attacks killed more civilians than any other tactic during the year, accounting for 34 percent of all civilian casualties in the first half of the year... The Ministry of Interior’s Anticrime Police reported 102 abductions during 2012, as the Taliban targeted construction and mining projects, teachers, and citizens perceived to be cooperating with the international community (see section 1.b.). The actual number of cases may have been much higher, and this trend continued during the year.’<sup>19</sup>
- 2.2.4 The Australian Department of Foreign Affairs and Trade’s (DFAT’s) Country Report of March 2014 stated: ‘Although ethnicity or religion is sometimes a contributing factor, the Taliban’s primary targets are the Government and its international partners.’<sup>20</sup> The report added, ‘Insurgents regularly conduct high-profile attacks in many parts of Afghanistan. DFAT assesses that the primary target for insurgent attacks are government institutions, political figures, ANSF, ISAF, other security forces and international organisations.... In some cases, violence perpetrated by criminal groups and insurgents can be difficult to differentiate. There have been documented cases of abduction and killings by both criminals and insurgents, including while travelling by road. Wealthy or high-profile individuals, or those openly identified as working for the Government, are at higher risk of kidnap for ransom.’<sup>21</sup>
- 2.2.5 The United Nations Assistance Mission in Afghanistan’s (UNAMA) Mid-Year Report 2014, covering the period 1 January to 30 June 2014, observed that: ‘In their 8 May 2014 statement announcing the commencement of their ‘Khaibar’ Spring Offensive, the Taliban declared the intention to “target all high ranking government officials, cabinet ministers, members of Parliament, security officials, occupation backing officers in the Interior and Foreign Ministries, attorneys and judges that prosecute Mujahideen.”<sup>22</sup> It further notes that the Taliban relayed in statements in 2014 an intention to directly target civilians. For example, the Taliban statement announcing the commencement of their “Khaibar” Spring Offensive lists civilian contractors, translators, administrators, logistics personnel, Cabinet ministers, members of parliament, attorneys and judges as potential targets’.<sup>23</sup> UNAMA reported that ‘In 2013, UNAMA documented 246 attacks against

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<sup>18</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1e, p 36.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>19</sup> US State Department [Country Reports on Human Rights Practices for 2013; Afghanistan](#), 27 February 2014, section 1g, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dld=220386> Date accessed: 18 December 2014.

<sup>20</sup> Australian Government; Department of Foreign Affairs and Trade [DFAT Country Report: Afghanistan, 26 March 2014 \(Para 3.4\)](#). Date accessed: 12 September 2014 [active URL required]

<sup>21</sup> Australian Government; Department of Foreign Affairs and Trade (DFAT) [DFAT Country Report: Afghanistan, 26 March 2014 \(Page 6-7\)](#). Date accessed: 12 September 2014. [active URL required]

<sup>22</sup> United Nations Assistance Mission in Afghanistan (UNAMA) [Mid-year report 2014; Protection of civilians in armed conflict](#), covering the period 1 January to 30 June 2014, July 2014 (p 20). <http://www.refworld.org/docid/53bd394f4.html> Date accessed: 15 August 2014

<sup>23</sup> United Nations Assistance Mission in Afghanistan (UNAMA), [Mid-year report 2014; Protection of civilians in armed conflict](#), covering the period 1 January to 30 June 2014, dated July 2014 (p 24) <http://www.refworld.org/docid/53bd394f4.html> Date accessed: 26 January 2015

civilians without official affiliation to Government, NGOs or recognized civilian institution (i.e. medical, education, elections, development programming). These attacks against civilians resulted in 532 civilian casualties (410 civilian deaths and 122 injured). These incidents involved Anti-Government Elements deliberately targeting civilians, including farmers, shopkeepers and students, they perceived as supportive of the Government or national or international security forces.’<sup>24</sup>

- 2.2.6 The UNAMA Mid-Year Report 2014 stated: ‘...the Taliban instructed civilians to keep away from “enemy military and intelligence gatherings,” and “electoral offices, voting booths, rallies and campaigns (...) so their lives are not put into danger,” warning that those who failing to comply [sic] would risk being killed or injured, and be “solely responsible of any loss in the future.” One Taliban statement also offered a “general amnesty” to defecting Government supporters.’<sup>25</sup>

## Statistics of targeted incidents / casualties

- 2.2.7 During 2013, ‘UNAMA documented 1,076 civilian casualties (743 civilians’ killed and 333 injured) from 605 incidents of targeted killings. Anti-Government Elements increasingly targeted and killed civilian Government officials and civilians they perceived to support the Government including community and religious leaders, judicial authorities, tribal elders, election workers, off-duty police officers, and persons

- 2.2.8 The UNAMA annual report for 2014 stated:

‘Targeted killings accounted for 11 per cent of all civilian casualties in 2014. UNAMA documented 1,114 civilian casualties (753 deaths and 361 injured) in 668 different incidents targeted killings, a five per cent drop from 2013.

‘Of the 1,114 civilian casualties from targeted killings, 96 per cent – 1,069 civilian casualties (716 deaths and 353 injured) – were attributed to Anti-Government Elements. These included killings of tribal elders, civilian Government officials, mullahs and civilian justice officials.

‘Of the 1,069 civilian casualties from targeted killings attributed to Anti-Government Elements, the Taliban claimed responsibility for 103 separate incidents of targeted killings, which resulted in 203 civilian casualties (136 deaths and 67 injured), more than doubling the number of incidents claimed by the Taliban in 2013. Incidents of targeted killings claimed by the Taliban included district authorities, mullahs, tribal elders, daily-waged labourers, teachers, election workers and judicial authorities.’<sup>26</sup>

- 2.2.9 The UNAMA report 2014 provided the following graph on targeted and deliberate killings perpetrated by AGEs<sup>27</sup>:

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<sup>24</sup> United Nations Assistance Mission in Afghanistan, Afghanistan, Annual Report 2013: Protection of Civilians in Armed Conflict, February 2014 (p 25)  
[http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf)  
date accessed 26 January 2015

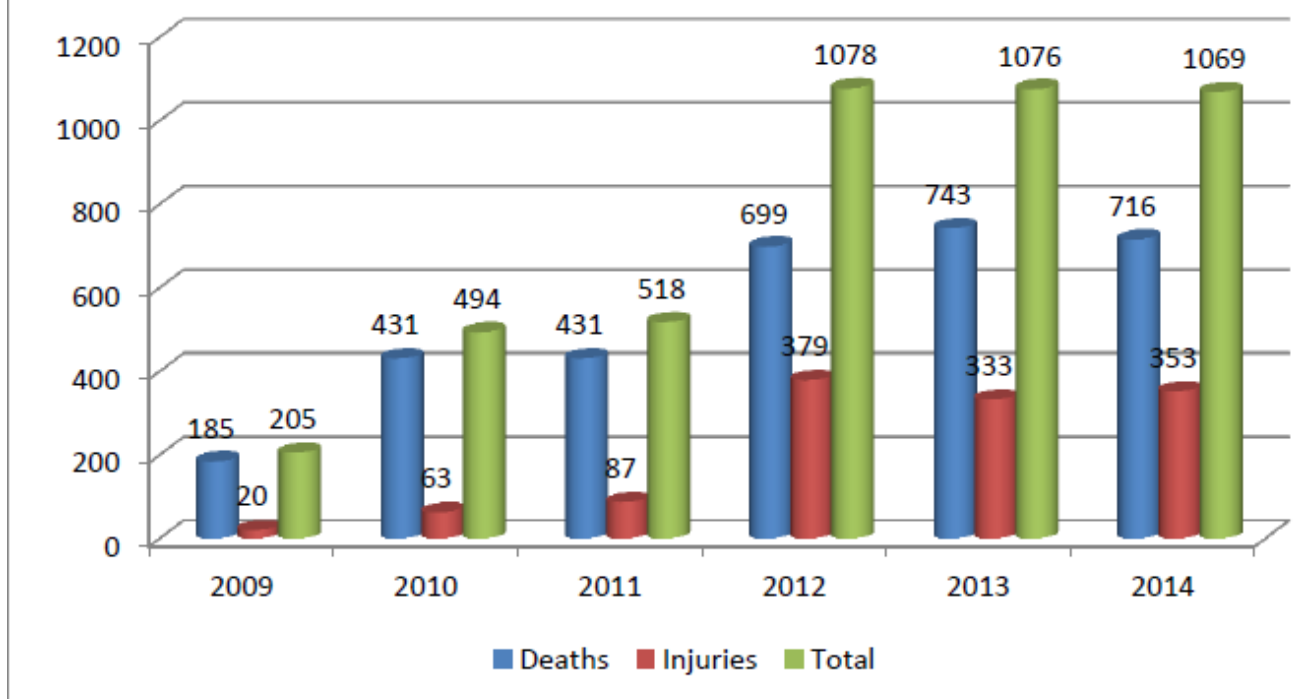
<sup>25</sup> United Nations Assistance Mission in Afghanistan (UNAMA) *Mid-year report 2014: Protection of civilians in armed conflict*, covering the period 1 January to 30 June 2014, July 2014 (p 24).  
<http://www.refworld.org/docid/53bd394f4.html> Date accessed: 15 August 2014.

<sup>26</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p55,  
<http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

<sup>27</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p57,  
<http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015



### Civilian Deaths and Injuries by Targeted and Deliberate Killings by Anti-Government Elements January to December: 2009 - 2014



2.2.10 The same UNAMA report stated that in 2014:

'UNAMA observed a slight decrease in the use of [Improvised Explosive Devices] IEDs by Anti-Government Elements to deliberately target civilians. IED attacks directed against tribal elders, district authorities, judicial authorities, health, education and individual civilians decreased slightly.

'UNAMA documented an increase in civilian casualties from IED attacks targeting one category of civilians and civilian objects: religious figures and places of worship. In 2014, UNAMA documented three incidents of IEDs planted in mosques which injured 37 civilians compared with two incidents in 2013, which did not cause casualties...'<sup>28</sup>

2.2.11 The UNAMA report for 2014 observed:

'In 2014, the Taliban publicly claimed responsibility for 382 attacks which resulted in 1,682 civilian casualties (542 killed and 1,140 injured). Of these 382 attacks, 236 appeared directed at Afghan security forces, international military forces and Pro-Government armed groups, while 143 attacks deliberately targeted civilian objectives, 157 including attacks against tribal elders, humanitarian de-miners, civilian Government or justice sector employees, or aid workers. UNAMA was unable to determine the target in three incidents claimed by the Taliban. See Annex 1 of this report for a detailed breakdown of attacks claimed by the Taliban including target type.'<sup>29</sup> [Annex 1]<sup>30</sup>

<sup>28</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p43, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

<sup>29</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p70, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

2.2.12 The table below provides data specifying the number of attacks / incidents targeting particular groups in 2013 and 2014 where available. These data cannot be considered exhaustive and are likely to under report the number of incidents:

<b>Group</b>	<b>Incidents (may include targeted killing, abduction, IED blasts)</b>	<b>Size of group (where data is available)</b>
National and local political leaders	No figures provided	25 ministers in cabinet, 352 seats in Parliament <sup>31</sup> ; 34 provincial councils with between nine and 29 members <sup>32</sup> ; no data on numbers of district level political leaders
Religious leaders (Mullahs and Imams)	27 incidents against places worship / mullahs, killing 18 and injuring seven in 2013 <sup>33</sup> ; 61 casualties (19 deaths and 42 injured) in 2014, <sup>34</sup>	Circa 120,000 Mullahs, 170,000 mosques <sup>35</sup>
Tribal leaders	No figures provided	No data
Government officials (excludes members of the Executive and ANSF)	No figures provided	Circa 380,000 (includes contractors but not members of ANSF) <sup>36</sup>
Justice sector workers	40 incidents resulting in 90 casualties (37 deaths, 53 injured) in 2014 <sup>37</sup>	1,820 judges; <sup>38</sup> circa 8,500 officials in Ministry of Justice / High Court <sup>39</sup>

<sup>30</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p108, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

<sup>31</sup> Central Intelligence Agency, World Factbook: Afghanistan, regularly updated, Government, <https://www.cia.gov/library/publications/the-world-factbook/geos/af.html> Date accessed 15 January 2015

<sup>32</sup> Afghan Research and Evaluation Unit, [The A to Z Guide to Assistance in Afghanistan 2014-Twelfth Edition](#), May 2014, p85, Date accessed 15 January 2015

<sup>33</sup> United Nations Assistance Mission in Afghanistan; Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 29) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) date accessed 26 January 2015

<sup>34</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p58, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

<sup>35</sup> United States Department of State [International Religious Freedom Report for 2013](#), 28 July 2014, <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 22 December 2014.

<sup>36</sup> Central Statistics Office, Statistical Yearbook 2013/14, <http://cso.gov.af/en/page/1500/4722/2013-2014>, Table 3.1, Government civil service employees by ministry and department <http://cso.gov.af/Content/files/Government%20Civil%20Service%20Employees.pdf> Date accessed: 14 January 2015

<sup>37</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p57, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

<sup>38</sup> US State Department [Country Reports on Human Rights Practices for 2013](#); Afghanistan, 27 February 2014 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386>. Date accessed: 18 December 2014

Women in the public sphere	No figures provided	No data
Human rights, humanitarian and development workers	217 incidents (1 January to 31 December 2014), 45 fatalities, 46 injuries, 144 abductions <sup>40</sup>	287 international NGOs; 1,911 Afghan NGOs and 4,000 'associations'; no data on the number of staff <sup>41</sup>
Off duty police officers	Two incidents against former ANSF members in 2013 <sup>42</sup> ; no reports against off duty police officers. One incident against former ALP in 2014 <sup>43</sup>	Circa 350,000 in ANSF (circa 150,000 in ANP) <sup>44</sup>
Civilians accused of spying for the government	Three incidents of civilians accused of spying and / or infractions of sharia law (19 deaths, four others) in 2013 <sup>45</sup> ; 49 incidents of infractions of Sharia; 12 incidents resulting in 16 beheadings of civilians accused of spying for the government in 2014 <sup>46</sup>	No data
Construction workers	No figures provided	No data
Persons supporting the peace process	No figures provided	No data
Education	62 incidents (2013) <sup>47</sup>	140,000 <sup>48</sup>

<sup>39</sup> Central Statistics Office, Statistics Year Book 2013/14, Government Civil Service Employees, <http://cso.gov.af/Content/files/Government%20Civil%20Service%20Employees.pdf> Date accessed 14 January 2015

<sup>40</sup> International NGO Safety Organisation (INSO), Country data 2014 (Afghanistan), updated each month. <http://www.ngosafety.org/#!/country-data/ctnn> Date accessed: 26 January 2015

<sup>41</sup> Freedom House, Freedom in the World 2014, Afghanistan, October 2014, section E: Associational and Organisational Rights, <https://freedomhouse.org/report/freedom-world/2014/afghanistan> Date accessed 14 January 2015

<sup>42</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 26) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) date accessed 26 January 2015

<sup>43</sup> United Nations Assistance Mission in Afghanistan (UNAMA), Mid-year report 2014; Mid-year report 2014; Protection of civilians in armed conflict, covering the period 1 January to 30 June 2014, dated July 2014 (p 18) <http://www.refworld.org/docid/53bd394f4.html> Date accessed: 26 January 2015

<sup>44</sup> Foreign and Commonwealth Office, Afghanistan Monthly Progress Report, September 2014, p6, [http://data.parliament.uk/DepositedPapers/Files/DEP2014-1364/September\\_2014\\_Afghanistan\\_Parliamentary\\_Report.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2014-1364/September_2014_Afghanistan_Parliamentary_Report.pdf), Date accessed 14 January 2015

<sup>45</sup> United Nations Assistance Mission in Afghanistan, Afghanistan, Annual Report 2013: Protection of Civilians in Armed Conflict, February 2014 (p 27) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) date accessed 26 January 2015

<sup>46</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, ps 9 and 56, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

<sup>47</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 61) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) Date accessed: 4 December 2014

(Teachers, schools, students)		
Healthcare professionals	32 incidents aimed at healthcare professionals and facilities (2013) <sup>49</sup> ; 117 incidents between January and 15 August 2014 <sup>50</sup>	9,184 doctors. No data on nurses / support staff, however 401 hospitals and 2,106 healthcare centres

2.2.13 Section 2.1 of the European Asylum Support Office COI report, Afghanistan: Security situation, January 2015<sup>51</sup>, provides a breakdown of the security situation up to October 2014, and documents incidents of targeted attacks against individuals and groups.

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## Government officials

2.2.14 The Afghanistan government's Central Statistics Office estimated that the number of government employees, including contract workers, was around 388,000 in 2013/14 (but not including members of the ANSF).<sup>52</sup>

2.2.15 The European Asylum Support Office (EASO) published a report in December 2012 which stated:

'High ranking officials and government employees face a real risk of being intimidated or targeted by insurgents in all parts of Afghanistan. Low ranking officials and government employees also face a real risk of being intimidated or targeted in peripheral unsafe areas and a low risk of being targeted in safer areas in Afghanistan which are not under the insurgents' control, for example the cities of Kabul, Herat and Mazar. For low ranking government employees or officials, it is possible to escape insurgents' threats by stepping down from their position, unless there are specific individual circumstances that could lead to continued targeting. If a low ranking official or government employee quits his activity and can flee the area and resettle in a safer area, he can normally escape targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility.'<sup>53</sup>

See the EASO report for more detail about threats faced by government employees and senior officials (section 2.1). Also see section entitled [Members and supporters of the Afghan National Security Forces \(ANSF\) and International Military Forces \(IMF\)](#) for further information about the position of contractors and other civilians working for the Government, ANSF or the IMF, and [Officials working in the justice system](#).

<sup>48</sup> Islamic Republic of Afghanistan; Ministry of Education. *Where We Are Now*, undated. <http://moe.gov.af/en/page/2022> Date accessed: 22 December 2014.

<sup>49</sup> UNAMA; Annual Report 2013; Protection of Civilians in Armed Conflict, p 12 [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) February 2014, date accessed 18 February 2015

<sup>50</sup> UN, Report of the Secretary General, The situation in Afghanistan and its implications for international peace and security, para 50, [http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s\\_2014\\_656.pdf](http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/s_2014_656.pdf) 9 September 2014, accessed on 13 February 2015

<sup>51</sup> European Asylum Support Office, COI Report: Afghanistan, section 1.2.2, <http://easo.europa.eu/asylum-documentation/easo-publication-and-documentation/> January 2015, accessed on 13 February 2015

<sup>52</sup> Central Statistics Office, Statistical Yearbook 2013/14, <http://cso.gov.af/en/page/1500/4722/2013-2014>, Table 3.1, Government civil service employees by ministry and department <http://cso.gov.af/Content/files/Government%20Civil%20Service%20Employees.pdf> Date accessed: 14 January 2015

<sup>53</sup> European Asylum Support Office (EASO) *Insurgent strategies - intimidation and targeted violence against Afghans* (Executive summary), December 2012. Date accessed: 19 August 2014.

## 2.2.16 The UNHCR Eligibility Guidelines of August 2013 stated:

'Targeted killings and injuries by AGEs of government civilian employees increased by 700 per cent in 2012 compared to 2011. In the first six months of 2013, UNAMA documented a further 76 increase in civilian casualties from AGEs targeting civilian government employees, government offices, district headquarters and other civilian structures.

'AGEs have targeted politicians and government officials at the local, provincial and national levels of government, as well as their family members. Those targeted include Members of Parliament, members of the HPC [High Peace Council], and provincial and district governors and council members... Teachers, school guards and officials of the Department of Education have also been widely targeted, as have health workers, other civil servants and even contracted workers.

'Family members of government officials have reportedly been threatened and kidnapped by AGEs to force government employees to quit their jobs; in other cases relatives of government employees are reported to have been killed by AGEs as an act of retaliation against these employees.'<sup>54</sup>

See also sections on [Teachers and students](#) and [Human rights activists, humanitarian workers and health workers](#) for further information on this subject.

2.2.17 The UNAMA Annual Report 2013 stated: 'UNAMA notes with concern the increase in attacks deliberately targeting members of provincial peace councils. In 2013, UNAMA documented seven incidents resulting in 18 civilian casualties (eight civilian deaths and ten injured).' It provides a number of incidents of civilians killed by the Taliban for perceived support for the Government, for example 'On 27 November in Qalat district, Zabul province, Anti-Government Elements stopped two boys and checked their mobile telephones. After finding the numbers of Government officials on their telephones, Anti-Government Elements accused the boys of links with the Government, shot and killed them.'<sup>55</sup>

## 2.2.18 The UNHCR Eligibility Guidelines of 2013 further stated:

'... UNHCR considers that, depending on the individual circumstances of the case, persons associated with, or perceived as supportive of, the Government... may be in need of international refugee protection on the grounds of their (imputed) political opinion.

'Depending on the specific circumstances of the case, family members and other members of the households of individuals with these profiles may also be in need of international protection on the basis of their association with individuals at risk.'<sup>56</sup>

2.2.19 A Foreign & Commonwealth Office report covering November and December 2013 stated:

'Insurgents are continuing to target government officials. On 20 November, the Marjah District Chief of Police was killed by small arms fire in Helmand and, on the same day, an unsuccessful attempt was made on the life of Major General Abdul Raziq Sherzai, the Regional Chief of Police in Kandahar. The Taliban has attempted to assassinate

<sup>54</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1a, p 32.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>55</sup> United Nations Assistance Mission in Afghanistan; Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 26) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) Date accessed: 4 March 2014

<sup>56</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1h, p 38.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

Major General Raziq at least twenty-five times, owing to his pro-Government and anti-Taliban stance. This follows the attempted assassination of Hamidullah Tokhi, a Member of Parliament for Zabul Province, on 29 November, and numerous other attacks on district and provincial Governors across the country in the second half of 2013.’<sup>57</sup>

See also [Members and supporters of the Afghan National Security Forces \(ANSF\) and International Military Forces \(IMF\)](#).

#### 2.2.20 The DFAT report of March 2014 stated:

‘DFAT assesses that individuals working for, supporting, or associated with the Government and the international community are at a high risk of violence perpetrated by insurgents. These individuals are often subject to intimidation, threats, abduction and killing. In 2013, UNAMA documented the deaths of 743 civilians and the wounding of 333, reflecting a continuing shift in tactics of insurgents to deliberately target civilians perceived to support the Government or international community. These attacks occurred throughout Afghanistan. In these instances it is unlikely that the ethnicity or religion represented the primary motivation of the insurgents, but may have been contributing factors.

‘In many cases, individuals working with the Government or international community will take measures to mitigate these risks. This includes concealing their employment from their families, not travelling with documentation that would identify them as employees of international organisations and deleting contact information from mobile phones. Some international organisations instruct their staff not to carry identification.’<sup>58</sup>

#### 2.2.21 The 2013 U.S. Department of State report notes that Antigovernment elements continued to use suicide attacks to target government officials and ‘insurgents deliberately targeted government employees.’<sup>59</sup> A December 2014 Afghanistan Analysts Network article describes the situation in Logar province, noting that ‘The Taliban regularly pin documents detailing their rules and edicts to mosque walls; these mostly call on people not to support the government. At night, they deliver letters to people’s door steps warning residents to stop working for government institutions or they will be killed. In the past five months, more than 15 locals and government employees have been assassinated, locals say’.<sup>60</sup>

See section entitled [Members and supporters of the Afghan National Security Forces \(ANSF\) and International Military Forces \(IMF\)](#) for further information about civilians working for these forces.

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## Members and supporters of the Afghan National Security Forces (ANSF) and International Military Forces (IMF), including off-duty and former members

<sup>57</sup> Foreign & Commonwealth Office, [Afghanistan: Progress Report, November-December 2013](#), 30 January 2014. <https://www.gov.uk/government/publications/afghanistan-progress-report-november-december-2013>Date accessed: 12 September 2014.

<sup>58</sup> Australian Government; Department of Foreign Affairs and Trade (DFAT) [DFAT Country Report: Afghanistan, 26 March 2014](#) (Para 3.51). [active URL required] Date accessed: 12 September 2014.

<sup>59</sup> US State Department, [Country Reports on Human Rights for 2013; Afghanistan](#), 27 February 2014, section 1a and 1g <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 27 January 2015

<sup>60</sup> Afghanistan Analysts Network, [The Empty Streets of Mohammad Agha: Logar’s struggle against the Taliban](#), 15 December 2014 <https://www.afghanistan-analysts.org/the-empty-streets-of-mohammad-gha-logars-struggle-against-the-taliban/> date accessed 27 January 2015

2.2.22 As of 22 August 2014, there were 358,417 members of the ANSF, which comprised of the National Army (178,515), Air Force (6,714) and the National Police (153,317).<sup>61</sup>

2.2.23 The EASO report, dated December 2012 stated:

'High ranking ANSF officials face a real risk of being intimidated or targeted by insurgents in all parts of Afghanistan. Low ranking members face a low risk of being intimidated or targeted in safer areas in Afghanistan which are not under the insurgents' control, unless there are specific individual circumstances that increase the risk. They also might be targeted by complex attacks in several other cities, including Kabul. ANSF members might face continued targeting by insurgents even after stepping down from their position. If a low ranking ANSF member quits his activity and can flee the area and resettle in a safer area, he can normally escape targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility...'<sup>62</sup>

2.2.24 The same report observed:

'Those working for the IMF face a real risk of being intimidated or targeted by insurgents in all parts of Afghanistan, but the risk is lower in the city of Kabul. However, individual and specific circumstances might lead to an increased risk. For people working for the IMF, it might not be sufficient to simply quit their job or stop their activity in order to escape intimidation and targeting by the insurgents. If someone working for the IMF quits his activity and can flee the area and resettle in a safer area, he can normally escape intimidation or targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility.'<sup>63</sup>

2.2.25 The UNHCR Eligibility Guidelines of August 2013 stated:

'Afghan security forces, particularly the [Afghan National Police] ANP, are increasingly the object of targeted campaigns. ANP police officers have been targeted both on duty and off duty. In Nuristan, Taliban enforcer squads were reported to hunt down government officials and ANP employees.

'ALP members have also been targeted. In the period between the creation of the ALP programme in August 2010 and June 2012, 224 ALP members were reported to have been killed, while 234 ALP members were reported to have been injured in AGE attacks across the country. AGEs are also reported to target NDS officers and retired ANA members, as well as family members of ANSF members.'<sup>64</sup>

2.2.26 The United Nations General Assembly Security Council report, dated 6 December 2013, stated:

'The traditional summer fighting season was characterized by an aggressive push by anti-Government elements, countered by Afghan security forces. Local security institutions, in particular the Afghan National Police and the Afghan Local Police, have been the primary target of anti-Government elements, with 74 per cent of security incidents between 16 August and 15 November aimed at their bases, convoys,

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<sup>61</sup> Foreign and Commonwealth Office, Afghanistan Monthly Progress Report, September 2014, p6, [http://data.parliament.uk/DepositedPapers/Files/DEP2014-1364/September\\_2014\\_Afghanistan\\_Parliamentary\\_Report.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2014-1364/September_2014_Afghanistan_Parliamentary_Report.pdf), Date accessed 14 January 2015

<sup>62</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 19 August 2014.

<sup>63</sup> European Asylum Support Office (EASO), [Insurgent strategies - intimidation and targeted violence against Afghans](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) (Executive summary), December 2012 [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 January 2015

<sup>64</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](http://www.refworld.org/docid/51ffdca34.html), 6 August 2013. (III. A1b, p 33.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

checkpoints and personnel. ISAF [International Security Assistance Force] accounted for 2 per cent of anti-Government targets in the same period.’<sup>65</sup>

- 2.2.27 UNAMA also reported that ‘on 28 February [2014], Taliban on motorcycles opened fire on a former member of the Afghan Local Police in Shindand district centre, Herat province, killing the ex-ALP, a local shopkeeper and injuring two others, including a child. The Taliban claimed responsibility on their website.’<sup>66</sup> Radio Free Europe/Radio Liberty reports that ‘A Taliban suicide car bomber targeted a former police chief in Lashkar Gah on October 7 [2014], killing five people’.<sup>67</sup> A December 2014 Afghanistan Analysts Network article describes the situation in Logar province and reports that in August 2014 ‘armed men entered a health clinic in Muhammad Agha district and shot a young man who had previously served as a soldier in the Afghan National Army (ANA)’.<sup>68</sup>
- 2.2.28 The UNAMA Annual Report 2013 stated: ‘UNAMA also documented two incidents of former members of the security forces who were targeted after they left the armed forces. For example, on 25 August, Anti-Government Elements abducted and killed a former ANA soldier who had left the army to run an education centre in Bati Kot district, Nangarhar province.’<sup>69</sup>

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## Civilians working for/co-operating with the IMF

- 2.2.29 The Danish Immigration Service’s report of May 2012 added: ‘People working for US military or ISAF run a higher risk than other groups, according to IOM. Translators are more at risk than other employees such as cleaning staff, which IOM explained by the fact that translators are more in contact with the military staff. Family members of these employees would always be included in the threats, according to IOM.’<sup>70</sup>
- 2.2.30 The Danish Immigration Service report, dated 29 May 2012, stated, ‘As regards other people working for the US military, the independent policy research organization in Kabul stated that for instance interpreters are high targets.’<sup>71</sup>
- 2.2.31 The Refugee Documentation Centre of Ireland produced a bulletin dated 12 June 2012, which quoted an article on the activities of the translation services provider Mission

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<sup>65</sup> United Nations; General Assembly Security Council; The situation in Afghanistan and its implications for international peace and security; Report of the Secretary-General; 6 December 2013, covering 6 September to 6 December 2013 (Section B. Security, paragraph 13)

[http://unama.unmissions.org/Portals/UNAMA/Documents/SC\\_report\\_6\\_Dec\\_13.pdf](http://unama.unmissions.org/Portals/UNAMA/Documents/SC_report_6_Dec_13.pdf) Date accessed: 3 March 2014

<sup>66</sup> United Nations Assistance Mission in Afghanistan (UNAMA), Mid-year report 2014; Protection of civilians in armed conflict, covering the period 1 January to 30 June 2014, dated July 2014 (p 18).

<http://www.refworld.org/docid/53bd394f4.html> Date accessed: 26 January 2015

<sup>67</sup> Radio Free Europe/Radio Liberty: Suicide Blast Kills Policeman In South Afghanistan, 11 October 2014

[http://www.ecoi.net/local\\_link/288110/407864\\_en.html](http://www.ecoi.net/local_link/288110/407864_en.html) date accessed 27 January 2015

<sup>68</sup> Afghanistan Analysts Network, The Empty Streets of Mohammad Agha: Logar’s struggle against the Taleban, 15 December 2014

<https://www.afghanistan-analysts.org/the-empty-streets-of-mohammad-gha-logars-struggle-against-the-taleban/> date accessed 27 January 2015

<sup>69</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 26)

[http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) date accessed 26 January 2015

<sup>70</sup> Danish Immigration Service - Afghanistan; Country of Origin Information for Use in the Asylum Determination Process; Report from Danish Immigration Service’s fact finding mission to Kabul, Afghanistan, 25 February to 4 March 2012; published May 2012 (p 17) <http://www.nyidanmark.dk/NR/rdonlyres/3FD55632-770B-48B6-935C-827E83C18AD8/0/FFMrapportenAFGHANISTAN2012Final.pdf> Date accessed: 30 April 2013

<sup>71</sup> Danish Immigration Service; Afghanistan; Country of Origin Information for Use in the Asylum Determination Process; Report from Danish Immigration Service’s fact finding mission to Kabul, Afghanistan, 25 February to 4 March 2012, published May 2012 (p 17). <http://www.nyidanmark.dk/NR/rdonlyres/3FD55632-770B-48B6-935C-827E83C18AD8/0/FFMrapportenAFGHANISTAN2012Final.pdf> Date accessed: 18 December 2014.



Essential Personnel (MEP): 'It is a dangerous business, and even more so for Afghans, who become special targets for the Taliban. MEP in September [2011] said that over the years 73 of its employees had been killed, with 312 injured and 10 missing.'<sup>72</sup>

2.2.32 An European Asylum Support Office (EASO) report, dated December 2012, reported, 'A political analyst based in Kabul stated: 'There are primary targets (red/high risk), like interpreters, contractors, and suppliers of the military and high ranking government officials.''<sup>73</sup> The EASO report of December 2012 stated: 'Construction workers could face a risk of being targeted by insurgents while they are on duty or on site in different regions of Afghanistan. In general, when construction workers are off duty, they do not risk being targeted by insurgents because of their job, unless a particular circumstance increases the risk, for example working for an IMF contractor.'<sup>74</sup>

2.2.33 The same report added: 'Truck drivers face the risk of being targeted when they are on the road. When they are off duty, no evidence is present that suggests they would be targeted by insurgents because of their job. However, circumstances could increase the risk of being tracked down while off duty, for example truck drivers who work for IMF.'<sup>75</sup>

2.2.34 The EASO report further stated:

'Those working for the IMF face a real risk of being intimidated or targeted by insurgents in all parts of Afghanistan, but the risk is lower in the city of Kabul. However, individual and specific circumstances might lead to an increased risk. For people working for the IMF, it might not be sufficient to simply quit their job or stop their activity in order to escape intimidation and targeting by the insurgents. If someone working for the IMF quits his activity and can flee the area and resettle in a safer area, he can normally escape intimidation or targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility.'<sup>76</sup>

2.2.35 A BBC News article dated 11 February 2013 reported that of the more than 600 interpreters who work for the British military and Foreign Office, 'More than 20 have already been killed, with dozens more seriously injured. The interpreters tell me that another five have been killed while off duty, targeted by insurgents.'<sup>77</sup>

2.2.36 The UNHCR Eligibility Guidelines of August 2013 stated:

'AGEs [anti-Government elements] have reportedly threatened and attacked Afghan civilians who work for the IMF as drivers, interpreters or in other civilian capacities... Communities in districts with a high prevalence of improvised explosive devices (IEDs) are reported to face serious repercussions from AGEs when they seek to report IED locations to the ANSF. In some instances civilians, including children, are reported to be

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<sup>72</sup> Irish Refugee Documentation Centre; Afghanistan: Information on the security situation for Afghans working with the American forces in Afghanistan. Information on Afghans receiving warning letters/night letters from the Taliban, published 12 June 2012; Citation Q15475. Available at: <http://www.unhcr.org/refworld/docid/5061ae062.html> Date accessed: 18 December 2014

<sup>73</sup> European Asylum Support Office; [COI Report; Afghanistan: Insurgent strategies - intimidation and targeted violence against Afghans](#), December 2012 (p 31). Date accessed: 18 December 2014

<sup>74</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 August 2014.

<sup>75</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 August 2014.

<sup>76</sup> European Asylum Support Office (EASO) / [Insurgent strategies - intimidation and targeted violence against Afghans](#) (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 19 August 2014.

<sup>77</sup> BBC News [Is the UK abandoning its Afghan interpreters?](#), 11 February 2013. Date accessed: 18 December 2014

## Civilians accused of ‘spying’

- 2.2.37 The EASO report provided the following information about people accused by the Taliban of being spies:
- ‘Civilians accused by the Taliban of being a spy face a high risk of being targeted in areas under the sustained control of the Taliban, which will very often result in the death of the victim. This risk is low in the cities of Kabul, Herat and Mazar. However, individual and specific circumstances might lead to an increased risk. If a low profile civilian accused of being a spy can flee the area and resettle in a safer area, he can normally escape targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility.’<sup>79</sup>
- 2.2.38 The UNHCR Eligibility Guidelines of August 2013 stated: ‘Civilians accused of “spying for” the Government are reportedly subjected to summary trials in parallel and illegal judicial procedures operated by AGEs; the punishment for such alleged “crimes” is usually execution.’<sup>80</sup>
- 2.2.39 The UNHCR Eligibility Guidelines further stated: ‘AGEs are also widely reported to target civilians who are suspected of collaborating with, or “spying for” the ANSF or the IMF. UNAMA reports having documented many cases of AGEs murdering or mutilating persons suspected of collaborating with pro-government forces.’<sup>81</sup>
- 2.2.40 In 2013, UNAMA documented 23 incidents of Anti-Government Elements punishing civilians for alleged infractions of sharia law or on charges of ‘spying’ for the Government through parallel judicial structures. Punishments ordered and carried out included executions, beheadings, amputation of limbs, beatings, lashings and illegal detention. ... These 23 incidents resulted in the death of 19 civilians and injury of four others by Anti-Government Elements which carried out punishments and death sentences. ... In the majority of incidents documented in 2013, Anti-Government Elements executed civilians they suspected of spying for the Government, or of committing criminal acts as defined by Anti-Government Elements.<sup>82</sup>
- 2.2.41 A December 2014 Afghanistan Analysts Network article describes the situation in Logar province, noting that ‘In Mohammad Agha, everyone must look after the ‘guests’ who arrive at night. The visitors, roaming groups of Taleban, are patrolling the district and regularly knock on doors to ask for food. If villagers in this district of Logar, a province located just southeast of the capital Kabul, refuse to help, they risk being marked as spies of the government and punished – meaning beaten or even killed. Some people of

<sup>78</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1c, p 34.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>79</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 August 2014.

<sup>80</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1e, p 3.6) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>81</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1c, p 35) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>82</sup> United Nations Assistance Mission in Afghanistan, Afghanistan, Annual Report 2013: Protection of Civilians in Armed Conflict, February 2014 (p 27) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) date accessed 26 January 2015

Mohammad Agha have been 'asked' to 'donate' money to Taliban 'charity,' which usually means not much more than re-stocking the Taliban's financial resources.<sup>83</sup>

2.2.42 The UNAMA report for 2014 stated:

'Of the 1,114 civilian casualties from targeted killings and killings where the victim was in the custody of the perpetrators, UNAMA documented 12 incidents in which Anti-Government Elements beheaded 17 civilians.<sup>129</sup> In all but one incident where the motive could not be ascertained, Anti-Government Elements had abducted and beheaded 16 civilians, accusing them of spying for the Government or punishing them for supporting Afghan national security forces.

'In nine of the 12 beheading incidents, local residents and authorities attributed responsibility to the Taliban, one incident to Tahrir Taliban Pakistan and the remaining two incidents to other Anti-Government Elements.'<sup>84</sup>

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## Persons working in the justice system

2.2.43 The US State Department's Country Reports on Human Rights Practices for 2013 noted, 'The Supreme Court reported that as of August there were an estimated 1,820 judges at the primary, appellate, and Supreme Court levels, including 152 female judges.'<sup>85</sup> The Central Statistics Office recorded that in 2013/14 the Ministry of Justice employed 2,674 individuals, while the High Court employed 5,902.<sup>86</sup> The USSD report noted that, 'The formal justice system was relatively strong in urban centers, where the central government was strongest, and weaker in rural areas, where approximately 80 percent of the population lived. Courts, police forces, and prisons continued to operate at less than full capacity nationwide.'<sup>87</sup> The Congressional Research Service reports in November 2014 that 'Judges and prosecutors are frequent targets of assassination, particular in insecure areas of Afghanistan.'<sup>88</sup>

2.2.44 The UNHCR Eligibility Guidelines of August 2013 stated: 'Targeted individuals ... include government-appointed judges and prosecutors. Officials working in the justice system are reportedly often unable to remain in communities described by local residents as under the effective control of the Taliban, due to insecurity. Targeted killings, abduction and intimidations have created a climate of fear among officials and deter them from taking up positions and working in these areas.'<sup>89</sup>

2.2.45 The UNAMA Mid-Year Report 2014, covering the period 1 January to 30 June 2014, stated:

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<sup>83</sup> Afghanistan Analysts Network, The Empty Streets of Mohammad Agha: Logar's struggle against the Taliban, 15 December 2014

<https://www.afghanistan-analysts.org/the-empty-streets-of-mohammad-gha-logars-struggle-against-the-taliban/> date accessed 27 January 2015

<sup>84</sup>

<sup>85</sup> US State Department [Country Reports on Human Rights Practices for 2013](#); Afghanistan, 27 February 2014. Section 1e <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 18 December 2014.

<sup>86</sup> Central Statistics Office, Statistics Year Book 2013/14, Government Civil Service Employees, <http://cso.gov.af/en/page/1500/4722/2013-2014> Date accessed 14 January 2015

<sup>87</sup> US State Department [Country Reports on Human Rights Practices for 2013](#); Afghanistan, 27 February 2014, section 1e, <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 18 December 2014.

<sup>88</sup> Congressional Research Service, Afghanistan: Politics, Elections, and Government Performance, 4 November 2014, The Judiciary and Rule of Law p. 12

<http://fpc.state.gov/documents/organization/234362.pdf> Date accessed: 27 January 2015

<sup>89</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1a, p 32.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

'Between 1 January and 30 June, UNAMA documented 16 incidents of Anti-Government Elements deliberately targeting judges, prosecutors and judicial institutions through complex attacks, targeted killings, grenade attacks and following abductions. These attacks killed 15 civilians and injured 34 – mostly judicial authorities – and destroyed or damaged several courthouses.

'During the same period in 2013, UNAMA documented eight separate incidents of such attacks, recording 196 civilian casualties (51 civilian deaths and 145 injured)...

'In their 8 May 2014 statement announcing the commencement of their "Khaibar" Spring Offensive, the Taliban declared the intention to "target.... attorneys and judges that prosecute Mujahideen." UNAMA documented five separate incidents where individual judges and prosecutors were targeted and killed by Taliban or Anti-Government Elements.

'For example, on 20 May, Taliban shot and killed a 60-year-old prosecutor in front of his home in Ghazni city centre, Ghazni province. The Taliban claimed responsibility on their website, stating they had killed the prosecutor in a "targeted attack."<sup>90</sup>

2.2.46 The US State Department's Country Reports on Human Rights Practices for 2013, published in February 2014, stated, 'The Taliban committed four separate attacks against courthouses in Farah, Kabul, Helmand, and Faryab, causing the death of 57 civilians, including judges, prosecutors, and clerical staff. In June the Taliban claimed responsibility for a car bomb that exploded outside the Supreme Court, killing 17 civilians, one of the deadliest attacks in the capital during the year.'<sup>91</sup>

2.2.47 Radio Free Europe/Radio Liberty reported that Taliban militants had killed at least seven people, including prosecutors, after storming a courthouse in Kunduz on 27 October 2014. The article stated: 'The Taliban claimed responsibility for the assault, saying it was punishment for recent death sentences handed to Taliban prisoners. The court was reportedly hearing several cases against the Taliban militants.'<sup>92</sup>

2.2.48 The UNAMA report for 2014 stated:

'In 2014, UNAMA documented 40 incidents of Anti-Government Elements deliberately targeting judges, prosecutors and judicial institutions through complex attacks, targeted killings, grenade attacks and abductions. These attacks caused 90 civilian casualties (37 deaths and 53 injured) – mostly judicial authorities – and destroyed or damaged several courthouses.131

'The reduction in 2014 of civilian casualties from attacks against the judiciary appeared to result from fewer complex and suicide attacks against judicial institutions by Anti-Government Elements... Of the 40 incidents of attacks against judges, prosecutors and judicial institutions in 2014, UNAMA documented 26 separate incidents where Taliban or Anti-Government Elements deliberately targeted and killed (or attempted to kill) individual judges and prosecutors, resulting in 35 civilian casualties (19 deaths and 16 injured). The Taliban claimed responsibility for 12 of these incidents on their website. For example, on 27 October, the Taliban attacked the appellate prosecution office in Kunduz city, Kunduz province. The attackers caused 18 civilian casualties (eight killed including six prosecutors, one security guard and one visitor and 10 injured including

<sup>90</sup> United Nations Assistance Mission in Afghanistan (UNAMA) Mid-year report 2014; Protection of civilians in armed conflict, covering the period 1 January to 30 June 2014, July 2014 (p 19). <http://www.refworld.org/docid/53bd394f4.html> Date accessed: 15 August 2014.

<sup>91</sup> US State Department Country Reports on Human Rights Practices for 2013, 27 February 2014 (Section 1.a) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 7 March 2014

<sup>92</sup> Radio Free Europe/Radio Liberty Militants storm Afghan court killing prosecutors, officials, 27 October 2014 <http://www.rferl.org/content/militants-storm-afghan-court-killing-prosecutors-officials/26659589.html> Date accessed: 11 November 2014

seven prosecutors, one female cook and two security guards). The Taliban claimed responsibility and stated they had killed 11 public attorneys and 13 members of security forces.’<sup>93</sup>

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## Teachers and students

2.2.49 Afghanistan’s Ministry of Education website provided (undated) information, stating that nearly 7 million children were enrolled in schools, there were 170,000 teachers and over 4,500 school buildings.<sup>94</sup>

2.2.50 The EASO report of December 2012 stated:

‘Insurgents do not oppose education as such any longer and, thus, do not target educational staff or students for the single reason of their involvement in education. However, there are still several circumstances in which educational staff or students might be targeted by insurgents (e.g. situations of political struggle between the government and the insurgents in which the insurgents hijack education in order to put pressure on the government; educational staff or schools not complying with Taliban’s demands; schools which are perceived by the insurgents as a platform for government recruitment or proselytism; girls’ education). For low profile persons (e.g. teachers), it is possible to escape insurgents’ threats by quitting a job or obeying the Taliban’s demands, unless there are specific individual circumstances that could lead to continued targeting. An example of these circumstances could be the accusation by the Taliban of spying or collaboration with the government. If a low profile person quits his activity and can flee the area and resettle in a safer area, he can normally escape intimidation or targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility.’<sup>95</sup>

2.2.51 The UNAMA Annual Report for 2013 stated, ‘In 2013, UNAMA received reports of 62 conflict-related incidents that affected education. Incidents included threats, intimidation and harassment of students and teachers, occupation of schools and attacks or military operations in the vicinity of schools which impacted school attendance by children.’<sup>96</sup>

2.2.52 The US State Department’s Country Report for 2013 stated:

‘Violent attacks against schoolchildren, particularly girls, also hindered access to education. Violence impeded access to education in various sections of the country, particularly in areas controlled by the Taliban. The Taliban and other extremists threatened and attacked school officials, teachers, and students, particularly girls, and burned both boys’ and girls’ schools. While the Ministry of Education reported an increase in attacks on education employees during the year, neither the Ministry of Public Health, the Ministry of Education, nor the Ministry of Interior reported poisoning incidents during the year.’<sup>97</sup>

<sup>93</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p57-58, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

<sup>94</sup> Islamic Republic of Afghanistan; Ministry of Education. [Where We Are Now](#), undated. <http://moe.gov.af/en/page/2022> Date accessed: 22 December 2014.

<sup>95</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 August 2014.

<sup>96</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 61) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) Date accessed: 4 March 2014

<sup>97</sup> US State Department [Country Reports on Human Rights Practices for 2013](#); Afghanistan, 27 February 2014. (Section 6. Children. Education.)

- 2.2.53 The Global Coalition to Protect Education from Attack reports that in 2013 ‘According to the Ministry of Education, approximately 100 teachers and education officials were killed between January and August, some of them by assassination, others in roadside bombings and crossfire. In June, in one incident with heavy casualties, a suicide bomber on a motorcycle detonated his explosives close to a boys’ high school in Chamkani district, at going home time when ISAF and Afghan Local Police forces were passing, killing 10 students and injuring 15 others. The UN said tactics such as suicide bombings close to schools could be war crimes. In other incidents, UNAMA reported that a student was abducted and killed in May in Bak district, Khost province, after chanting an anti-Taliban song, and an education officer was shot and injured while visiting schools to monitor them in Kunar province in June; and in August, a teacher’s home in the Sangin district of Helmand province was targeted – an explosive device was set off outside the house of a teacher who had previously received threats to leave his job, killing two children. Three education administrators were also shot dead in Parwan, Uruzgan and Herat provinces by unknown gunmen in August. Schools and universities were threatened, set on fire or used as bases for combat, and there were continuing reports of alleged mass poisonings of schoolgirls, although there was no verification of whether poisoning took place. In May, the Taliban forced schools in Zabul province to close after the local government banned motorcycles as a security measure because they were being used in assassinations’.<sup>98</sup>
- 2.2.54 The United Nations-led country task force on monitoring and reporting on children and armed conflict received reports of 19 incidents of attacks against schools and educational personnel between 16 August and 15 November 2014.<sup>99</sup>

For further information about civilians accused of spying, please see the section entitled [Members and supporters of the Afghan National Security Forces \(ANSF\) and International Military Forces \(IMF\)](#).

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## Human rights activists, humanitarian workers and health workers

- 2.2.55 The Afghanistan government’s Central Statistics Organisation reported that in 2013-14 there were 401 hospitals and 2,106 health centres in Afghanistan. In the same year there were 9,184 medical doctors and 16,382 health associate professional personnel.<sup>100</sup> There are hundreds of international and Afghan nongovernmental organizations (NGOs)—numbering 287 and 1,911 respectively in 2013—as well as over 4,000 other associations.<sup>101</sup>
- 2.2.56 The EASO December 2012 report considered the position of NGO workers:  
 ‘There is evidence that the targeting of NGOs is decreasing and Afghan NGO workers are no longer systematically targeted by insurgents. There might be targeting, however, if certain circumstances are present (e.g. working in US funded or for US organisations;

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<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 18 August 2014

<sup>98</sup> Global Coalition to Protect Education from Attack, Education Under Attack 2014, Afghanistan, Attacks on education in 2013 p.118 [http://www.ecoi.net/file\\_upload/1930\\_1407764531\\_eua-2014-full-0.pdf](http://www.ecoi.net/file_upload/1930_1407764531_eua-2014-full-0.pdf) date accessed 27 January 2015

<sup>99</sup> UN, Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/69/647–S/2014/876), 9 December 2014, paragraph 31 <http://reliefweb.int/report/afghanistan/report-secretary-general-situation-afghanistan-and-its-implications-international> date accessed 26 January 2015

<sup>100</sup> Central Statistics Office, Statistical Yearbook 2013/14, <http://cso.gov.af/en/page/1500/4722/2013-2014>, Table 3.1, Government civil service employees by ministry and department date accessed 26 January 2015

<sup>101</sup> Freedom House, Freedom in the World 2014, Afghanistan, October 2014, section E: Associational and Organisational Rights, <https://freedomhouse.org/report/freedom-world/2014/afghanistan> Date accessed 14 January 2015

activities which are perceived by insurgents to be partisan; cooperation with the IMF). Afghan UN staff members or Afghan employees of other international organisations are at risk of being targeted by insurgents. This is also the case for employees of foreign companies, especially if the companies are American, British or Indian. The risk of being intimidated or targeted is low for these profiles in the cities of Kabul, Mazar and Herat, unless there are specific circumstances which could increase the risk. The individual circumstances of the case determines whether the Taliban would further target or threaten a person after he quits his job or stopped activities. If an Afghan civilian working for an NGO, international organisation or foreign companies quits his activity and can flee the area and resettle in a safer area, he can normally escape intimidation or targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility.’<sup>102</sup>

#### 2.2.57 The EASO report of December 2012 observed:

‘Several sources provided indications that insurgents allow healthcare staff to work and that they do not target healthcare as such. However, there were still some incidents reported. In some cases, other reasons were behind the intimidation and targeting of healthcare, for example a clinic being outside the insurgents’ control or misunderstandings. Two sources indicated that insurgent groups might be more restrictive towards female healthcare workers.’<sup>103</sup>

#### 2.2.58 The UNHCR Eligibility Guidelines of August 2013 stated:

‘AGEs are reported to target civilians who are employees of international or Afghan humanitarian organizations, including Afghan nationals working for UN organizations; employees of international development agencies; employees of national and international non-governmental organizations (NGOs); and truck drivers, construction workers and individuals involved in mining projects and other development projects. Individuals with these profiles have been killed, abducted, and intimidated; family members of such individuals, including children, have also been targeted.

‘Women’s human rights defenders are reportedly increasingly facing threats, intimidation and attacks, especially in areas undergoing security transition or under the control of the Taliban. In areas where the security transition has already been completed, women’s organizations have reportedly come under pressure to close down their activities.’<sup>104</sup>

See section entitled Women in the public sphere for further information about the situation for women.

#### 2.2.59 The USSD report for 2013 observed that, ‘The lack of security and instability in parts of the country continued to affect NGO activities. While insurgent groups and the Taliban directly targeted NGOs during the year, the domestic NGO Safety Office reported a 17 percent decrease in NGO security incidents in 2012, a trend that appeared to continue during the year [2013].’<sup>105</sup> However Freedom House reported that in 2013 NGOs were:

<sup>102</sup> European Asylum Support Office (EASO) Insurgent strategies - intimidation and targeted violence against Afghans (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 August 2014.

<sup>103</sup> European Asylum Support Office (EASO) Insurgent strategies - intimidation and targeted violence against Afghans (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 August 2014.

<sup>104</sup> UNHCR UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan, 6 August 2013. (III. A1d, p 35.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>105</sup> US State Department Country Reports on Human Rights Practices for 2013; Afghanistan, 27 February 2014, section 6 <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 18 August 2014

“... not typically constrained by the authorities in a formal sense, but these groups’ ability to operate freely and effectively is impeded by the security situation. There was a threefold increase in deadly attacks against NGO staff members in 2013, with at least 36 people killed, compared with 11 in 2012. The number kidnappings or abductions also rose dramatically. Among other incidents during the year, five Afghan aid workers with the International Rescue Committee were kidnapped and killed along with a local official in Herat Province in August. Six Afghans working for a French charity were shot and killed in Faryab Province in November, a day after three local development workers were killed by a bomb in Uruzgan Province. Civil society activists, particularly those who focus on human rights or accountability issues, continue to face threats and harassment.’<sup>106</sup>

2.2.60 Amnesty International reported the following in September 2014: ‘Afghan women, particularly defenders of women’s human rights and women in public life, continue to face threats, intimidation and attacks from armed groups, conservative religious leaders and power holders, and are without adequate government protection.’<sup>107</sup>

See also section entitled Women in the public sphere for further information on this issue.

2.2.61 The US State Department Country Reports on Human Rights Practices for 2013 stated: ‘Suspected Taliban members fired on NGO vehicles and attacked NGO offices, guest houses, and hotels frequented by NGO employees. Violence and instability hampered development, relief, and reconstruction efforts. NGOs reported that insurgents, powerful local individuals, and militia leaders demanded bribes to allow groups to bring relief supplies into the country and distribute them.’<sup>108</sup>

2.2.62 The UNAMA Annual Report 2013 stated:

‘In its Eid-ul-Fitr statement released on 6 August [2013], the Taliban leadership stated that every humanitarian organization that “keeps away from political and espionage motives and which is not established by the invaders for the purpose of collecting intelligence or inviting people to non-Islamic ways” could carry out its humanitarian activities in areas under Taliban control in coordination with the Taliban’s relevant commissions. The Taliban broadcast a similar message following an attack on an ICRC [International Committee of the Red Cross] compound in Jalalabad in May 2013. Despite the statement, UNAMA recorded a number of attacks against humanitarian organizations during 2013 for which the Taliban claimed responsibility.’<sup>109</sup>

2.2.63 The UNAMA Annual Report 2013 further stated: ‘Attacks against healthcare facilities and personnel increased in 2013, with UNAMA documenting 32 incidents of attacks against healthcare facilities and threats against medical personnel in comparison to 20 incidents documented in 2012. In 2013, five civilian deaths and four injured were documented. Of the 32 incidents in 2013, UNAMA attributed 29 incidents to Anti-

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<sup>106</sup>Freedom House, Freedom in the World 2014, Afghanistan, October 2014, section E: Associational and Organisational Rights, <https://freedomhouse.org/report/freedom-world/2014/afghanistan> Date accessed 14 January 2015

<sup>107</sup> Amnesty International, Afghanistan: Seven-point human rights agenda for President Ghani, 28 September 2014, ASA 11/010/2014, available at: <http://www.refworld.org/docid/542ba86d4.html> Date accessed: 11 November 2014

<sup>108</sup> US State Department Country Reports on Human Rights Practices for 2013; Afghanistan, 27 February 2014. (Section 1.g. Other conflict-related abuses) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 18 August 2014

<sup>109</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 37) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) Date accessed: 4 March 2014



Government Elements, which killed three civilians and injured four (seven civilian casualties).'<sup>110</sup>

2.2.64 The chart below, published by International NGO Safety Organisation and updated on a monthly basis, depicts (i) the total number of security incidents directly involving NGOs (ii) the total number of humanitarian aid workers killed, (iii) wounded and (iv) abducted for the period 1 January to 31 July 2014 in Afghanistan.



2.2.65 The British and Irish Agencies Afghanistan Group reports in January 2014 that 'Progressively, since around 2006, Afghanistan has become more and more dangerous for NGOs to operate with an increasing number of casualties from NGO workers, either targeted or as collateral victims. (...) There is strong sentiment among NGOs and observers that a major contributing factor to the currently high level of threat toward NGOs is the militarization of aid in Afghanistan. The initial ideas and plans to include in military campaigns such approaches as "clear, hold, and stabilize" or "winning hearts and minds" and reliance on the heavily militarized Provincial Reconstruction Teams (PRTs) have led to many NGOs being closely associated with the military.'<sup>111</sup>

2.2.66 It further notes that that 'I/NGOs are also facing difficulties in finding qualified national staff in some of the semi secure to insecure provinces due to the perception by AOGs that anyone who works for the Government, I/NGOs, or has connections to Kabul in any capacity is a "collaborator".'<sup>112</sup>

2.2.67 According to the Agency Coordinating Body For Afghan Relief (ACBAR), '33 aid workers have been killed during the first eight months of 2014 in Afghanistan, in several security incidents with different causes and actors involved, (...) Insecurity represents a major challenge in Afghanistan for civilians and aid workers. Indiscriminate attacks, military operations affecting civilians as well as health providers, and overall instability were on the rise in the six first months of 2014'.<sup>113</sup>

2.2.68 In August 2014, Human Rights Watch reported that 'In the past year, the Taliban and other opposition armed groups and pro-government forces have been implicated in killings, assaults, and abductions against health workers and facilities, including polio vaccination teams. In December 2012, unidentified gunmen killed a student volunteer

<sup>110</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 62-63)  
[http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf)  
Date accessed: 4 March 2014

<sup>111</sup> British and Irish Agencies Afghanistan Group, Transition and Non-Government Organizations in Afghanistan: An Assessment and Prospects, January 2014, Background p.7  
[http://www.ecoi.net/file\\_upload/1002\\_1394112611\\_ngos-in-transition.pdf](http://www.ecoi.net/file_upload/1002_1394112611_ngos-in-transition.pdf) date accessed 27 January 2015

<sup>112</sup> British and Irish Agencies Afghanistan Group, Transition and Non-Government Organizations in Afghanistan: An Assessment and Prospects, January 2014, Challenges in Human Resources p. 14  
[http://www.ecoi.net/file\\_upload/1002\\_1394112611\\_ngos-in-transition.pdf](http://www.ecoi.net/file_upload/1002_1394112611_ngos-in-transition.pdf) date accessed 27 January 2015

<sup>113</sup> Cited in Austrian Centre for Country of Origin and Asylum Research and Documentation: Anfragebeantwortung zu Afghanistan: Lage von MitarbeiterInnen von NGOs [a-8857-2 (8858)], 01 October 2014,  
[http://www.ecoi.net/local\\_link/287233/406725\\_en.html](http://www.ecoi.net/local_link/287233/406725_en.html) date accessed 27 January 2015

assisting the polio vaccination program in northeastern Kapisa province. At least one health worker involved in a vaccination project in Afghanistan was abducted in the past year.<sup>114</sup>

- 2.2.69 The UN Secretary General noted that between January and August 2014 there were 117 security incidents involving health personnel or facilities, resulting in 37 deaths, 35 injuries and 114 abductions/attempted abductions among aid workers.<sup>115</sup> The United Nations-led country task force on monitoring and reporting on children and armed conflict received reports of 10 incidents of attacks against hospitals and health personnel between 16 August and 15 November 2014.<sup>116</sup> UNHCR reported that during December 2014 in Ghazni, 'mysterious targeted killing of health workers and civil servants added to the insecurity in the community; and increasingly limited presence of service providers for education and health due to the insecurity, were also push factors which prompted the flight'.<sup>117</sup>
- 2.2.70 In December 2014, The Taliban claimed responsibility for an attack on the French Cultural Centre in Kabul which was staging a play called "Heartbeat: Silence After the Explosion," which condemned suicide attacks, which killed at least 5 people, including a journalist covering the event, and injured 19. Taliban spokesman Zabihullah Mujahid said the performance was staged "to insult Islamic values and spread propaganda about our jihad operations, especially on suicide attacks," and in a statement, the Taliban said any media, civil society, or organizations who attend "anti-Islam programs" or publish reports about them will be targeted.<sup>118</sup>

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## Tribal elders and religious leaders

- 2.2.71 The US Department of State's International Religious Freedom Report for 2013 stated that there were an estimated 120,000 mullahs working in Afghanistan and the number of mosques in the country was estimated to be over 160,000.<sup>119</sup>
- 2.2.72 The UNHCR Eligibility Guidelines of August 2013 stated:
- 'AGEs are reported to target local traditional leaders such as tribal elders who are perceived as supporters of the Government or the international community, or as non-supportive of AGEs. Relatives of village elders who are perceived as pro-government have reportedly been killed by AGEs in retaliation.
- 'AGEs are also reported to target religious leaders who are perceived as pro-government, or on the basis of their particular interpretations of Islam. Imams have

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<sup>114</sup> Human Rights Watch, Afghanistan: Taliban Should Stop Blocking Polio Teams, 4 August 2014 <http://www.hrw.org/news/2014/08/04/afghanistan-taliban-should-stop-blocking-polio-teams> date accessed 27 January 2015

<sup>115</sup> UN, Report of the UN Secretary General, Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security, para 50, <http://www.securitycouncilreport.org/un-documents/afghanistan/> 9 September 2014, date accessed 18 February 2015

<sup>116</sup> UN, Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/69/647-S/2014/876), 9 December 2014, paragraph 31 <http://reliefweb.int/report/afghanistan/report-secretary-general-situation-afghanistan-and-its-implications-international-4> date accessed 26 January 2015

<sup>117</sup> UNHCR, Afghanistan Monthly IDP Update, 1-31 December 2014 [http://www.ecoi.net/file\\_upload/1930\\_1421833491\\_54b62f114.pdf](http://www.ecoi.net/file_upload/1930_1421833491_54b62f114.pdf) date accessed 27 January 2015

<sup>118</sup> Committee to Protect Journalists, Journalists Killed in 2014 - Motive Confirmed: Zubair Hatami, 23 December 2014, available at: <http://www.refworld.org/docid/54a3b2d715.html> Date accessed: 27 January 2015

<sup>119</sup> United States Department of State International Religious Freedom Report for 2013, 28 July 2014. <http://www.state.gov/j/drl/rls/irf/religiousfreedom/index.htm?year=2013&dliid=222323> Date accessed: 22 December 2014.

reportedly been targeted for performing funeral ceremonies for members of the ANSF, and for individuals who have been killed by the Taliban.’<sup>120</sup>

2.2.73 The UNAMA report of February 2014, which covered the year 2013, stated:

‘Attacks deliberately targeting mullahs and places of worship tripled in 2013. UNAMA documented 27 incidents in which persons or places of worship - including mosques, were directly threatened or attacked, resulting in 18 civilian deaths and seven injured.

‘The majority of attacks were carried out by Anti-Government Elements targeting mullahs and religious scholars for their perceived public support for the Government. Anti-Government Elements also detonated IEDs and carried out attacks near or in mosques, causing damage to protected places of worship and harming civilians...

‘In 2013, mullahs were also subjected to threats, harassment and attacks by AntiGovernment Elements when participating in or leading funeral ceremonies for deceased members of Afghan national security forces... ‘In some instances, in particular where it appeared the Taliban were attempting to exert greater influence in an area, mullahs and religious scholars who declared public support to the Government suffered harsh consequences. On 4 September [2013] in Andar district, Ghazni province, the Taliban shot and killed a prominent religious scholar and his two sons due to the scholar’s public support for the Government. The Taliban claimed responsibility on their website.’<sup>121</sup>

2.2.74 The UNAMA annual report 2014 stated:

‘Attacks deliberately targeting civilian mullahs and places of worship increased in 2014, with UNAMA documenting 61 civilian casualties (19 deaths and 42 injured), a 110 per cent increase from 2013. UNAMA recorded 25 such attacks with 20 attacks perpetrated by Anti-Government Elements, including 17 incidents of targeted killings of mullahs, two IED attacks in a mosque and the abduction of a mullah.

‘In the 17 instances of deliberate killings of mullahs, Anti-Government Elements, including the Taliban, carried out the killings through: IEDs, executions by shooting and beheadings. The Taliban claimed responsibility for two of the killings, although local sources attributed most of the killings directly to the Taliban.’<sup>122</sup>

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## Women in the public sphere

2.2.75 The UNHCR Eligibility Guidelines of August 2013 stated:

‘Although women have attained some leadership roles in Afghan Government and civil society since 2001, including as judges and members of parliament, women in the public sphere and those holding public office have been increasingly subjected to threats, intimidation and violent attacks. There are widespread reports of the targeting of women in the public sphere, including female parliamentarians, provincial council members, civil servants, journalists, lawyers, teachers, human rights activists and women working for international organizations. They have been targeted by AGEs, particularly in areas under their de facto control; local traditional and religious power-

<sup>120</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1f, p 37.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>121</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 29) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) Date accessed: 4 March 2014

<sup>122</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p58-59, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

holders; community members; and in some instances by government authorities. Women who seek to engage in public life are often perceived as transgressing social norms and condemned as “immoral” and targeted for intimidation, harassment, or violence by the Taliban and other AGEs. Women in the public sphere are reported to receive death threats by means of phone calls or night letters, warning them to stop working or risk being targeted. There are also numerous reports of women in the public sphere having been killed.

‘According to human rights activists, in many instances law enforcement agencies failed to combat impunity for harassment and attacks against women in the public sphere.’<sup>123</sup>

2.2.76 The US State Department’s Country Report for Human Rights Practices for 2013 stated:

‘Women active in public life continued to face levels of threats and violence and were the targets of attacks by the Taliban and other insurgent groups. Most female parliamentarians reportedly experienced some kind of threat or intimidation, and many believed that the state could not or would not protect them. In August Fariba Kakar, a female member of parliament, was kidnapped at gunpoint in Ghazni and released in exchange for Taliban fighters one month later.’<sup>124</sup>

2.2.77 The DFAT report of March 2014 stated:

‘The Taliban and other insurgent groups have been known to specifically target women, especially high-profile women leaders. For instance, in July 2012, the head of the Department of Women’s Affairs in Laghman province was assassinated, along with members of her family. In December 2012, the acting head of the same Department in the same province was also killed. These women were targeted due to their high profile stance on women’s rights. On 3 July 2013, unidentified assailants shot and killed the most senior female police officer in Helmand as she was travelling to work. Such attacks are more likely to take place in areas where the Taliban have control, or are actively contesting control, but high-profile women may be targeted by the Taliban throughout the country.’<sup>125</sup>

2.2.78 Amnesty International reported the following in September 2014: ‘Afghan women, particularly defenders of women’s human rights and women in public life, continue to face threats, intimidation and attacks from armed groups, conservative religious leaders and power holders, and are without adequate government protection.’<sup>126</sup> In a November 2014, statement the UN Special Rapporteur on violence against women stated that ‘Numerous reports and interviews confirm the continuing prevalence of different manifestations of violence against women and girls in both the public and private spheres’ including ‘targeted killings of women; sexual harassment in the workplace and in public spaces; and the rape of women and girls.’<sup>127</sup>

<sup>123</sup> UNHCR [UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan](#), 6 August 2013. (III. A1g, p 37.) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 14 August 2014

<sup>124</sup> US State Department [Country Reports on Human Rights Practices for 2013; Afghanistan](#), 27 February 2014. (Section 3. Participation of women and minorities) <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 18 August 2014

<sup>125</sup> Australian Government; Department of Foreign Affairs and Trade (DFAT) [DFAT Country Report: Afghanistan, 26 March 2014](#) (Para 3.34). [active URL required] Date accessed: 12 September 2014

<sup>126</sup> Amnesty International [Afghanistan: Seven-point human rights agenda for President Ghani](#), 28 September 2014, ASA 11/010/2014, available at: <http://www.refworld.org/docid/542ba86d4.html> Date accessed: 11 November 2014

<sup>127</sup> OHCHR - UN Office of the High Commissioner for Human Rights: [Statement by the Special Rapporteur on violence against women finalizes country mission to Afghanistan and calls for sustainable measures to address the causes and consequences of violence against women, including at the individual, institutional and structural level](#), 12 November 2014

2.2.79 The International Crisis Group reports in October 2013 that ‘Female teachers and civil servants often receive shabnamah (night letters), at times bearing the seal of the area’s shadow Taliban governor, warning them to leave their jobs. Other working women face similar threats. Many have been killed. On 10 December 2012, the acting head of the women’s affairs department in Laghman province in the east was assassinated, six months after her predecessor was killed in an attack attributed to the Taliban. According to Afghanistan’s Independent Journalists Association, ten female journalists have been killed in the past ten years. Women working with NGOs, the UN or on aid projects are accused of working for “infidels”’.<sup>128</sup>

In a January 2015 report, Human Right Watch stated that ‘Female journalists in Afghanistan face particularly formidable challenges. Along with the threats, intimidation, and violence faced by all journalists, female reporters are impeded by social and cultural restrictions that may lead to them being targeted not only for coverage that angers powerful people, but also simply for being women. The mere act of appearing on television can be particularly controversial for a woman in Afghanistan. According to the Afghan Journalists Safety Committee, “three female journalists have been killed [since 2010] ... and dozens have been intimidated to stop working. The lack of interest and will of the government to identify the culprits has cast a destructive and disappointing shadow on the remaining female media workers”’.<sup>129</sup>

See sections on [Human rights activists, humanitarian workers and health workers](#), [Officials working in the justice system](#) and [Government officials and supporters](#) for further information on the situation for these groups.

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## Individuals perceived as contravening the Taliban’s interpretation of Islamic principles

2.2.80 The EASO report of December 2012 stated:

‘Sources reported intimidation by the Taliban against the population in order to make them obey moral decrees, for example prohibitions on shaving, women working outdoors, selling music and sweets or girls’ education. Giustozzi [Antonio Giustozzi, expert on Afghanistan] and Reuter [Christopher Reuter, expert on Afghanistan] indicated in early 2011 that the Taliban were no longer applying the strict social decrees on an Islamic behaviour, but they raised the question whether this was a tactical decision or a change in ideology. However, the intimidation and targeting continued in 2012. Several insurgent groups made it clear that they do not intend to tolerate so called un Islamic behaviour, for example music and dance, sports and television. In some recent episodes, exceptionally cruel attacks took place in, according to the insurgents, ‘venues for non moral behaviour which is against Islamic values’.<sup>130</sup>

2.2.81 The UNHCR Eligibility Guidelines, dated 6 August 2013, stated:

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<http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=15284&LangID=E> date accessed 27 January 2015

<sup>128</sup> International Crisis Group, Women and Conflict in Afghanistan, Crisis Group Asia Report N°252, 14 October 2013, IV. C. Service Delivery and Security, p.22

<http://www.crisisgroup.org/~media/Files/asia/south-asia/afghanistan/252-women-and-conflict-in-afghanistan.pdf> date accessed 27 January 2015

<sup>129</sup> Human Rights Watch, "Stop Reporting or We'll Kill Your Family": Threats to Media Freedom in Afghanistan, 21 January 2015, Dangers Faced By Female Journalists

[http://www.hrw.org/sites/default/files/reports/afghanistan\\_0115\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/afghanistan_0115_ForUpload.pdf) date accessed 27 January 2015

<sup>130</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (Executive summary), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 26 August 2014.

'The Taliban have reportedly killed, attacked and threatened individuals and communities who are perceived to contravene the Taliban's interpretation of Islamic principles, norms and values. Killings, attacks and harassment of individuals who are perceived to act in violation of the Taliban's rules of morality occur in areas under the effective control of the Taliban and other AGEs, as well as in areas that are not, or not fully, controlled by them. Victims of such attacks have included musicians; film makers, directors and actors; and men and women playing sports, whether as amateurs or professionals. Victims of such attacks have also included individuals who attended events or venues that were claimed by the Taliban to be the scene of behaviour in violation of Islamic principles, norms and values, including social gatherings where music was played such as weddings, and bird fights and other matches where spectators engaged in gambling. The Taliban has also threatened individuals and communities who wore clothing of which it disapproved.'<sup>131</sup> It further considers that 'In areas under the effective control of the Taliban, women accused of immoral behaviour risk being tried by the Taliban's parallel justice structures and being given harsh sentences, including lashings and death. Detention for breaches of customary or Sharia law disproportionately affects women and girls, including detention on the ground of perceived "moral crimes" such as being improperly unaccompanied, refusing marriage, or "running away from home" (including in situations of domestic violence). The number of girls and women detained for "moral crimes" was reported to have risen by 50 per cent between October 2011 and May 2013.'<sup>132</sup>

2.2.82 The UNAMA report for 2014 stated that:

'In 2014, UNAMA documented 49 incidents of Anti-Government Elements, including Taliban, punishing civilians for alleged infractions of sharia law, perceived offences and allegations of spying. Incidents included Anti-Government Elements carrying out summary executions, beheadings, amputation of body parts, beatings, lashings and illegal detention were also documented. 138 UNAMA notes that parallel judicial structures are illegal and have no legitimacy or basis under the laws of Afghanistan. Punishments meted out by these structures amount to human rights abuses, criminal acts under the laws of Afghanistan, and in some circumstances, war crimes. 139

'Death sentences, 140 amputations and other punishments by Anti-Government Elements resulted in 96 civilian casualties (81 deaths, 15 injured). This represents an almost four-fold increase in the number of civilian casualties from such acts compared to 2013.

'In the majority of incidents documented in 2014, Anti-Government Elements executed civilians they suspected of spying for the Government, working for the Government or of committing criminal acts as defined by Anti-Government Elements.'<sup>133</sup>

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## Persons speaking out against AGEs, including journalists

2.2.83 The August 2013 UNHCR Eligibility Guidelines note that 'AGEs reportedly place limitations on the right to freedom of expression. Civilians who speak out against AGEs, or in favour of the Government, face a risk of being subjected to summary trials in

<sup>131</sup> United Nations High Commissioner for Refugees (UNHCR) UNHCR Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan, dated 6 August 2013 (III. 6 p 47-48) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 20 March 2014

<sup>132</sup> UNHCR, Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan, dated 6 August 2013 (III. A. 7 c p.56) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 26 January 2015

<sup>133</sup> UNAMA, Annual Report 2014, Protection of civilians in armed conflict, p60, <http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US> February 2015, accessed on 18 February 2015

parallel and illegal judicial procedures operated by AGEs on the basis of accusations of “spying” for the Government; the punishment for such alleged “crimes” is usually execution’.<sup>134</sup> Furthermore, it notes that ‘Violence and intimidation of journalists and media outlets at the hands of AGEs also remain of concern and have the effect of limiting journalists’ ability to report on current affairs without restrictions. Journalists who published stories supportive of the Government and its policies reportedly received threats from the Taliban.’<sup>135</sup>

2.2.84 Freedom House reports in May 2014 that ‘The ongoing military conflict has entailed serious threats against journalists from various state and nonstate actors, and physical security remains an issue of great concern. According to Nai, an Afghan organization that supports free media, 76 cases of violence against journalists were reported in 2013, compared with 69 in 2012. Another group, the Afghanistan Journalists Center (AFJC), registered 84 cases. (...) In April [2013], the Taliban rebel movement engaged in a vigorous intimidation campaign against Afghan journalists, threatening two well-known print and radio figures and claiming responsibility for the attempted assassination of a third. And in November [2013], unknown gunmen infiltrated the offices of Radio Hamisheh Bahar, assaulting security guards and intimidating the staff into suspending broadcasts.’<sup>136</sup>

2.2.85 In a January 2015 report on threats to media freedom in Afghanistan, Human Right Watch reports that ‘Afghan journalists told Human Rights Watch that freedom of the press may be in a “downward spiral,” with increasing intimidation and violence from both state and non-state actors, lack of government protection, and waning international support. Most important, the government’s failure to uphold press freedom and to adequately investigate and prosecute threats and attacks against media workers has, they fear, emboldened those who wish to silence them.’<sup>137</sup>

2.2.86 The same source further noted that:

‘The Taliban and other insurgent groups have had an evolving relationship with the media. From 2002 until 2008, the Taliban had an exclusively hostile approach to the media, and regularly carried out kidnappings and other attacks on the press. Since then, the Taliban have sought to establish an official relationship with the press, sending out regular statements and communicating directly with the press to attempt to influence news coverage. At the same time, the Taliban and other insurgent groups have threatened journalists to compel them to cover their version of news events and to refrain from reporting government statements. [...] During the 2014 presidential election campaign, the Taliban threatened journalists for their perceived support of the electoral process.’<sup>138</sup>

2.2.87 In January 2015, Reporters Without Borders noted that ‘The first 100 days of the government led by President Ashraf Ghani Ahmadzai and Chief Executive Abdullah Abdullah have seen significant advances for media freedom. ... But this period has also

<sup>134</sup> UNHCR, Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan, dated 6 August 2013 (II. C. 1 b p.21) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 26 January 2015

<sup>135</sup> UNHCR, Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan, dated 6 August 2013 (III. A. 2 p.39-40) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 26 January 2015

<sup>136</sup> Freedom House, Freedom of the Press 2014 - Afghanistan, 1 May 2014 [http://www.ecoi.net/local\\_link/290857/411272\\_en.html](http://www.ecoi.net/local_link/290857/411272_en.html) date accessed 27 January 2015

<sup>137</sup> Human Rights Watch, “Stop Reporting or We’ll Kill Your Family”: Threats to Media Freedom in Afghanistan, 21 January 2015, Summary [http://www.hrw.org/sites/default/files/reports/afghanistan\\_0115\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/afghanistan_0115_ForUpload.pdf) date accessed 27 January 2015

<sup>138</sup> Human Rights Watch, “Stop Reporting or We’ll Kill Your Family”: Threats to Media Freedom in Afghanistan, 21 January 2015, IV. Violence and Intimidation by Insurgents [http://www.hrw.org/sites/default/files/reports/afghanistan\\_0115\\_ForUpload.pdf](http://www.hrw.org/sites/default/files/reports/afghanistan_0115_ForUpload.pdf) date accessed 27 January 2015

seen the continuation of a wave of violence against journalists than was unleashed when election coverage began last October. The Taliban stepped up attacks on the civilian population more than a year ago, and their targets have included journalists and media.<sup>139</sup>

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## Attacks related to the 2014 elections

2.2.88 The UNAMA report of February 2014, which covered the year 2013, stated:

‘UNAMA documented 25 incidents of attacks against election workers and election facilities by Anti-Government Elements, resulting in 16 civilian casualties (four civilian deaths and 12 injured) [during the year 2013]... Of grave concern was the targeted killing of the head of the IEC [Independent Election Commission of Afghanistan] in Kunduz city, Kunduz province on 18 September. The Taliban claimed responsibility for the attack on their website.

‘The voter registration process began 26 May 2013 and continued throughout 2013. During this period, UNAMA documented instances of Anti-Government Elements’ deliberately attacking and threatening IEC mobile registration teams...

‘UNAMA confirmed reports of Anti-Government Elements intimidating civilians in some areas by sending night-letters warning them against participating in the electoral process. The letters, some hand-written, others computer-generated, were found in public buildings such as mosques and district headquarters...

‘In addition to deliberate attacks against the electoral process, insecurity impacted participation of civilians in the electoral process in some areas. For example, the right to freedom of movement, and with it freedom of participation, was curtailed in five districts where people were prevented from registering either because the registration teams could not travel due to insecurity or because people were afraid of traveling to register.

‘UNAMA observed countrywide that Afghan security forces, particularly the ANP [Afghan National Police], responded promptly to attacks or instances of Anti-Government Elements interfering in the electoral process which enabled the electoral process to continue.’<sup>140</sup>

2.2.89 The UNAMA Mid-Year Report 2014, covering the period 1 January to 30 June 2014, stated:

‘Violence related to Afghanistan’s Presidential and Provincial Council elections on 5 April 2014 and the run-off Presidential election on 14 June also affected the protection of civilians. Between 1 January and 30 June, UNAMA documented 674 civilian casualties (173 civilian deaths and 501 injured) from attacks directly targeting the electoral process. The majority of these civilian casualties resulted from ground engagements and IED attacks by Anti-Government Elements targeting convoys of the Independent Election Commission, polling centres or electoral candidates and their supporters.’<sup>141</sup>

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<sup>139</sup> Reporters Without Borders, Ghani presidency’s first 100 days: hopes persist despite more violence against journalists, 17 January 2015  
<http://en.rsf.org/afghanistan-ghani-presidency-s-first-100-days-17-01-2015,47500.html> date accessed 27 January 2015

<sup>140</sup> United Nations Assistance Mission in Afghanistan Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 30)  
[http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf)  
Date accessed: 4 March 2014

<sup>141</sup> United Nations Assistance Mission in Afghanistan (UNAMA) [Mid-year report 2014: Protection of civilians in armed conflict](#), covering the period 1 January to 30 June 2014, July 2014 (p 6).  
<http://www.refworld.org/docid/53bd394f4.html> Date accessed: 15 August 2014.



2.2.90 The UNAMA Mid-Year Report 2014, covering the period 1 January to 30 June 2014, stated, 'The Taliban claimed responsibility for 29 attacks directly targeting the electoral process – these attacks resulted in 79 civilian casualties (38 civilian deaths and 41 injured)...

'On 5 April – Presidential and Provincial Council Election Day - UNAMA documented 151 civilian casualties (27 deaths of civilian voters, IEC [Independent Election Commission] staff, children, women and other civilians and a further 128 injured) from attacks deliberately targeting the electoral process. In addition to these civilian casualties, UNAMA verified reports of six ANP [Afghan National Police] killed and 20 injured (a total of 26 ANP casualties) while protecting polling centres or escorting IEC convoys of electoral materials. These figures do not include Afghan security forces killed or injured at check-posts or while performing duties outside of electoral protection.

'The majority of the civilian casualties on 5 April election day resulted from ground engagements, in particular, mortars, rockets and shooting, mainly targeting polling centers, although some IED attacks took place.

'On 14 June, election day, UNAMA documented 217 civilian casualties including 54 deaths of civilian voters, IEC staff, children, women and other civilians and a further 163 injured from 110 attacks deliberately targeting the electoral process. In addition to the above civilian casualties, UNAMA received reports of 87 ANP casualties (21 ANP killed and 66 injured) while protecting polling centres or escorting IEC convoys of electoral materials.

'Of the 110 incidents of election-related violence, carried out by a party to the conflict all civilian casualty incidents resulted from attacks by Anti-Government Elements with one exception of ANA [Afghan National Army] responding to an attack and a stray mortar hitting a residential home.

'Within the 110 incidents, UNAMA recorded 58 ground engagements – mostly stand-off attacks using area weapons such as mortars and rockets – as well as 31 IED attacks. Other incidents included assaults, abductions, mutilation and crossfire. The majority of civilian casualties resulted from mortars directed at polling centres and district administration centres which impacted residential areas and homes. The vast majority of women and child casualties resulted from such attacks.

'On 14 June Election Day, children accounted for 38 per cent of the total civilian casualties. Most child deaths resulted from mortars or rockets targeting polling centres and impacting civilian homes.

'UNAMA also documented two separate instances of Anti-Government Elements in Herat province alleged to have cut off fingers of civilians who had voted. In one of the incidents, Anti-Government Elements were alleged to have cut off the index fingers of 11 civilians as punishment for having voted. The Taliban issued a statement denying involvement in the finger cutting incident.

'On Election Day 14 June, UNAMA recorded nine deaths as well as nine injuries of IEC staff, including female searchers. For example, on 14 June, a RC-IED [radio-controlled IED] detonated in the vicinity of a bus carrying IEC staff, killing 11 and injuring two.

'Most of the attacks on 14 June resulting in civilian casualties took place in the western region. Of the 97 civilian casualty incidents, 35 took place in the west, mostly in Herat, Farah and Ghor provinces. UNAMA recorded 18 incidents in the eastern region, mostly Nangarhar and Kunar. Eleven (11) incidents occurred in the north, mostly Faryab and the remaining incidents mostly occurring in the northeast, south and southeast regions.

'In addition to the civilian casualties recorded on the two election days, UNAMA documented incidents of Anti-Government Elements carrying out attacks against

elections workers, candidates and their supporters and other civilians involved in the electoral process.’<sup>142</sup>

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## 2.3 Regional differences

2.3.1 The EASO report of December 2012 summarised regional differences as follows:

‘In 2009, Philip Alston explained that, in the south, the Taliban is apt to kill elders in areas which come newly under their control and that in areas under their sustained control, they kill more spies. In 2011, Giustozzi and Reuter provided an example in Chahar Dara (Kunduz, north west) where the Taliban first killed resisting elders before taking control of the area. Giustozzi and Reuter also explained that in areas of Taliban control, they can threaten and kill people. A local source in the south east stated that the targeting of low ranking officials is prevailing in areas under Taliban influence. Hadi Marifat confirmed, in 2012, that in areas where they have a less strong presence, they have less ability to target people, but that incidents do happen there as well. Several sources explained that the Taliban were able to establish a judiciary in areas under their control. A political analyst based in Kabul stated that interpreters, contractors and suppliers of the military and high ranking government officials are primary targets; mid ranking government officials face a lower risk; and there is a low risk for low ranking government officials in, for example, Mazar or other areas in the north. Thomas Ruttig stated, on the other hand, that the Taliban conduct more targeted killings in contested areas or areas under government control than in areas completely under their control.

‘Thomas Ruttig explained, in 2012, that urban areas are usually safer than rural areas, but cities are vulnerable to spectacular attacks... Furthermore, Ruttig stated that Herat and Mazar are probably slightly safer than Kabul and Kabul is safer than Khost or Kandahar, but that this can differ depending on the situation or who you are. A political analyst explained that there is no risk of being targeted by insurgents for mid-or low ranking profiles in the cities of Mazar, Herat and Kabul, unless there was another specific reason for targeting. Ahmad Quraishi confirmed that low ranking government employees would not face much risk of being targeted by the Taliban in safer areas like Mazar or Kabul, but he stated that tribal elders face a higher risk. Giustozzi, the UNAMA, UNHCR, IOM, AIHRC and CPAU agreed that the insurgents would devote their efforts in cities such as Kabul and Mazar to higher profiles and that it would not be a priority to track down low profiles. Hadi Marifat stated that there have been no assassinations by insurgents in Mazar, which is, according to him, one of the safest places to live in Afghanistan.’<sup>143</sup>

2.3.2 The EASO report of December 2012 analysed regional differences as follows:

‘Several sources give indications that the Taliban has more ability to threaten or assassinate people in areas under their control, but there are also indications that they make efforts in areas which they do not control by targeting people in order to get control. It is not possible to conclude anything about the level of risk in all the different areas (Taliban control, government control or contested areas), based upon the presented sources.

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<sup>142</sup> United Nations Assistance Mission in Afghanistan (UNAMA) [Mid-year report 2014: Protection of civilians in armed conflict](#), covering the period 1 January to 30 June 2014, July 2014 (p 53-55). <http://www.refworld.org/docid/53bd394f4.html> Date accessed: 18 August 2014

<sup>143</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (p 32), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 27 August 2014.

‘However, it is important to point to the establishment of a so called shadow judiciary in the areas under the Taliban’s control, which provides evidence of their enhanced capacities there...

‘This is in line with Philip Alston’s statement about the south where spies were more often killed in areas under sustained Taliban control and tribal elders were more often killed in areas newly under Taliban control, which coincides with the need for the Taliban to eliminate resisting elements in order to get sustained control. The example of Chahar Dara in Kunduz illustrates this.

‘Regarding the cities, most sources agree that Kabul, Mazar and Herat are safer areas than many other parts of the country and that low ranking profiles face, in general, a low risk, not much risk or even no risk of being targeted by insurgents in these cities. But several sources indicate that this might be different if there are specific, individual circumstances that increase this risk. Sources stated for example: “It depends on who they are”; “can differ depending on circumstances”; “except if there was another specific reason for targeting”’.<sup>144</sup>

2.3.3 The EASO report concluded: ‘Higher profiles face a real risk of being targeted by insurgents in all parts of Afghanistan, including Kabul City. In general, low profiles do not face much risk of being targeted by the insurgents in the cities of Kabul, Mazar and Herat because of their position, activity or job as such. However, individual and specific circumstances might lead to an increased risk.’<sup>145</sup>

2.3.4 The UNAMA Annual Report 2013 stated:

‘Targeted killings were most prevalent in the eastern region, with 184 incidents, followed by the southern region with 129 incidents, the southeast with 96 incidents, the northern region with 92 incidents, the western region with 58 incidents, the central region with 49 incidents, and the northeast region with 35 incidents. Nangarhar province had the highest number of targeted killing incidents documented by UNAMA, followed by Kandahar with 77 incidents and Kunar with 67.’<sup>146</sup>

2.3.5 A UK parliament research paper of 19 March 2014, observed that the Government security forces are broadly in control of major towns and cities and anti-government forces have been driven out into rural areas.<sup>147</sup> The DFAT report 2014 stated that:

‘Insurgent groups, including the Taliban, the Haqqani Network, Hezb-e-Islami Gulbuddin Hekmatyter and others, remain engaged in a violent armed conflict against the Government and its international partners. In addition to these anti-government insurgent groups, there are also a number of other local non-state militias operating within Afghanistan that exist for the protection of particular groups and are not necessarily hostile to the Government.

‘The ANSF, with the support of international forces, maintains effective control over most provinces and districts, particularly major urban areas such as Kabul, Herat, Mazar-e-Sharif, Kandahar and all other provincial capitals. In June 2013, the ANSF—

<sup>144</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) (p 33), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 27 August 2014.

<sup>145</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) (p 33), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 27 August 2014.

<sup>146</sup> United Nations Assistance Mission in Afghanistan; Afghanistan; Annual Report 2013; Protection of Civilians in Armed Conflict; February 2014 (p 24) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) Date accessed: 4 March 2014

<sup>147</sup> UK Parliament, Commons Library Research Paper, Prospects for Afghanistan as ISAF withdrawal approaches, 19 March 2014, <http://www.parliament.uk/business/publications/research/briefing-papers/RP14-18/prospects-for-afghanistan-as-isaf-withdrawal-approaches>, p3, Date accessed 14 January 2015

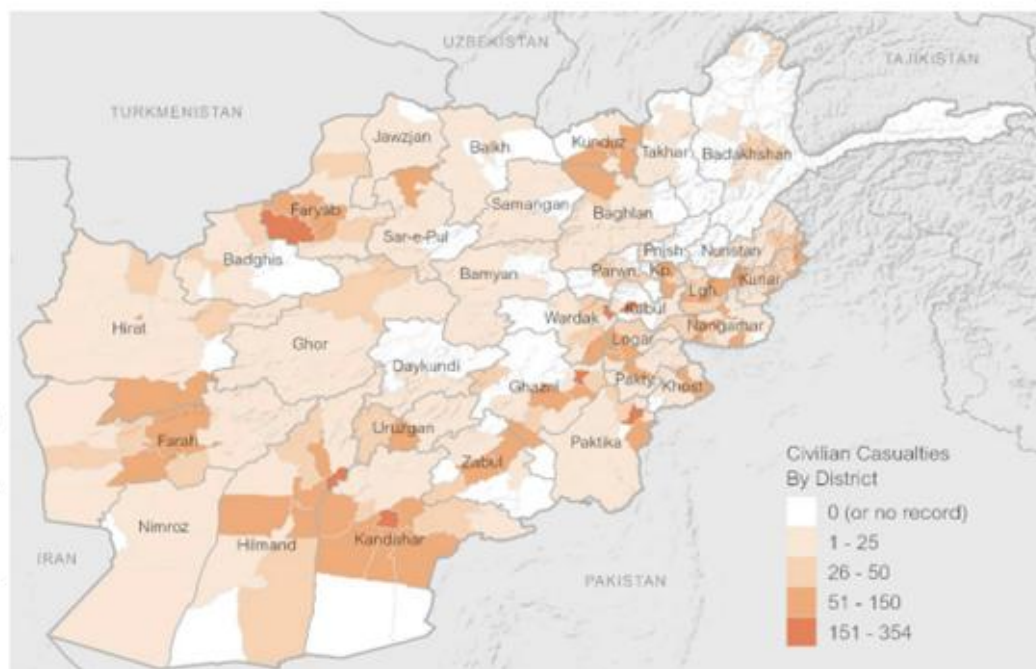
including the Afghan National Army (ANA), the Afghan National Police (ANP), Afghan Local Police (ALP) and the National Directorate of Security (NDS)—assumed the lead responsibility for security across all of Afghanistan. However, in some parts of Afghanistan, government control is weak or absent, in part due to ANSF capacity constraints...

'There are many areas of the country contested by insurgent forces and no part of the country can be considered totally free from conflict-related violence. The situation remains fluid and any categorical assessment on the security in a particular area could be rendered quickly inaccurate. Although this list is not exhaustive, contested areas are mainly in the south Helmand, Kandahar, Uruzgan and Zabul) and east of the country (including in parts of Ghazni, Paktika, Khost, Paktia, Nangarhar, Kunar and Nuristan). Insurgents are also present in areas of western, central and northern provinces.'<sup>148</sup>

- 2.3.6 The map<sup>149</sup> below gives an indication of civilian casualties from September 2013 to August 2014; it should be noted, however, that the data used relate to all civilian casualties, and not to targeted killings alone.

#### Civilian Casualties from September 2013 to August 2014

Notes: 1) From 1 September 2013 to 31 August 2014, 9,604 civilians were killed or injured compared to 8,619 in the same period in 2012/13<sup>3</sup>. 2) A civilian casualty is defined as a civilian killed or injured resulting directly or indirectly from conflict related violence. 3) Some records could not be matched to a district boundary. 4) Data source: UNAMA Human Rights Unit. PoC reports can be found here: (<http://unama.unmissions.org/Default.aspx?tabid=13941&language=en-US>). Data sources: AGCHO, UNAMA.



- 2.3.7 In his report to the UN Security Council, the Secretary General noted that the UN had documented 5,199 security incidents between 16 August and 15 November 2014, which was a 5.2% decrease from the same period in 2013. The overall number of security incidents documented by the UN from the beginning of the year to 15 November 2014 was 19,469, a 10.3% increase on the same period in 2013. The most volatile areas were the southern, south-eastern and eastern parts of the country, which accounted for 69% of incidents<sup>150</sup> (compared to 66.8% incidents between 1 March and 31 May

<sup>148</sup> Australian Government; Department of Foreign Affairs and Trade DFAT Country Report: Afghanistan, 26 March 2014 (pages 6-7). [active URL required] Date accessed: 12 September 2014

<sup>149</sup> UN Office for the Coordination of Humanitarian Affairs (OCHA), Afghanistan: Civilian Casualties from September 2013 to August 2014, 25 November 2014, available at: <http://www.refworld.org/docid/547d8f554.html> Date accessed: 10 December 2014.

<sup>150</sup> UN, Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security (A/69/647-S/2014/876), 9 December 2014, paragraphs 19 and 21 <http://reliefweb.int/report/afghanistan/report-secretary-general-situation-afghanistan-and-its-implications-international-4> date accessed 26 January 2015

2014<sup>151</sup>, and 65.3% of incidents for the period 1 June to 15 August 2014<sup>152</sup>), with the eastern part of the country showing a 'marked' increase in incidents. There were 768 incidents in Nangarhar Province, followed by 592 incidents in Kandahar. The same report also noted that AGEs continued to use targeted killings and abductions to exert control and influence over the population, recording 235 incidents of assassinations and abductions between 16 August and 15 November 2014, a 9.2% increase on the same period in 2013.<sup>153</sup>

For further detail on regional variation in violence, including between rural and urban areas see section 1.6 of the of the European Asylum Support Office COI report, Afghanistan: Security situation, January 2015<sup>154</sup>

See also The Taliban/'Quetta Shura Taliban' (QST), Al Qaeda/Bin Laden, Hikmatyar Faction/Hizb-e-Islami Gulbuddin (HIG), Haqqani Faction and Pakistani groups for further information about regional differences.

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## 2.4 Avoiding AGE threats

### Leaving a job

2.4.1 The EASO report of December 2012 analysed the effect of an individual quitting a job after receiving threats:

'Looking at the available information, no evidence was found of further targeting by the Taliban after someone quit a job or activity, except for one case. In this case, a commander in Uruzgan was killed after he made a deal with the Taliban to surrender to them. In this case, there was an individual element present which obstructed the deal: the commander had a long feud with the local Taliban commander in which several relatives were killed on both sides. This is a perfect example of how individual circumstances can increase the risk. There were some examples found in the past of persons who quit and remained safe in Ghazni and of amnesty by the Taliban for policemen and officials in Helmand.

'Ahmad Quraishi [Director of the Afghanistan Journalists Centre and correspondent of Pajhwok Afghan News] stated that there has been no report of people being further targeted by insurgents after they quit the job or activity. Hadi Marifat [director of the Afghanistan Human Rights and Democracy Organisation (AHRDO) and one of its co-founders] confirmed that someone who stopped activities could escape the threat and be safe. He referred to, for example, teachers, doctors or court administrators.

'A contact in south east Afghanistan mentioned explicitly that the Taliban would not be satisfied with the targeted person quitting if he worked for the IMF or was an ANSF soldier. Furthermore, the Taliban's reaction to someone quitting a particular activity would depend on the individual circumstances. A staff member of an international development agency in Afghanistan confirmed this. According to him, it might not be

<sup>151</sup> [Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security \(A/68/910-S/2014/420\)](#), 19 June 2014, paras 19 and 21 <http://www.refworld.org/docid/5473406b4.html> date accessed 26 January 2015

<sup>152</sup> UN, [Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security \(A/69/540-S/2014/656\)](#), 9 September 2014, paragraphs 25 <http://www.refworld.org/country,,UNGA,,AFG,,547340b44,0.html> date accessed 26 January 2015

<sup>153</sup> [Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security \(A/69/647-S/2014/876\)](#) UN, [Report of the Secretary-General on the situation in Afghanistan and its implications for international peace and security \(A/69/647-S/2014/876\)](#), 9 December 2014, paragraphs 19 and 21 <http://reliefweb.int/report/afghanistan/report-secretary-general-situation-afghanistan-and-its-implications-international> date accessed 26 January 2015

<sup>154</sup> European Asylum Support Office, COI Report: Afghanistan, section 1.2.2, <http://easo.europa.eu/asylum-documentation/easo-publication-and-documentation/> January 2015, accessed on 13 February 2015

sufficient for ANA and ANP soldiers to simply quit their job: but they would have to change sides in order to avoid further targeting. A political analyst stated that it would depend on the circumstances but, for some profiles, for example, an interpreter, they would be required to join the Taliban or at least contact them in order to escape the threat. But even then, they still face a chance of being targeted in areas to which insurgents have an easy access...

The report concluded that 'The individual circumstances of the case determine whether the Taliban would further target or threaten a person after he quit his job, stopped activities or defected. Examples of circumstances increasing the risk could be: a feud with the Taliban; or the profile of the victim (working for the IMF or ANSF).'

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## Fleeing the local area

2.4.2 The EASO report further commented on the situation for people who leave a job and flee the area, following Taliban threats:

'Giustozzi [Antonio Giustozzi, an expert on Afghanistan] stated that there is no reporting of further targeting of escapees who flee to urban centres. They would have the possibility to track down people who are working, but it would not be a priority for them. Several other sources confirmed that if it was possible for targeted people to move to urban centres, they could escape the threats by the insurgents, but several of them pointed to individual circumstances. The UNHCR mentioned, for example, that it could be possible for low profile people to seek protection in their community and that it should be assessed case by case, and a political analyst referred to the profile, giving the example of NGO workers who could escape by quitting and leaving the province.

'...The IOM stated that the situation in Herat City and Mazar City is the same as in Kabul. Furthermore, several sources explained that there was a low risk for low profile people in these cities of being targeted by insurgents. Giustozzi indicated that Kandahar was no longer safe and persons had to flee further to Kabul. Smith [Graeme Smith, a journalist who has spent years in Afghanistan] confirmed that an escapee would not be safe anywhere in Kandahar province... If a low profile person quits his activity and can flee the area and resettle in a safer area, such as Kabul City, Mazar City or Herat City, he can normally escape targeting by insurgents, unless there are specific individual circumstances which would preclude this possibility.'

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## 2.5 Protection

### Pro-Government forces

2.5.1 As of 22 August 2014, there were 358,417 members of the ANSF, which comprised of the National Army (178,515), Air Force (6,714) and the National Police (153,317).<sup>157</sup>

2.5.2 The UNAMA report of February 2014 described the composition of the pro-Government forces, stating: 'These forces include, but are not limited to, the ANA [Afghan National Army], ANP [Afghan National Police], ABP [Afghan Border Police], NDS [National

<sup>155</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (p 36), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 27 August 2014.

<sup>156</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (p 37), December 2012. [http://easo.europa.eu/wp-content/uploads/192143\\_2012\\_5967\\_EASO\\_Afghanistan\\_II.pdf](http://easo.europa.eu/wp-content/uploads/192143_2012_5967_EASO_Afghanistan_II.pdf) Date accessed: 27 August 2014.

<sup>157</sup> Foreign and Commonwealth Office, Afghanistan Monthly Progress Report, September 2014, p6, [http://data.parliament.uk/DepositedPapers/Files/DEP2014-1364/September\\_2014\\_Afghanistan\\_Parliamentary\\_Report.pdf](http://data.parliament.uk/DepositedPapers/Files/DEP2014-1364/September_2014_Afghanistan_Parliamentary_Report.pdf), Date accessed 14 January 2015

Directorate of Security], ALP [Afghan Local Police] and other Pro-Government local defense forces.’<sup>158</sup>

### 2.5.3 A UN report dated September 2014 stated:

‘As at 20 July 2014, the Afghan National Army numbered 183,343 personnel, of which 6,929 were members of the Afghan air force, against an overall force structure ceiling of 187,000. ...At the time of reporting, the United Nations administered Law and Order Trust Fund for Afghanistan supported 147,077 police personnel and 5,640 Central Prison Department guards, against a target of 157,000... The security initiative of the Afghan Local Police overseen by the Ministry of the Interior continued to expand. As at 15 August, 28,780 personnel were present in 150 districts in 29 provinces; the remaining balance of the 30,000 authorized personnel were reportedly either under recruitment or in training. A majority of communities reported improved security following Afghan Local Police deployment.’<sup>159</sup> A House of Commons Research Paper, referring to an October 2013 ‘Media Backgrounder’ produced by NATO, stated that there were 152,600 Afghan National Police.<sup>160</sup>

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## State’s ability to provide protection

### 2.5.4 The USSD report for 2013 reported that:

‘Three ministries have responsibility both in law and in practice for providing security in the country. The ANP and the ALP, under the Ministry of Interior, have primary responsibility for internal order but also were engaged in fighting the insurgency internally. The ANA, under the Ministry of Defense, is responsible for external security but was fighting the insurgency internally as well. The NDS has responsibility for investigating criminal cases concerning national security and also functions as an intelligence agency. The investigative branch of the NDS operated a facility in Kabul, where it held prisoners on a pretrial basis until their cases were handed over to prosecutors. In some areas insurgents rather than the ANP or ANA maintained control.

‘There were reports of official impunity and lack of accountability throughout the year. Observers stated that ALP and ANP personnel were largely unaware of their responsibilities and defendants’ rights under the law. According to UNAMA, accountability of NDS and ANP officials for torture and abuse was weak, not transparent, and rarely enforced. There was limited independent judicial, or external oversight of the NDS and ANP as institutions or investigation and prosecution of crimes or misconduct committed by NDS and ANP officials, including torture and abuse.

‘International support for recruiting and training new ANP personnel continued, with the goal of professionalizing the police force. The international community worked with the government to develop and offer human rights awareness and police training programs. In addition to core policing skills and internal investigation mechanisms to curb security force corruption and abuses, these programs emphasized law enforcement, the constitution, values and ethics, professional development, the prevention of domestic violence, and fundamental standards of human rights.

<sup>158</sup> United Nations Assistance Mission in Afghanistan Annual Report 2013; Protection of Civilians in Armed Conflict ; February 2014 (p xi) [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb\\_8\\_2014\\_PoC-report\\_2013-Full-report-ENG.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Feb_8_2014_PoC-report_2013-Full-report-ENG.pdf) date accessed 26 January 2015

<sup>159</sup> UN General Assembly, The situation in Afghanistan and its implications for international peace and security: report of the Secretary-General, 9 September 2014, A/69/540–S/2014/656, paragraphs 26-27 available at: <http://www.refworld.org/docid/547340b44.html> Date accessed: 16 December 2014

<sup>160</sup> UK Parliament Website <http://www.parliament.uk/>; Prospects for Afghanistan as ISAF withdrawal approaches (4.2 Afghan security forces are taking the lead but problems remain), 19 March 2014 <http://www.parliament.uk/business/publications/research/briefing-papers/RP14-18/prospects-for-afghanistan-as-isaf-withdrawal-approaches> Date accessed: 23 June 2014

‘Nevertheless, human rights problems persisted, and observers criticized the inadequate preparation and lack of sensitivity of local security forces. Human rights institutions expressed concerns about the limited oversight and accountability that existed for security institutions, especially the ALP, although the Ministry of Interior took some measures at the end of the year to increase accountability of the ALP. For example, the Ministry of Interior worked with the ICRC to increase human rights training for ALP recruits.’<sup>161</sup>

2.5.5 Freedom House’s report, ‘Freedom in the World 2014,’ which covered the year 2013, stated: ‘In a prevailing climate of impunity, government officials, as well as warlords in some provinces, sanction widespread abuses by the police, military, local militias, and intelligence forces under their command, including arbitrary arrest and detention, torture, extortion, and extrajudicial killings. The Afghanistan Independent Human Rights Commission (AIHRC) receives hundreds of complaints of rights violations each year.’<sup>162</sup> With regards to ‘Afghan National Security Forces and Protection of Civilians’ UNAMA’s mid-year report for 2014 notes that ‘Of particular concern in 2013 were verified reports of human rights violations carried out by some Afghan national security forces during ground operations and searches in some areas. Reports of beatings of civilians, property destruction and looting by Afghan forces in Faryab and Kunduz provinces were documented by UNAMA’.<sup>163</sup>

2.5.6 The Danish Immigration Service report of May 2012 stated:

‘Regarding the possibility to seek protection from the authorities in connection with conflicts in place of origin, UNHCR stated that the common perception of the police is negative in Afghanistan. In general, people consider the police to be corrupt and weak and it would be the last resort for people to seek protection with the police and other law enforcement agents. Asked if the situation would be different in the big cities, UNHCR replied that the corruption is even higher in the cities than in the country side. UNHCR emphasized that people seek protection within their communities and ethnic groups. In local areas, they will turn to the shuras/jirgas for assistance, but the shuras/jirgas are very rarely in Kabul and the only protection available is the protection given by one’s own ethnic group.

‘[Danish Refugee Council] DRC explained that if people were threatened in Kabul, they would not go to the police to ask for [sic] help because of the widespread corruption and a lack of trust in the police.

‘According to DRC, if somebody is threatened and need protection, there is a council of elders (“shura”) in each settlement which is responsible for establishing social order in the settlement. All activities in the settlement are coordinated through these councils of elders. In some settlements with ethnically mixed inhabitants, there is a representative from each ethnic group in the council.

‘According to [International Organisation for Migration] IOM, some people who are threatened by the Taliban in Kabul would seek protection with the authorities, but many will not because they do not trust the police. It was though added that some of the ANP

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<sup>161</sup> United States Department of State [Country reports on human rights practices for 2013](http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386); 27 February 2014, Afghanistan; Role of the security apparatus, .  
<http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 16 December 2014.

<sup>162</sup> Freedom House [Freedom in the World 2014](https://freedomhouse.org/report/freedom-world/2014/afghanistan#.VMgCyv6sWSo); Afghanistan, covering the year 2013, published 22 August 2014.  
<https://freedomhouse.org/report/freedom-world/2014/afghanistan#.VMgCyv6sWSo> Date accessed: 15 December 2014

<sup>163</sup> United Nations Assistance Mission in Afghanistan (UNAMA), Mid-year report 2014; Mid-year report 2014; Protection of civilians in armed conflict, covering the period 1 January to 30 June 2014, dated July 2014 (9)  
<http://www.refworld.org/docid/53bd394f4.html> Date accessed: 26 January 2015



staff are getting more and more active and has taken some action on cases related to criminality and kidnapping recently.

'According to [International Police Coordination Board] IPCB, the ANP is part of the Afghan National Security Forces (ANSF) whose main focus has been primarily counter-insurgency operations. IPCB informed the delegation that it is the aim of the police training programme to professionalize the ANP in a way that the force will ultimately move away from the security cluster and towards justice and good governance. In the discussions about the development of ANP, the focus was initially on quantity of the force rather than quality of the individual policeman. The changing role of ANP in order to protect people has now become a priority in the training programme. According to IPCB, ANP's law enforcement capability could be improved and changes in this area have started. That is why the biggest challenge is to develop the ANP into a law enforcement institution as part of the whole institutional reform programme in the Ministry of Interior (MOI). This exercise takes time as it is a challenge to change people's perception of the police, according to IPCB. It was, however, added that there is a move in the population towards acceptance of the police.'<sup>164</sup>

- 2.5.7 The Danish Immigration Service's report of May 2012 added, 'CPAU [Cooperation for Peace and Unity] pointed out that people usually do not go to the police, not even in Kabul, when they receive night letters or any other threatening message because the police would normally not take any action in these cases.'<sup>165</sup> The DIS mission also reported:

'When asked whether people would seek protection with the police in such cases [of receipt of night letters and subsequent assault], AIHRC [Afghanistan Independent Human Rights Commission] stated that people would do so, but the protection provided by the police has not been effective until now. As an example, AIHRC mentioned that a week earlier one person was killed after receiving a warning despite the fact that he went to the police and asked for protection.'<sup>166</sup>

- 2.5.8 The EASO report of December 2012 noted '[Hadi] Marifat [director of the Afghanistan Human Rights and Democracy Organisation] explained that high-profile people are more at risk all over Afghanistan but that they, on the other hand, have more resources for protection, such as armed vehicles, bodyguards and protection from the IMF (107)'.<sup>167</sup>

- 2.5.9 The Human Rights Watch World Report 2014, covering the events of 2013, stated: 'Abuses by the Afghan Local Police (ALP)—a network of local defense forces established largely by the US military in cooperation with the Afghan government—continued to be a serious problem. Designed to operate in areas with limited Afghan police or army presence, the ALP has been plagued from its beginnings in 2010 by structural problems that include poor vetting of recruits, weak command and control structures, and lack of accountability mechanisms. These problems persist, as do

<sup>164</sup> Danish Immigration Service, [Afghanistan; Country of Origin Information for Use in the Asylum Determination Process; Report from Danish Immigration Service's fact finding mission to Kabul, Afghanistan, 25 February to 4 March 2012](#); published May 2012 (p 8-9) <http://www.nyidanmark.dk/NR/rdonlyres/3FD55632-770B-48B6-935C-827E83C18AD8/0/FFMrapportenAFGHANISTAN2012Final.pdf> Date accessed: 15 January 2015

<sup>165</sup> Danish Immigration Service, [Afghanistan; Country of Origin Information for Use in the Asylum Determination Process; Report from Danish Immigration Service's fact finding mission to Kabul, Afghanistan, 25 February to 4 March 2012](#); published May 2012 (p 31) <http://www.nyidanmark.dk/NR/rdonlyres/3FD55632-770B-48B6-935C-827E83C18AD8/0/FFMrapportenAFGHANISTAN2012Final.pdf> Date accessed: 15 December 2014

<sup>166</sup> Danish Immigration Service, [Afghanistan; Country of Origin Information for Use in the Asylum Determination Process; Report from Danish Immigration Service's fact finding mission to Kabul, Afghanistan, 25 February to 4 March 2012](#); published May 2012 (p 31) <http://www.nyidanmark.dk/NR/rdonlyres/3FD55632-770B-48B6-935C-827E83C18AD8/0/FFMrapportenAFGHANISTAN2012Final.pdf> Date accessed: 15 December 2014

<sup>167</sup> European Asylum Support Office (EASO) [Insurgent strategies - intimidation and targeted violence against Afghans](#) (p 32), December 2012. Date accessed: 15 January 2015

allegations of ALP involvement in murder, rape, theft, extortion, and child recruitment.’

<sup>168</sup>

2.5.10 The DFAT report of 2014 observed that:

‘The ongoing insurgency, particularly in the south and east of Afghanistan means that the Government struggles to exercise effective control over many parts of the country. As a result, the Government lacks the ability to adequately address human rights issues, protect vulnerable groups and prosecute human rights violators in those areas.

‘Despite these challenges, DFAT assesses that the Government maintains effective control in major urban areas, particularly Kabul, all provincial capitals, including Herat, Mazar-e-Sharif and Kandahar, and the majority of other district centres.’ <sup>169</sup>

2.5.11 The DFAT report noted in regard to areas not controlled by the government:

‘Insurgents maintain parallel political and judicial structures in contested areas where the Government’s control is weaker, particularly in the south and east of Afghanistan. ‘Due to their inherent illegality, UN Assistance Mission in Afghanistan (UNAMA) considers their existence and resulting punishments carried out to be human rights abuses.

‘Insurgents also seek to propagate fear and uncertainty among the civilian population to discourage them from cooperating with the Government and international forces. For example, insurgents will distribute ‘night letters’ that typically threaten retribution against individuals or communities.’ <sup>170</sup>

2.5.12 The same report commented on the effectiveness of the security forces:

‘The Afghan National Police (ANP) has primary responsibility for internal law and order and plays an active role fighting insurgent groups, but does not exercise effective control across the whole country. The capacity of the ANP to maintain law and order is limited by a lack of resources, poor training, insufficient and outmoded equipment and political manipulation. In many cases, the ANP will not be able to resist concerted attacks by insurgents. The notional strength of the ANP is currently 151,000. In addition to the ANP, irregular militia units were organised into the Afghan Local Police (ALP) in 2010 to provide defensive protection for village communities. The notional strength of the ALP is currently 22,000.

‘Significant international donor effort has gone into building a credible and effective police force. Despite extensive work to provide human rights and other training, reports of abuse persist. UNAMA and the Office of the High Commissioner for Human Rights (OHCHR) have expressed concerns over incidents of human rights abuses, including intimidation, extortion and sexual abuse, by members of the ANP and the ALP.’ <sup>171</sup>

2.5.13 The UK House of Commons research report on Afghanistan of March 2014 stated that:

‘In a report on allegations of gross human rights violations published in November 2013 the International Criminal Court found that “war crimes and crimes against humanity were and continue to be committed in Afghanistan” by both pro- and anti-government forces. (...) Human Rights Watch says that Afghanistan’s human rights situation is showing signs of deteriorating and that although armed conflict is behind many of the abuses, the government is failing to live up to its obligations under international

<sup>168</sup> Human Rights Watch *World Report 2014; Afghanistan*, covering the events of 2013, published January 2014 (Abusive Security Forces). Date accessed: 15 December 2014.

<sup>169</sup> Australian Government; Department of Foreign Affairs and Trade [DFAT Country Report: Afghanistan, 26 March 2014](#) (page 18). [active URL required] Date accessed: 12 September 2014

<sup>170</sup> Australian Government; Department of Foreign Affairs and Trade [DFAT Country Report: Afghanistan, 26 March 2014](#) (page 18). [active URL required] Date accessed: 12 December 2014

<sup>171</sup> Australian Government; Department of Foreign Affairs and Trade [DFAT Country Report: Afghanistan, 26 March 2014](#) (page 18). [active URL required] Date accessed: 12 December 2014

humanitarian law. As the international presence winds down, there is less attention on the activities of the Afghan government and its agencies. Also, many of the institutions built up with the assistance of the international community and crucial to protection of human rights are likely to be less effective as the international presence diminishes.’<sup>172</sup>

- 2.5.14 The August 2013 UNHCR Guidelines consider that ‘Even where the legal framework provides for the protection of human rights, the implementation of Afghanistan’s commitments under national and international law to promote and protect these rights in practice frequently remains a challenge. Afghan governance is perceived as particularly weak. High levels of corruption, ineffective governance and a climate of impunity are all reported by observers as factors that weaken the rule of law and undermine the ability of the State to provide protection from human rights violations. Accountability for human rights violations is reported to remain weak, and little or no political support has materialized for the advancement of transitional justice mechanisms, despite past commitments on the part of the Government. As noted above, a number of State actors tasked with protecting human rights, including the ANP and ALP, are themselves reported to commit human rights abuses with impunity in certain parts of the country. Moreover, in most areas the police are not linked to a functioning justice system, and in many areas there is no effective governance backing up the police. In June 2013 the UN High Commissioner for Human Rights warned that “recent appointments to the Afghanistan Independent Human Rights Commission (AIHRC) compromise its independence and effectiveness”. Corruption is reported to affect many parts of the state apparatus, on the national, provincial and local levels. In 2012, half of all Afghan citizens who had contact with public officials reportedly had to pay bribes to access public services. Within the police, corruption is reported to be endemic, as is the abuse of power and extortion. The justice system is similarly reported to suffer from systemic corruption. The ongoing conflict negatively affects the Government’s ability to protect human rights, including in particular in areas under the effective control of AGEs. The capability of the Government to protect human rights is undermined in many districts by insecurity and the high number of attacks by AGEs.’<sup>173</sup>
- 2.5.15 The Congressional Research Service reports in January 2015 that ‘a major concern about the ANSF is that about 35% of the force does not reenlist each year, meaning that about one-third of the force must be recruited to replenish its ranks. Many believe that the force has been expanded too quickly to allow for thorough vetting or for recruitment of the most qualified personnel. (...) Some of the deficiency throughout the ANSF is due to illiteracy, which prompted an increasing focus on (and about \$200 million in funding for) providing literacy training after 2010. The goal was to have all ANSF have at least first-grade literacy, and half to have third-grade literacy, by the end of 2014. While literacy in the ANSF has been improved by the program, the SIGAR reported in January 2014 that these targets might be unrealistic’.<sup>174</sup> It further notes that ‘The DOD reports on Afghanistan contain substantial detail on U.S.-led efforts to continue what it says are “significant strides [that] have been made in professionalizing the ANP.” However, many outside assessments of the ANP are disparaging, asserting that there is rampant corruption to the point where citizens mistrust and fear the ANP. Among other criticisms are a desertion rate far higher than that of the ANA; substantial

<sup>172</sup> UK Parliament Website Prospects for Afghanistan as ISAF withdrawal approaches (9. Human rights abuses, 9.1 Getting away with it), 19 March 2014 <http://www.parliament.uk/business/publications/research/briefing-papers/RP14-18/prospects-for-afghanistan-as-isaf-withdrawal-approaches> Date accessed: 23 June 2014

<sup>173</sup> UNHCR, Eligibility Guidelines for assessing the international protection needs of asylum-seekers from Afghanistan, dated 6 August 2013 (II. C. 2 b p.23) <http://www.refworld.org/docid/51ffdca34.html> Date accessed: 26 January 2015

<sup>174</sup> Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 20 January 2015, Building Afghan Forces and Establishing Rule of Law p.27 <http://fas.org/sgp/crs/row/RL30588.pdf> Date accessed: 27 January 2015

illiteracy; involvement in local factional or ethnic disputes because the ANP works in the communities its personnel come from; and widespread use of drugs.’<sup>175</sup>

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## The Judiciary

2.5.16 The US State Department’s Country Report on Human Rights Practices for 2013, which covered the year 2013, stated:

‘The law provides for an independent judiciary, but the judiciary continued to be underfunded, understaffed, inadequately trained, ineffective, and subject to threats, bias, political influence, and pervasive corruption. For example, the Supreme Court chief justice and three associate justices continued to serve as “acting justices” beyond the expiration of their constitutionally mandated term limits. Two new justices were nominated by President Karzai toward the end of the year and confirmed by parliament on December 25. The delay in the appointments was widely regarded as an executive branch effort to maintain its influence and control over the judiciary. Bribery, corruption, and pressure from public officials, tribal leaders, families of accused persons, and individuals associated with the insurgency continued to impair judicial impartiality. Most courts administered justice unevenly, according to a mixture of codified law, sharia, and local custom. Traditional justice mechanisms remained the main recourse for many, especially in rural areas. There was varying adherence to codified law, with courts disregarding applicable statutory law in favor of sharia or local custom. According to a 2012 Freedom House report, the Supreme Court was primarily composed of religious scholars who had limited knowledge of civil jurisprudence.

‘The formal justice system was relatively strong in urban centers, where the central government was strongest, and weaker in rural areas, where approximately 80 percent of the population lived. Courts, police forces, and prisons continued to operate at less than full capacity nationwide. The judicial system continued to lack the capacity to handle the large volume of new and amended legislation. A lack of qualified judicial personnel hindered the courts. Some municipal and provincial authorities, including judges, had minimal training and often based their judgments on their personal understanding of sharia, without appropriate reference to statutory law, tribal codes of honor, or local custom. Compared with 2012, there was an increase during the year in the number of judges who were graduates of law school, many from universities with sharia faculties. Access to legal codes and statutes increased, but their limited availability continued to hinder some judges and prosecutors.

‘There were widespread shortages of judges, primarily in insecure areas...In major cities, courts continued to decide criminal cases as mandated by law. Civil cases continued to be frequently resolved in the informal system or, in some cases, pursuant to negotiations facilitated by formal justice system actors or private lawyers. Because the formal legal system often was not present in rural areas, local elders and shuras (consultative gatherings, usually of men selected by the community) were the primary means of settling both criminal matters and civil disputes and also levied unsanctioned punishments. Some estimates suggested that 80 percent of all disputes were resolved by shuras/jirgas. In some cases shuras violated the rights of women and minorities.

‘In some areas the Taliban enforced a parallel judicial system based on strict interpretation of sharia. For example, in February [2013] the Taliban ordered a woman to be publicly whipped 40 times for alleged sexual relations with a man before being

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<sup>175</sup> Congressional Research Service, Afghanistan: Post-Taliban Governance, Security, and U.S. Policy, 20 January 2015, Afghan National Police (ANP) p.31 <http://fas.org/sqp/crs/row/RL30588.pdf> Date accessed: 27 January 2015

expelled from western Ghor Province. In some cases punishments imposed included execution or mutilation.’<sup>176</sup>

See also [Officials working in the Justice system](#) for further information about the targeting of these individuals by AGEs.

2.5.17 The US State Department’s Country Report for 2013 further stated:

‘Trial procedures rarely met internationally accepted standards. The administration and implementation of justice varied in different areas of the country. The government formally utilizes an inquisitorial legal system. By law all citizens are entitled to a presumption of innocence and those accused have the right to be present at trial and to appeal, although these rights were not always applied. In some provinces public trials were held, but this was not the norm. Judges decided criminal trials because there is no right to a jury trial under the constitution. An indigent defendant has the right to consult with an advocate or counsel at public expense when resources allow. This right was applied inconsistently, in large part due to a severe shortage of defense counsel. Citizens often were unaware of their constitutional rights. Defendants and attorneys were entitled to examine the physical evidence and the documents related to their case before trial, although observers noted that court documents often were not available for review before cases went to trial, despite defense lawyers’ requests.

‘In general criminal defense attorneys reported that justice system officials were slowly demonstrating increased respect for and tolerance of the role of defense lawyers in criminal trials. Criminal defense attorneys, however, were sometimes subjected to abusive and threatening treatment by prosecutors and other law enforcement officials. For example, an NGO reported that in Laghman Province an Attorney General’s Office prosecutor threatened a lawyer who objected to legal violations committed by the NDS in a criminal matter with possible prosecution for criminal association with antigovernment elements.’<sup>177</sup>

2.5.18 The DAFT report of March 2014 observed

‘Insurgents maintain parallel political and judicial structures in contested areas where the Government’s control is weaker, particularly in the south and east of Afghanistan. ‘Due to their inherent illegality, UN Assistance Mission in Afghanistan (UNAMA) considers their existence and resulting punishments carried out to be human rights abuses.

‘Insurgents also seek to propagate fear and uncertainty among the civilian population to discourage them from cooperating with the Government and international forces. For example, insurgents will distribute ‘night letters’ that typically threaten retribution against individuals or communities.’<sup>178</sup>

2.5.19 The Freedom House report, ‘Freedom in the World 2014,’ stated:

‘The judicial system operates haphazardly, and justice in many places is administered on the basis of a mixture of legal codes by inadequately trained judges. The Supreme Court, composed of religious scholars who have little knowledge of civil jurisprudence, is particularly in need of reform. Corruption in the judiciary is extensive, and judges and

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<sup>176</sup> United States Department of State [Country reports on human rights practices for 2013; Afghanistan](#); 27 February 2014 Section 1.e. Denial of fair public trial; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386>. Date accessed: 16 December 2014.

<sup>177</sup> United States Department of State [Country reports on human rights practices for 2013; Afghanistan](#); 27 February 2014 Section 1.e. Trial procedures; . <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 16 December 2014.

<sup>178</sup> Australian Government; Department of Foreign Affairs and Trade [DFAT Country Report: Afghanistan, 26 March 2014](#) (page 18). [active URL required] Date accessed: 12 December 2014

lawyers are often subject to threats from local leaders or armed groups. Traditional or mob justice is the main recourse for the population, especially in rural areas. In two widely publicized incidents of vigilantism during 2013, a group of local residents attacked a male doctor and female patient in Sar-i-Pul Province in June because he was treating her in a room without a chaperone, and an individual suspected of planting a bomb that killed 18 people in Ghazni Province was beaten and stoned to death in October.’<sup>179</sup>

- 2.5.20 The Congressional Research Service reports in November 2014 that ‘there is broad agreement that the Afghan judicial system remains weak and its independence is questionable. Judges and prosecutors are frequent targets of assassination, particular in insecure areas of Afghanistan. And justice is often subjective, with powerful families or factions often able to obtain the release from jail or non-prosecution of their members and supporters.’<sup>180</sup>

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## 2.7 Freedom of movement

- 2.7.1 The USSD report for 2013 stated:

‘The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, but the government sometimes limited citizens’ movement for security reasons.

‘The government continued to cooperate with the UN High Commissioner for Refugees (UNHCR), the International Organization for Migration, and other humanitarian organizations in providing protection and assistance to internally displaced persons, refugees, returning refugees, and other persons of concern. Government assistance to vulnerable persons, including returnees from Pakistan and Iran, remained low, with a continued reliance on the international community... Taxi, truck, and bus drivers reported that security forces operated illegal checkpoints and extorted money and goods from travelers.

‘The greatest barrier to movement in some parts of the country was the lack of security. In many areas insurgent violence, banditry, land mines, and IEDs made travel extremely dangerous, especially at night.

‘Armed insurgents also operated illegal checkpoints and extorted money and goods. The Taliban imposed nightly curfews on the local populace in regions where it exercised authority, mostly in the southeast.

‘Social custom limited women’s freedom of movement without male consent or a male chaperone.’<sup>181</sup>

For information and links to sources on conflict-related displacement, see [Country Information and Guidance Afghanistan: Security, August 2014](#) and the [EASO COI report, Afghanistan: Security situation, January 2015](#)

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<sup>179</sup> Freedom House [Freedom in the World 2014](#); Afghanistan, covering the year 2013, published 22 August 2014. <https://freedomhouse.org/report/freedom-world/2014/afghanistan#.VMgCyv6sWSo> Date accessed: 15 December 2014

<sup>180</sup> Congressional Research Service, [Afghanistan: Politics, Elections, and Government Performance](#), 4 November 2014, The Judiciary and Rule of Law p. 12 <http://fpc.state.gov/documents/organization/234362.pdf> Date accessed: 27 January 2015

<sup>181</sup> United States Department of State [Country reports on human rights practices for 2013; Afghanistan](#); 27 February 2014 Section 2d; <http://www.state.gov/j/drl/rls/hrrpt/humanrightsreport/index.htm?year=2013&dliid=220386> Date accessed: 16 January 2015.

# Annex A: Caselaw

## H. and B. v. The United Kingdom - 70073/10 44539/11 - Chamber Judgment [2013] ECHR 298 (09 April 2013)

This case before the European Court of Human Rights (ECtHR) was brought by two appellants. The first (H) had worked as a driver with the United Nations Assistance Mission in Afghanistan (UNAMA) and with the UN Project Service, and had received threats from the Taliban to stop working with “foreigners and non Muslims”. The second (B) worked as an interpreter for the US armed forces and the International Security Assurance Force (ISAF); he was threatened by the Taliban, including with beheading, for working with “foreigners”.

The ECtHR found that:

- There was not, at the time of the judgement, in Afghanistan a general situation of violence such that there would be a real risk of ill-treatment simply by virtue of an individual being returned there (para 93)
- The Court observes that the parties to the case did not dispute the conclusion of the December 2010 UNHCR Guidelines that, inter alia, individuals associated with, or perceived as supportive of the Afghan Government and the international community fall within a potential risk category and require a particularly careful examination of the risks to them upon return to Afghanistan (see paragraph 42 above). All the evidence before the Court supports this assessment. Indeed, the evidence paints a disturbing picture of the attacks carried out by the Taliban and other armed anti-government forces in Afghanistan on civilians with links to the international community. The UNAMA 2010 Report refers to the “alarming trend” of the assassination of civilians by anti-government forces (paragraph 48) and the UNAMA 2011 Report which indicates that the targeted killing of civilians persisted in 2011 (see paragraph 49 above). The December 2010 UNHCR Guidelines depict a “systematic and sustained campaign” by armed anti-Government groups to target civilians associated with, or perceived as supporting, the Afghan Government or the international community (see paragraph 43 above). The USSD Report also describes the targeting by insurgents of foreigners, NGO workers and government officials (see paragraph 51 above). Similarly, the OGN reports that insurgents were continuing to conduct a campaign of intimidation and assassination (see paragraph 52 above).
- There was insufficient evidence before it to suggest that the Taliban have the motivation or the ability to pursue low level collaborators in Kabul or other areas outside their control (para 97)
- There is also little evidence that the Taliban are targeting those who have, as requested by them, already stopped working for the international community and who have moved to other areas (para 98)
- That individuals who are perceived as supportive of the international community may be able to demonstrate a real and personal risk to them from the Taliban in Kabul depending on the individual circumstances of their case, the nature of their connections to the international community and their profile. However, the Court is not persuaded that the applicants have established that everyone with connections to the UN or the US forces, even in Kabul, can be considered to be at real risk of treatment contrary to Article 3 regardless of their profile or whether or not they continue to work for the international community (para 100)

As regards article 3:

- The first appellant, from his [H] own evidence, before leaving Afghanistan, had worked mainly in Kabul. There is no reason to suggest either that he had a high profile in Kabul such that he would remain known there after the passage of time or that he would be recognised elsewhere in Afghanistan as a result of his work (para 105)
- The second applicant [B] had already complied with the terms of the notice [from the Taliban] and stopped working as an interpreter as the notice requests him to do. Thus, the Court does not consider that the notice submitted gives rise to substantial grounds for believing that the second applicant would be at real risk on return to Afghanistan (para 113)
- The Court finds that the second applicant [B], a healthy single male of 24 years of age who speaks excellent English and left Afghanistan in April 2011 when already an adult (not during his formative years as argued by him), has failed to submit any evidence to the Court to suggest that his removal to Kabul, an urban area under Government control, where he still has family members including two sisters, would engage Article 3 of the Convention (para 114)
- The Court was not convinced that the second applicant [B] would be at risk in Kabul solely because of his previous work as an interpreter for the US forces but must instead examine the individual circumstances of his case, the nature of his connections and his profile. In that regard, the Court notes that, until early 2011, the second applicant worked as an interpreter in Kunar province where he had no particular profile. He had not submitted any evidence or reason to suggest that he would be identified in Kabul, an area outside of the control of the Taliban, or that he would come to the adverse attention of the Taliban there (para 115)

### **AK (Article 15(c)) Afghanistan CG [2012] UKUT 00163(IAC) (18 May 2012)**

The Upper Tribunal of the Immigration and Asylum Chamber came to the following conclusions:  
Law

1. The legal principles governing Article 15(c) of the Refugee Qualification Directive as set out in HM and others, AMM and others, and MK remained correct.
2. Decision-makers should consider the issues of refugee eligibility, subsidiary (humanitarian) protection eligibility and Article 3 ECHR in that order.
3. One relevant factor when deciding how much weight to attach to a judgment of the European Court of Human Rights will be the extent to which it had comprehensive COI before it. However, even when there is a recent ECtHR judgement based on comprehensive COI, the Tribunal is not bound to reach the same findings.

### **Country conditions**

4. This decision replaces GS (Article 15(c): indiscriminate violence). However, the country guidance given in AA (unattended children) remains unaffected by this decision, insofar as it relates to children.
5. The level of indiscriminate violence in the country taken as a whole is not at such a high level as to mean that, within the meaning of Article 15(c) of the Qualification Directive, a civilian faces a real risk to his life or person solely by being present in the country; neither is the level of indiscriminate violence, even in the provinces worst affected by the violence (which may be taken to include Ghazni, but not to include Kabul), at such a level.
6. When assessing whether Kabul city would be a viable internal relocation alternative, it is necessary to consider, both in assessing 'safety' and 'reasonableness,' not only the level of



violence in that city but also the difficulties experienced by the city's poor and internally displaced persons. However, these considerations will not in general make return to Kabul unsafe or unreasonable.

7. Nevertheless, while women with a male support network may be able to relocate internally, it would be unreasonable to expect lone women and female heads of household to relocate internally.

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