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COUNTRY ASSESSMENT

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1 SCOPE OF DOCUMENT

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

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

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

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

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

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

2 GEOGRAPHY

General

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

Languages

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

2.3 Some 50% of the population are able to speak Pashtu, which is one of the two official languages taught in schools. **[16]** Pashtu is spoken by the Pashtuns living in Afghanistan and Pakistan. The Pashtu speaking area is defined as the south-eastern third of Afghanistan and the area of Pakistan between the Afghan border and the Indus. The language is equally understandable on both sides of the border. It is noted that within Pashtu there are dialectical variations in pronunciation, spelling, grammar and

vocabulary. Using the test of pronunciation, the two principal dialects identified are western/Kandahari and eastern/Peshwarin; this division approximates to a division along the border. **[15c]**

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

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

See also Sikhs and Hindus: paragraphs 5.28 - 5.34

Economy

2.6 The dislocations associated with more than 20 years of fighting together with years of severe drought, have reduced the country's economy to a bare subsistence level. Most of the population was engaged in cultivation and animal husbandry. In previous years poppy cultivation was the mainstay of the economy and largely financed the military operations of various factions.**[2b]**

2.7 On 14 November 1999 the United Nations (UN) imposed sanctions on Afghanistan in response to the Taliban's refusal of the USA's demand to hand over Islamist fugitive Usama bin Laden, in hiding in Afghanistan. The sanctions were limited in scope, and officially restricted to the freezing of the Taliban's overseas bank accounts and also the blocking of Afghan Ariana international flights. The sanctions had an adverse affect on aid agencies attempting to bring food and medicine into the country.**[18c]** In January 2002 the UN Security Council revised the sanctions to target the members of Al Qa'ida and the former Taliban regime permitting Afghanistan's overseas assets to be unfrozen**.[25ap]**

2.8 In March 2002 the World Bank estimated the cost of rebuilding the Afghan economy over the next ten years at $15 billion and labelled Afghanistan as one of the poorest and most miserable states in the world. It was estimated that over $1 billion in aid would be received during the financial year starting 21 March 2002**.[25am]**

See also Reconstruction: paragraphs 5.103 - 5.104

3 HISTORY

1973 Coup d'État

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

3.2 In 1973 Prime Minister Daoud overthrew his cousin, King Zahir Shah, in a coup d'état. He abolished the monarchy and proclaimed himself president. Both superpowers and regional states feared that the abolition of the monarchy, without the institutionalisation of an alternative political system, could provoke a future succession crisis. The tension between the US and the USSR over Afghanistan increased, affecting foreign powers' attitudes to domestic political forces inside Afghanistan. Both the USSR and Pakistan (the latter with US support) increased their aid to Communist and Islamic movements challenging the Afghan regime. **[11a]**

1978 - 1992

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

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

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

3.6 The Khalq faction recruited mainly from among the Pashtuns who had a tribal background and only recent access to higher education. Supporters of the Parcham faction belonged mostly to the Dari speaking urban elite and had a mixed ethnic background. Both factions had contrasting views on the "conversion" of Afghanistan to

Communism. The Khalq faction represented the PDPA's radical wing, while the Parcham faction were more moderate. **[34]**

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

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

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

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

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

3.12 Throughout the Soviet occupation, residents of Kabul thrived on the money the Soviets had poured in. The jihad against the Soviets had taken place amongst the distant mountains and deserts, but in comparison Kabul had acquired new buildings, parks and roads. University lecturers' pay had trebled and there were cinemas, cafes and libraries full of Marxist tracts. Many from Kabul fought with the Communists against

the Mujahidin, therefore when the Mujahidin fought their way into Kabul (soon to fragment into their own fighting factions) its residents suffered their resentment. Thousands were killed and injured, and many fled.**[28]**

1992 - 1994: Mujahidin Government

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

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

3.15 Mojaddedi arrived in Kabul on 28 April 1992 as the President of the new interim administration. The Islamic Jihad Council was not however supported by Hekmatyar, whose radical stance differed substantially from Mojaddedi's more tolerant outlook. At the end of the month, Hekmatyar's forces lost control of their last stronghold in the centre of Kabul. Within a few weeks, the Government of the newly proclaimed Islamic State of Afghanistan had won almost universal diplomatic recognition, and by early May 1992 about one-half of the Islamic Jihad Council had arrived in the capital. An acting Council of Ministers was formed, in which Masoud was given the post of Minister of Defence and the premiership was set aside for Ustad Abdol Sabur Farid, a Tajik commander from Hizb-i Islami (Hekmatyar declined to accept the post). **[1]**

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

3.17 Renewed intense fighting broke out on 1 January 1994, when Prime Minister Hekmatyar formed a new alliance with Uzbek General Dostum, and attempted to force

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

Emergence of the Taliban

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

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

3.20 The Taliban were appointed by Islamabad to protect a convoy attempting to open up a trade route between Pakistan and Central Asia. The group comprised Afghans trained in religious schools in Pakistan and former mujahidin. The latter proved to be effective bodyguards as they drove away other mujahidin groups who attacked the convoy. **[25a]** In November 1994 the Taliban captured Kandahar from the mujahidin, and moved north-eastwards. The term of office of President Rabbani came to an end on 28 December 1994 but he remained President, pending the outcome of the UN sponsored peace negotiations. **[11a]**

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

February 1995 - June 1996

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

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

September 1996 - June 1997

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

See also Ethnic Groups: paragraphs 5.62 - 5.87

3.25 To the north of Kabul, the forces of the ousted government were pushed out of the towns of Charikar and Jebul Siraj, and the front line reached the village of Gulbahar at the mouth of the Panjshir Valley: the stronghold of Commander Masoud. In the week of 14-20 October 1996 the forces of General Dostum joined Commander Masoud's front line and fought their way to Kabul in a counter-attack. As a result the Taliban lost their strategic military airbase at Bagram. A second front line was opened in the north-west, where the Taliban held territory bordering the area controlled by General Dostum. **[11a]**

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

the fighting between the Taliban and the allied opposition continued into January **1997**. **[1]**

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

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

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

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

3.31 The anti-Taliban alliance expanded and strengthened in early June 1997 by the inclusion of forces of Hekmatyar and of the Mahaz-i-Melli-Islami, led by Pir Sayed Ahmad Gailani. This new coalition, which superseded the SCDA, was known as the United Islamic Front for the Salvation of Afghanistan (UIFSA)**[1]** (also known as the Northern Alliance**[11d]** and the United Front**[17b]**). At the beginning of June 1997, the Taliban effectively controlled two-thirds of the country. **[11a]**

August 1997 - September 1998

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

3.33 In September 1997 the main battlefront moved northwards from Kabul when the Taliban launched an offensive in an attempt to recapture Mazar-i-Sharif. Following fierce fighting the Taliban were forced to lift the siege and retreat in early October 1997. Meanwhile, in mid-September 1997 General Dostum was reported to have returned to Mazar-i-Sharif from Turkey, and in the following month the member parties of the UIFSA re-elected him as commander of the forces of the alliance. They also appointed him as Vice-President of the anti-Taliban administration. **[11b]**

3.34 There were however reports of a bitter rivalry between General Dostum and General Abdul Malik, with skirmishes between their respective forces. Dostum's battle for supremacy with his rival led him to make overtures to the Taliban, including offers of exchanges of prisoners of war. By late November 1997 General Dostum reassumed leadership of the National Islamic Movement, ousting General Malik. **[11b]**

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

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

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

3.38 Taliban forces made key gains in mid-July when they captured Meymaneh, the capital city of the north-western Fariab province. **[5g]** When the Taliban failed in its efforts to control the north, they were able to establish a long-term presence in the area, gaining the support of many Pashtuns there. Despite intermittent activity, the lines of

control remained relatively stable until the Taliban's new offensive in July 1998. Pakistan was reportedly again instrumental in supporting the Taliban offensive that began in July 1998. As the Taliban neared Mazar-i-Sharif a number of opposition commanders reportedly abandoned the city, with some Jamiat fighters even looting their own offices. These defectors together with Pashtun militia commanders from Balkh, disillusioned with Hekmatyar, agreed to join forces with the Taliban and move in behind Hizb-i-Wahdat stationed at Qala Zaini. Trapped in the position, nearly the entire Hizb-i-Wahdat force was killed (some 3,000 men) opening the way for the Taliban into Mazar-i-Sharif. **[11b]**

See also Hazaras: *paragraphs: 5.74 - 5.80*

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

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

September 1998 - December 1999

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

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

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

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

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

3.46 Between July and December 1999 a series of Taliban offensives in the north was marked by summary executions, the abduction and disappearance of women, forced labour of detainees, the burning of homes, and the destruction of other property and agricultural assets.**[17b]**

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

January 2000 - December 2000

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

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

See also Hazaras: Paragraphs: 5.74 - 5.80

3.50 In August the UN began distributing food in the north, where people had reportedly been eating plants and roots to survive. A World Food Programme official described the situation as desperate. **[25d]** The drought began to reduce a significant amount of the population to a marginal level of survival. The situation was particularly bleak in the

West of the country, although there were also reports that the water table in the South had fallen significantly. Mullah Omar reportedly issued a statement in response to the drought, saying that it represented a punishment by God for discontent with Taliban rule among the population, and neglect of religious duties. It is believed that this was the first time that the Taliban leader acknowledged that some elements of Afghan society were unhappy with the Taliban. **[22c]**

3.51 In early September 2000 the Taliban secured the key northern town of Taloqan, following a month long assault. **[25e]** Amnesty International reported that during the fighting houses were burned and villagers were killed. It was also reported that the Taliban cut the throat of one man in front of his relatives. There were also unconfirmed reports that Taliban soldiers (some foreign) abducted women and girls from villages in the area. **[2b]** The town lies 160 miles north of Kabul and is close to the Tajikistan border. It acted as the main supply route to the opposition and therefore represented a significant victory for the Taliban, who after capturing the town previously were unable to hold onto it. International aid agency Medecins Sans Frontieres expressed concern at the amount of displaced people in a region already suffering from severe drought and food shortages.**[25e]**

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

3.53 Amnesty International reported that the Northern Alliance executed six prisoners on 6 December 2000 following their arrest two days previously; signs of torture were also reported. The arrests followed the ambush and shooting of Alliance members. A spokesman insisted that some sort of trial took place, despite their execution only forty hours after their arrest. This action was indicative of a political motive behind the executions. **[7s]**

See also Judiciary: paragraphs 4.9 - 4.12

January 2001 - December 2001

3.54 In January 2001 concern was growing for the safety of around 10,000 displaced persons living in makeshift camps along the Tajikistan border. The refugees living on the banks and islands of the River Pyandi faced food shortages and security problems, and some were reportedly wounded by shellfire. Lack of adequate facilities was also causing dysentery and other illnesses. **[25g]** UNHCR halted an assistance programme when it became apparent that these people were mixed with armed elements, contravening UNHCR policy. **[36a]**

3.55 Yakawlang in central Afghanistan was taken by the opposition Hizb-i-Wahdat on 30 December 2000 following the return of their leader, Karim Khalili, from a lengthy period in Iran. The area changed hands again however, with the Hizb-i-Wahdat retaking Yakawlang on 22 January 2001. There were allegations that the Taliban were responsible for the execution of more than 100 civilians. Similarly there were also

allegations that the Hizb-i-Wahdat treated with brutality those they considered had collaborated with the Taliban. **[22d]** The Taliban once again captured Yakawlang on 17 February 2001**[22e]** and massive internal displacement ensued. **[17a]**

3.56 A subsequent Human Rights Watch report highlighted eyewitness accounts of killings between 8-12 January 2001, whereby the Taliban allegedly detained 300 civilian adult males in this Hazara-based district, who were then herded to an assembly point and shot by firing squad in public view. About 170 were confirmed dead, reportedly as a punishment and future deterrent for co-operation with the Northern Alliance. Hazara elders who had attempted to intercede with the Taliban were also reportedly killed. **[17a]**

See also Hazaras: paragraphs 5.74 - 5.80

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

3.58 In March 2001 the Taliban ordered the destruction of two 1,500-year-old historic Buddha statues in Bamian province, claiming that these and other non-Islamic statues were "shrines of infidels". Pre-Islamic artefacts in the Kabul museum were also destroyed. The destruction of the statues came amid widespread international condemnation, illustrating the Taliban regime's increasing distance from the outside world. Some analysts believed that the destruction was also aimed at punishing Bamian's mainly Shia Hazara inhabitants. Following BBC reports that some Afghans disapproved of the demolition, the Taliban subsequently took action and expelled the organisation's correspondent.**[30b]**

3.59 At the end of March 2001 Russian border guards accused the Taliban of opening fire on the refugees stranded on the Tajikistan border. UNHCR states that some anti-Taliban fighters were amongst the refugees. Tajikistan continued to refuse to give entry to the 10,000 camped in the border zone.**[20c]**

3.60 In April 2001 General Dostum returned to Afghanistan after a three-year exile and reportedly met Ahmed Masoud in the Panjshir Valley. Morale amongst anti-Taliban forces was reported to have risen following Dostum's return, who still had the support of many fighters. **[25]**

3.61 In June 2001 the Taliban carried out the aerial bombardment of Yakawlang and after entering the town burnt it to the ground. Most of the town's inhabitants had already left as the fighting had intensified.**[29a]**

3.62 In August 2001 a key commander in Mazar-i-Sharif withdrew from the Taliban, a loss which threatened to undermine the Taliban's hold on the fiercely independent city. The Commander had given the Taliban one of their most decisive victories in 1998 after defecting from the opposition. Meanwhile Taliban troops found themselves stretched too thinly to make any significant gains, despite motivated reinforcements from Pakistan and Arab countries. **[18f]**

3.63 In August 2001 eight foreign nationals and sixteen Afghans working for the German based NGO Shelter Now International were arrested by the Taliban on charges of proselytising Christianity - a crime punishable by death in Taliban controlled territory. **[36f]**

See also History: paragraph 3.70

3.64 By September 2001 the annual fighting season was reported to be coming to a close, with neither side achieving any significant breakthrough. Throughout the summer the military action had generally been of a sporadic and ineffective nature.**[37a]**

3.65 In September 2001, it is thought that suicide bombers disguised as Arab journalists assassinated anti-Taliban alliance leader Ahmed Shah Masoud.**[25m][2b]** General Mohammed Fahim Khan was appointed as his successor. **[25n]** Of crucial significance were the events that took place shortly after the Masoud attack. Usama bin Laden (still in Taliban territory) became the prime suspect for the 11 September 2001 suicide plane attacks on Washington and New York. The Taliban's refusal to hand bin Laden over to the US resulted in a huge build up of US armed forces in readiness for a strike against the Taliban. The Taliban in turn claimed that they had mobilised 300,000 fighters for a holy war against the US **[25o]**

See also Al Qa'ida: paragraphs: 5.111 - 5.113

3.66 The Taliban began to lose ground to the Northern Alliance in the North as fighters under the command of General Dostum were reportedly within 30 kilometres of Mazar-i-Sharif, towards the end of September 2001.**[25o]**

3.67 On 1 October 2001 World Food Programme food trucks arrived in the country. This was the first delivery since aid deliveries were suspended on 12 September 2001 due to deteriorating security and a lack of commercial transport. WFP had launched a multi-million dollar appeal to save millions from hunger induced by drought and war.**[36h]**

3.68 On 7 October 2001 the US and Britain launched sustained military strikes (Operation Enduring Freedom) across the country in response to the Taliban’s refusal to hand over the prime suspect for the 11 September 2001 terrorist attacks on the US At least three attacks were made on Kabul as well as other targets on Kandahar, Jalalabad, Herat, Farah, Mazar-i-Sharif and Konduz.**[29b]**

3.69 Military strikes continued and in mid October the attacks were stepped up with the deployment of a special forces gunship raking the southern stronghold of the Taliban in Kandahar.**[29c]** On 21 October 2001, American troops parachuted into Afghanistan in

the first ground attacks of Operation Enduring Freedom.**[29d]** On 25 October 2001, reports indicated that the Pakistani authorities were reinforcing security along the northern frontier with Afghanistan in an attempt to stop thousands of armed men crossing from Pakistan to Afghanistan to fight for the Taliban.**[25b]** At the end of October 2001, United States warplanes targeted the suspected underground command centres of Usama bin Laden and his Al Qa'ida network in eastern Afghanistan and boosted its assistance for opposition Northern Alliance forces in Afghanistan by air dropping supplies of ammunition.**[25k]**-At the same time the Northern Alliance stepped up its bombardment and commandos and infantry men were made ready to launch a ground attack.**[29e]**

3.70 In the first major setback for the Taliban, on 8 November 2001, Northern Alliance forces drove the Taliban out of the key city of Mazar-i-Sharif. Northern Alliance forces continued their advance.**[25p]** and by 11 November 2001 had taken four more provinces in the north of the country.**[29f]** The Northern Alliance continued to make gains across the north of the country backed by US bombing, and on 12 November 2001 broke through two lines of Taliban trenches north of Kabul. On 13 November 2001, Northern Alliance troops took control of Kabul. There followed reports of looting and the shooting of Arab volunteers serving with the Taliban. Music was heard on Kabul radio for the first time in five years and in a symbolic gesture of freedom from the strict Taliban interpretation of Islam, men shaved their beards off.**[25r]** The eight western aid workers who had been held by the Taliban since August, accused of proselytising Christianity, were moved out of Kabul just before it fell and released on 14 November 2001.**[36b]**

3.71 After a short stalemate the last northern stronghold of the Taliban, Kunduz, finally fell to Northern Alliance troops on 20 November 2001.**[25t][25u]** On 19 November 2001 Pakistan, the only country to continue to recognise the Taliban (even after announcing its support for the American-led coalition), broke off its relations with the Taliban.**[25v]** The United Nations sponsored talks on the future of Afghanistan took place in Bonn, Germany on 26 November 2001. The talks brought together representatives of the four major Afghan ethnic groups including delegations from the Northern Alliance, Pashtun tribes and supporters of the exiled King.**[25w]** After nine days of talks a formal "Agreement on Provisional Arrangements in Afghanistan Pending the Re-establishment of Permanent Government Institutions" (The Bonn Agreement) was signed on 5 December 2001.**[25x][39b]**

3.72 The Bonn Agreement stated that the Interim Authority, the initial governing body would rule for six months from 22 December 2001 and that power would pass to a Transitional Authority on 22 June 2001.**[39b]** An Interim Administration, to govern Afghanistan, was inaugurated on 22 December 2001. A 30-member cabinet was sworn in under the leadership of Hamid Karzai. The cabinet includes representatives from Pashtun, Hazara and Tajik ethnic groups and includes two women ministers.**[25aa][25ab]**

See also Political System: paragraphs 4.2 - 4.8

3.73 On 7 December 2001, following continued US air strikes on the city of Kandahar the last stronghold of the Taliban, fighters began surrendering to forces loyal to the new

Afghan Interim Administration. As the city fell the fate of the Taliban leader Mullah Mohammad Omar was unknown.**[25y]** Tribal fighters reported on 16 December 2001 that they had taken the last of the Al Qa'ida positions in the caves and tunnels of Tora Bora in eastern Afghanistan. The whereabouts of Al Qa'ida leader Usama bin Laden were unknown. US Secretary of State Colin Powell confirmed he was still being sought.**[25z]**

January 2002 onwards.

3.74 A Military Technical Agreement was signed by the Afghan Interim Administration on 4 January 2002 on the deployment of an International Security Assistance Force (ISAF) to Afghanistan. The ISAF is tasked to work alongside Afghan Security Forces to maintain security in and around Kabul. Britain is lead nation of the ISAF for the initial three months of its mandate.**[25ac][39c]** The ISAF reached its full operating capacity of 4,500 troops on 18 February 2002.**[39e]** On 25 January 2002 the Interim Administration leader Hamid Karzai announced names of members of the Special Independent Commission responsible for convening an Emergency Loya Jirga to decide on the make up of a Transitional Authority, which will govern for 18 months from June 2002.**[36e]**

3.75 Military action continued with the bombing of a suspected Al Qa'ida compound in the Khost region in early January 2002.**[25ay]** Attempts to capture Mullah Omar, leader of the Taliban, continued with United States marines, special forces and Afghan anti-Taliban forces moving to Baghran east of Kandahar in early January 2002. Despite the continuing search it was reported that he had escaped and his whereabouts were unknown.**[29g]** On 10 January 2002 the US commenced flying prisoners captured during the campaign in Afghanistan to a US prison camp in Guantanamo Bay, Cuba.**[25ad]** By 23 January 2001 the camp held some 158 prisoners when transfers were halted to allow the camp to be expanded.**[25ae]**

3.76 A further large ground operation was reported in late January 2002 when 27 Taliban fighters were captured in a pre-planned raid.**[25af]** Security continued to be an ongoing problem. In early February 2002 there were reports of local disputes in Gardez, Paktia province and in Mazar-i-Sharif where UN intermediaries intervened to prevent a major outbreak of fighting.**[25ah]** On 14 February 2002, the Civil Aviation and Tourism Minister was murdered at Kabul airport. Two cabinet ministers were appointed to head an inquiry into the murder and seven suspects were arrested.**[25ag]**.

3.77 On 3 March 2002 a major offensive by US and coalition forces commenced in eastern Afghanistan, targeting enemy forces occupying a series of cave complexes in Paktia provinces.**[26a]** The offensive, (Operation Anaconda) involving both Afghan and American ground troops met resistance from Al Qa'ida and Taliban forces and was continuing on 11 March 2002 when further heavy fighting was reported.**[25ah][26c]** On 19 March 2002 it was reported that Operation Anaconda had ended with more than 500 Taliban and Al Qa'ida fighters confirmed killed.**[26d]**

3.78 The US led Operation Enduring Freedom against remaining Taliban and Al Qa'ida continues.**[26d]** On 18 March 2001, the UK announced plans to deploy 1,700 troops to assist the US to fight the remaining pockets of Taliban and Al Qa'ida resistance in

Eastern Afghanistan.**[25an]** By 20 April 2002 the full force of 1,700 Royal Marines had arrived in Afghanistan.**[25bl]**

3.79 On 25 March 2002, an earthquake hit northern Afghanistan, devastating the market town of Nahrin and nearby villages in the foothills of the Hindu Kush Mountains. The quake measured up to 6.0 on the Richter scale and tremors were continuing several days later.**[25az]** Although initial reports had suggested thousand of deaths by early April the death toll was put at 800. The UN and other agencies identified over 20,000 families in need of urgent aid in Baghlan province where the village of Kogadai Bala and the valleys of Sugaan and Jelgah were affected in addition to the Nahrin district.**[36i]**

3.80 On 4 April 2002 the Interim Administration authorised the arrest of more than 160 people in Kabul. The Kabul chief of police General Jurat said those arrested had been planning to plant bombs and carry out other destructive acts against the government. Most of those arrested were members of Hezb-i-Islami a hardline Islamic group, led by former prime minister Gulbuddin Hekmatyar. A spokesman for Hekmatyar denied that he was involved.**[25ax]** A few days later it was reported that Defence Minister Mohammad Fahim had survived an apparent assassination attempt, four civilians were killed and more than 50 others injured when a mine exploded under a car in a convoy in which he was travelling.**[25bk]**

3.81 In April 2002 Human Rights Watch issued a report detailing abuses against ethnic Pashtuns in Northern Afghanistan following the fall of the Taliban.**[17e]** Also in April 2001 there were reports that mass graves had been found in the Bamiyan area believed to contain the bodies of members of the local Hazara community killed late in 2001 after the fall of the Taliban.**[25be]**

See also Pashtuns: paragraph 5.70 Hazaras: paragraph 5.80

3.82 According to the US Drug Enforcement Agency, Afghanistan produced more than 70% of the world's opium in 2000.**[25bh]** In January 2002 Hamid Karzai issued a decree banning the cultivation of opium poppies in a bid to stop drug trafficking. The decree renewed an order issued by the Taliban two years ago and declared illegal all cultivation, manufacturing, processing, impermissible use, smuggling and trafficking of opium poppy and all its derivatives.**[25bi]** In early April 2002 destruction of poppy fields began, despite protests from farmers, who claimed the compensation offered was insufficient. It was reported that the Afghan Government needs to fulfil its promise to eradicate the poppy to retain goodwill in the West.**[25bj]**

4 STATE STRUCTURES

The Constitution

4.1 From 1996 to the immediate period before 22 December 2001 there was no countrywide recognised constitution. In 1999 the Taliban claimed that it was drafting a constitution based on Islamic law but made no further announcements regarding a constitution.**[2b]** The Bonn Agreement restored the Constitution of 1964 to the extent

that its provisions were not inconsistent with those of the Bonn Agreement and with the exception of those provisions relating to the monarchy and the executive and legislative bodies provided for in the Constitution.**[39b]** The 1964 constitution combined Western ideas with Islamic religious and political beliefs.**[1]** In early February 2002 an executive order of the leader of the Interim Administration further announced the partial restoration of the 1964 constitution.**[36d]**

Political System

Current Position

4.2 Afghanistan has experienced civil war and political instability for 22 years.**[2b]** On 22 December 2001 the Interim Administration took office following the signing of The Bonn Agreement.**[2b]** The Bonn Agreement set out the provisions for the establishment of the Interim Administration. The Agreement stated that the Interim Authority, mandated to rule for six months would:

- act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law
- ensure the participation of women as well as the equitable representation of all ethnic and religious communities.**[39b]**

The Interim Authority is the repository of national sovereignty and consists of an Interim Administration, a Special Independent Commission for Convening the Emergency Loya Jirga and a Supreme Court of Afghanistan. The Interim Administration is entrusted with day-to-day conduct of the affairs of state during its mandated period of rule. Power will be transferred to a Transitional Authority on 22 June 2002**.[39b]** The current 30 member interim cabinet which forms the Interim Administration is drawn from representatives of the Northern Alliance, the Rome group loyal to the former king Zahir Shah and the smaller Cyprus and Peshawar exile groups and includes a mix of ethnic backgrounds.**[25aa][25ab]**

4.3 The Bonn Agreement set out in full the duties of the Special Independent Commission responsible for organising and implementing procedures for convening of the Emergency Loya Jirga. The Loya Jirga will elect a Head of State for the Transitional Authority and will agree the structure and key personnel of the Transitional Administration.**[39b]**

4.4 The Bonn Agreement called for the Special Independent Commission for Convening the Emergency Loya Jirga to be established within one month of the inauguration of the Interim Authority. The members of the Commission were announced on 25 January 2001.**[40a]** They were selected following an extensive period of consultation with a wide range of intellectuals, civil society groups, religious and political leaders and members of the Interim Administration. The 21 commissioners were chosen from a cross-section of ethnic and religious groups and include three women**.[40a][37b]** In a briefing to the UN Security Council on 27 February 2002, Keiran Prendergast Under-Secretary General for Political Affairs, reported that the members of the Commission had been visiting provinces of the country to solicit advice from Afghans about making the Loya Jirga as fair and representative as possible, and had been able to operate without interference. There had however been reports of lobbying and the distribution of money by powerful figures which the UN were monitoring.**[39e]**

4.5 On 31 March 2002 it was announced that the Loya Jirga would meet between 10 and 16 June 2002 to choose a new Transitional Administration. The Loya Jirga will consist of 1,450 delegates of which 1,051 will be elected. There will be a guaranteed 160 seats for women, 53 for members of the Interim Administration, 100 seats for Afghan refugees, six for internally displaced Afghans and 25 seats for nomads. **[25ar]** Full details of the election process for members of the Loya Jirga and the rules for overseeing and dealing with complaints arising from these elections were also issued.**[40b]**

1996 - 22 December 2001

4.6 On assuming power in 1996, the Taliban declared Afghanistan a "complete" Islamic state and appointed an interim Council of Ministers to administer the country.**[1]** The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the Religious Police. The edicts were enforced with varying degrees of rigor throughout the country.**[2b]** Following a visit in February 2001, the UN Under-Secretary-General for Humanitarian Affairs and Emergency Relief stated that the Taliban "appear to be both unable and unwilling to cater to the basic concerns and needs of people under their control" and that "they seem to be consumed by their immediate goals of military gain and religious progress." **[11d]**

4.7 In 1997 the Taliban issued an edict renaming the country the Islamic Emirate of Afghanistan and named its leader Mullah Omar Head of State and Commander of the Faithful. Ultimate authority vested with Mullah Omar who headed the inner *Shura* (Council) based in the southern city of Kandahar.**[2b]** At the local level, local *Shura* were constituted and also ruled by decree.**[11d]** In practice however decision-making became totally centralised and secretive**,** with the Kabul ministers rarely consulted on key issues.**[33]** The Taliban appeared to have embarked upon an increasingly ideological hard-line stance during 2001, with observers commenting on the insanity of their complete confrontation with the international community.**[38]**

4.8 The Taliban controlled approximately 90% of the country the remaining 10% was controlled by a rival regime, the Islamic State of Afghanistan (generally known as the Northern Alliance or United Front). Former President Burhanuddin Rabbani who controlled most of the country's embassies and retained Afghanistan's United Nations seat nominally headed this regime. Rabbani and his military commander, Ahmed Shah Massoud controlled the majority of Tajik areas in the extreme north-east of the country. The anti-Taliban forces of the Northern Alliance acted in concert with the US led military coalition, Operation Enduring Freedom, which commenced on 7 October 2001.**[2b]**

See also History: paragraphs 3.68 - 3.73

Judiciary

Current Position

4.9 The Bonn Agreement called for the establishment of a Judicial Commission to rebuild the domestic justice system in accordance with Islamic principles, international standards, the rule of law and Afghan legal traditions.**[39b]** The new chief justice of Afghanistan and head of the supreme court, Mr Fazal Hadi Shinwari asserted in January 2002 that, as an Islamic country, Afghanistan would continue to apply Islamic law to judgements in courts. He also announced an amnesty for those who had worked for the Taliban regime (but not those accused of murder).**[24]**

1996 - 22 December 2001

4.10 Following their seizure of power in Kabul in September 1996, the Taliban imposed a strict Islamic code of conduct on Kabul, including the introduction of stonings, lashings, amputations, and the death penalty as punishment for various crimes.**[1]** According to the UN the Taliban established a lower court and a higher court in every province, with a Supreme Court in Kabul.**[2b]**

4.11 However there was no functioning nation-wide judicial system in place. The Taliban regime recognised only the validity of Sharia (Islamic) law and did not accept the notion of secular law or binding international law.**[11d]** The Taliban ruled strictly in areas they controlled, establishing ad hoc and rudimentary judicial systems.**[2b]**

4.12 In 1997 the UNHCR reportedly had misgivings about the proper working of the legal system in northern Afghanistan (those areas not under Taliban control). This was considered especially true in areas where individual commanders had established independent power bases and accordingly acted as the legislative, judiciary and executive authority all in one.**[8]**

Military Service

December 2001 to date

4.13 In late February 2002 it was reported that the ISAF had commenced the training of a professional national army. After more than 20 years of civil war Afghanistan has large numbers of armed soldiers most remaining loyal to their local clan chiefs and war lords. It is planned to disarm as many of these local militias as possible replacing them with a professional national army under the control of central government.**[25aj]** In March 2002 Hamid Karzai leader of the Interim Administration speaking at a meeting of warlords from all over Afghanistan, said that Afghanistan would have an independent, multi-ethnic national army.**[25aq]** In early April 2002, the first 600 members of the newly formed First Battalion of the Afghan National Guard graduated from training.**[30d]**

Pre 22 December 2001

4.14 Before 1992 conscription existed, military service could be performed in the armed services, the Ministry of the Interior and the secret police (Khad). After the 1992 collapse of the communist government all serving conscripts were discharged, all deserters were granted amnesty (except very high-ranking officers) and the previous government's military bodies were dissolved. **[9]**

4.15 The vast majority of Taliban soldiers have reportedly been volunteers. Conscription has nonetheless apparently taken place, especially in critical situations. Conscripts might have included Hazaras, but were otherwise mainly Pashtuns. A source at the US representation in Pakistan advised that the Taliban's opposing factions have also practised conscription.**[8]** It has also been reported that some paid bribes to keep their sons out of the conflict, and that revolts against forced recruitment occurred.**[31]**

4.16 During its fact-finding mission in November 1997, the Danish Immigration Service reported a US source as claiming that the Taliban were known to recruit soldiers both in refugee camps in Pakistan and within Afghanistan itself. However, there was reportedly seldom any forced recruitment in camps in Pakistan.**[8]** In May 2000 Hazara conscripts were reportedly executed for refusing to serve with the Taliban.**[11d]** Generally speaking however, it appears that as some communities in Afghanistan resisted conscription, the Taliban could easily find replacements elsewhere - notably in Pakistan with its availability of impoverished and undereducated youth.**[33]**

4.17 In September 2001 as fears of a US attack began to grow it was reported that the Taliban were forcibly seizing men (including Tajiks and Hazaras) aged between 18 and 30 to fight America. Those who resisted faced the threat of jail, with reports that some were also to be held as hostage. On 24 September 2001 the Taliban announced they were mobilising 300,000 men to defend Afghanistan against the feared attacks. **[18h]**

Internal Security

Current Position

4.18 The Bonn Agreement raised the possibility of an international security force for Afghanistan and called upon the international community to assist in the formation of a national army and police force.**[2b]** A Military Technical Agreement was signed with the Interim Administration on 4 January 2002 on the deployment of an International Security Assistance Force (ISAF) to Afghanistan to work alongside Afghan police to maintain security in and around Kabul. Britain agreed to be lead nation of the ISAF for the initial three months of its mandate.**[25ac][39c]** The ISAF reached its full operating capacity of 4,500 troops on 18 February 2002.**[39e]** A UNHCR report, dated 13 February 2001, indicated that the security situation whilst improved in urban centres had not improved in other parts of the country. In the provinces, pockets of instability remain or re-imerge, often as a result of unsettled power-sharing agreements.**[11e]** In a briefing to the United Nations Security Council on 27 February 2002 Kieran Prendergast (Under-Secretary-General for Political Affairs) reported that as a result of the deployment of the ISAF the crime rate in Kabul had fallen. He also reported that the Interim Administration had faced two major security threats in Mazar-i-Sharif and Gardez. These had been resolved without a return to widespread warlordism due to the authority of the Interim Administration being respected by political and military players outside Kabul.**[39e]**

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4.19 During most of 2001 the Taliban remained the country's primary military force. Its militia and the religious police, part of the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV) were responsible for internal security in areas under Taliban control.**[2b]**

4.20 Civilians continued to be the primary victims of the unabated fighting. **[2b]** Both sides of the conflict have targeted civilians during their quests for a military victory, subjecting them to indiscriminate use of mortars, rocket and fighter plane attacks and also landmines. **[11d][6b]**

4.21 Following the arrival of the Taliban, it was reported in 1996 that many roads were reopened and security conditions apparently improved. **[11a]** The strict security enforced by the Taliban in areas under its control resulted in a decrease in abductions, kidnappings and hostage taking. However, there were also credible allegations that Taliban forces were responsible for disappearances, abductions, kidnappings and hostage taking and maintained private prisons to settle personal vendettas.**[2b]**

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

4.23 A Human Rights Watch report, dated July 2001, detailed a number of violations committed by both sides during the course of the conflict and indicative of the conduct of the warring parties. These included the massacre by the Taliban of some 176 civilians in the town of Yakaoloang in the Hazajarat region in January 2001 following fighting in and around the town between Taliban and Northern Alliance factions. A further execution of an unknown number of civilians also took place in June 2001. In January 2001 Taliban forces summarily executed at least 31 ethnic Uzbek civilians while retreating from Khwajaghar in Takhar province. There were also reports that the Taliban bombed residential areas of Taloqan prior to the fall of the town in September 2000 and that Taliban forces carried out summary executions of Northern Alliance sympathisers in villages the area. In late 1999 and early 2000 internally displaced persons in and around Sangcharak district recounted summary executions, burning of houses and widespread looting during the period the four months that the area was held by the Northern Alliance.**[17b]**

4.24 On 7 October 2001 Operation Enduring Freedom, a US led international coalition began a military action aimed at toppling the Taliban regime and eliminating the Al Qa'ida network from Afghanistan.**[2b]** In November 2001 Northern Alliance forces killed approximately 100 to 300 Taliban fighters in the city of Mazar-i-Sharif when it shelled a former girls school that was being used as a military barracks by the Taliban. There were conflicting reports as to whether some of the Taliban forces had attempted to surrender before the shelling.**[2b]** It was further reported that another 120 Taliban prisoners were killed on 25 November 2001 following a riot of prisoners at the Qala-e-Jhangi fort.**[2b][25at]** In November 2001 following the capture of Kabul there were

unconfirmed reports of civilians killing fleeing Taliban members, and Arabs and Pakistanis.**[2b][25r]**

4.25 On 16 October 2001 Taliban members were reported to have intermittently looted offices of the Swedish Committee for Afghanistan over a period of two days in five separate Afghan cities.**[2b]** In November 2001 following the capture of Kabul by the Northern Alliance there were credible reports that as Taliban members fled the city they ransacked offices stole vehicles, looted the museum and stole an estimated $1.5 million from the currency exchange district.**[2b]**

Religious Police

4.26 The Taliban relied on a religious police force under the control of PVSV to enforce rules regarding appearance, dress, employment, access to medical care, religious practice, expression and other behaviour. Members of the PVSV, which was raised to the status of a Ministry in 1998 regularly monitored persons on the street to ensure that individuals were conforming to Taliban edicts. Those found in violation of the edicts were subject to punishment on the spot including beatings and detention. The edicts were generally enforced in cities, especially Kabul, but enforced less consistently in rural areas, in which more discretion was permitted based on local custom.**[2b]**

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

4.28 Small incidents (including small social and religious crimes) were dealt with exclusively by the Religious Police, who carry out punishments. Men and women in Kabul reportedly feared being stopped or harassed by the Religious Police (for example the Religious Police beat shopkeepers found in their stores at prayer time). Punishments for some offences reportedly ranged from 10-40 lashes. **[6a]**

Legal Rights/Detention

4.29 Taliban courts imposed an extreme interpretation of Islamic law (not a formal countrywide legal code) and punishments followed swift summary trials. Those found guilty of murder or rape were generally ordered to be executed, although victims' relatives could alternatively accept other restitution. **[2b]** The judiciary in Taliban controlled areas consisted of tribunals where clerics with little legal training ruled on Pashtun customs and the Taliban's interpretation of Sharia law. **[11d]**

4.30 With the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes, and persons were subject to arbitrary detention. There were credible reports that both Taliban and Northern Alliance militia extorted bribes from civilians in return for their release from prison or freedom from arrest. Judicial and police procedures varied from locality to locality. Little is known

about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas practices varied depending on the locality, the local commanders and other authorities. Some areas have a more formal judicial structure than others.**[2b]** In April 2001 UNHCR reported that in Taliban and Northern Alliance controlled areas the rule of law was similarly non-existent.**[11d]**

4.31 Little is known about the administration of justice in the areas that were controlled by the Northern Alliance. The administration and implementation of justice varied from area to area, and depended on the impulse of local commanders or other authorities who summarily execute, torture and mete out punishments without reference to any other authority.**[2b]**

See also Internal Security: paragraphs: 4.18 - 4.25 and Religious Police: paragraphs 4.26 - 4.28

Death Penalty

4.32 Public executions were reported, and during 2000 at least 15 people were executed in public.**[7b]** On 26 September 2000 a man convicted of adultery was publicly stoned in Maymana in Fariab province. The woman with whom he was convicted of engaging in adultery was sentenced to 100 lashes, although the sentence was postponed because she was pregnant. The punishment for homosexuality is to have walls toppled on those found guilty. This punishment was carried out on at least one occasion in 1999 and seven times in 1998 (resulting in five deaths). There were however no known instances of such punishment during 2000 or 2001.**[2b]**

4.33 Amnesty International reported that the Northern Alliance executed six prisoners on 6 December 2000 following their arrest two days previously; signs of torture were also reported. The arrests followed the ambush and shooting of Alliance members. A spokesman insisted that some sort of trial took place, despite the execution only forty hours after the accused were arrested. This action was indicative of a political motive behind the executions.**[7s]**

Prisons and Treatment of Prisoners/Detainees

Current Position

4.34 In January 2002, the International Committee of the Red Cross (ICRC) has reported on the release of some 270 detainees in Kabul. They had been recently transferred from the Do Ab prison in Panjshir having previously been in prison for up to six years. ICRC delegates confirmed that they were currently visiting some 4,800 detainees in approximately 40 places of detention throughout Afghanistan.**[42a]**

4.35 On 1 February 2002 Amnesty International (AI) raised concerns about the conditions under which thousands of prisoners in Afghanistan were detained. Under the Bonn Agreement the Interim Administration is formally responsible for detention facilities, however Amnesty reported that the US had a continuing responsibility for the welfare of prisoners in US custody, and in addition had significant influence over the

situation of prisoners in facilities run by the Afghan authorities.**[7C]** In particular AI raised concerns about conditions in the US controlled Kandahar Airport facility, where there were reports of prisoners being gagged, blindfolded and shackled and held in unheated permanently lit quarters.**[7c]**

4.36 Physicians for Human Rights reported in January 2002 on conditions found at Shebarghan Prison west of Mazar-i-Sharif. Investigators found severe overcrowding, non-existent sanitation and exposure to winter cold, inadequate food and no medical supplies, resulting in epidemic illness and deaths. According to the commander of the facility cells designed to hold 10-15 prisoners were holding 80-110 men. The prisoners held included 1,000 Pakistanis, Afghan Taliban who surrendered at Kunduz in December 2001 and 100-150 prisoners who had been held since before the Taliban rose to power.**[45]** The ICRC confirmed in March 2002 that it had been visiting detainees at Shebarghan prison since November 2001. The prison held the largest number of detainees captured after the fall of the Taliban, and ICRC had provided detainees with blankets, clothes, shoes, bowls, water containers and soap. Immediate steps had also been taken to ensure a sufficient supply of water.**[42e]**

4.37 US officials confirmed in January 2002 that they were holding 368 prisoners captured during the conflict, 306 at a base in Kandahar, 38 in Bagram outside Kabul, 16 at Mazar-i-Sharif and eight aboard the Navy ship USS Bagram.**[25ad]** A number of the US held prisoners including suspected members of Usama bin Laden's Al Qa'ida network and fighters from the ousted Taliban were flown to a US prison camp in Guantanamo Bay, Cuba in January 2002.**[25ad]** By 25 January 2002 some 158 prisoners had been transferred to Guantanamo Bay. There was some international criticism of the treatment of the prisoners however the US maintained they were illegal combatants rather than prisoners of war and were therefore denied rights enshrined in the Geneva Convention on prisoners of war. The US insisted they were being treated humanely.**[25ae]** ICRC delegates were permitted to visit these detainees in accordance with ICRC standard working procedures.**[42b]**

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4.38 The Taliban operated prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini and Maimana. The Northern Alliance maintained prisons in Panjshir and Faizabad.**[2b]** The Taliban also established female prisons in Kandahar, Kabul, Mazar-e-Sharif and possibly Jalalabad according to the UN Commission on Human Rights.**[30a]**

4.39 Both the Taliban and the Northern Alliance reportedly held thousands of combatants. The Northern Alliance reportedly held a number of Pakistanis and other third country nationals, along with several hundred Taliban soldiers. A number of persons arrested by the Taliban in 1998 for political reasons were still believed to be in detention until the fall of the Taliban.**[2b]** Civilians suspected of collaboration with the Taliban have been arbitrarily detained by opposition factions and severely beaten, with their family members also subject to ill treatment.**[11d]** All Afghan factions are believed to have used torture against opponents and POWs, though specific information is generally lacking. **[2b]**

4.40 In a 1999 report Amnesty International described prison conditions as particularly appalling. Prisoners were held in overcrowded conditions, deprived of adequate food, sleep, space and sanitation facilities. Torture was reported to be standard practice. Cells were intolerably hot in summer and cold in winter, with damp cells and poor hygiene the main cause of infectious diseases.**[7o]** The biggest prison run by the Taliban authorities was reportedly in Kandahar, where the majority of political prisoners or military combatants were held. Some were subject to forced labour and died of exhaustion or from beatings by prison guards.**[7o]** There have been credible reports that torture occurred in prisons under the control of both the Northern Alliance and the Taliban.**[2b]** The Taliban ran female prisons in Kandahar, Kabul, Mazar-i-Sharif and possibly Jalalabad, the UN Commission on Human Rights reported in August 2000 that many women were held without official reason.**[30a]**

4.41 During 2001 there were reports of a number of detentions by the Taliban, including 60 civilians in Bamiyan's Yakawalang district. The detention of journalists increased during the military conflict late in the year. **[2b]**

4.42 In November 2001 Human Rights Watch reported on the deaths of hundreds of Taliban fighters in a school in Mazar-i-Sharif following the capture of the city by the Northern Alliance. Reports varied as to whether they had laid down arms and were prisoners of war, or were holed up in the school compound exchanging fire with opposing forces and were targeted in the process of that exchange.**[17c]**

Medical Services

4.43 In a report dated January 2002 entitled Afghanistan: Preliminary Needs Assessment for Recovery and Reconstruction it was noted that the health status of Afghans ranks amongst the poorest in the world. Life expectancy at birth, 44 for males and 45 for females is among the lowest in the world. The report further indicated that health infrastructure and human resources were grossly inadequate for a population of about 24 million, which is expected to rise to roughly 35 million in ten years.**[4]** Maternal health care is a particular problem, a World Health Organisation (WHO) medical officer reported in January 2002 a figure of 1,700 maternal deaths for every 100,000 live births, the second highest maternal mortality rate in the world.**[36k]** Under the Taliban women were given only the most rudimentary access to health and medical care.**[2c]**

4.44 There is a strong urban bias in the provision of medical facilities with many being located in Kabul and an uneven distribution in rural areas. Only 30-40% of the population have access to some health service. About 75% of the population have access to emergency obstetric care, which was only available in 11 of the 33 provinces. In January 2002 there were about 17,500 public sector health staff, 3,900 of who were doctors providing approximately two doctors per 10,000 of population. In addition it was noted that staff were deployed unevenly to the populations geographical distribution, the composition of staff did not meet the needs required and existing staff needed significant skill upgrading/refresher training to deliver an essential services package.**[4]**

4.45 The ICRC has for years pursued a strategy of supporting Afghan medical

structures. Surgical structures have been the focus of ICRC activities due to the need for these in conflict situations. In 2001 ICRC maintained the regular support needed to uphold surgical services in key referral hospitals on both sides of the conflict and provided surgical facilities for an average of over 3,000 inpatients and 20,000 outpatients per month.**[42c]** In late January 2002 the first surgical operation in three years took place at Bamiyan hospital. ICRC had decided to rehabilitate the hospital in December 2001, and with assistance from the Norwegian Red Cross and Medecins sans Frontieres (MSF) all essential services were expected to be in operation by the end of February 2002.**[42d]**

4.46 In a statement to the UN Security Council on 30 January 2002 Hamid Karzai said that he sought to build a health system that would offer affordable services to all.**[39d]** The World Health Organisation (WHO) reported in March 2002 that developing a functional health care system was a top priority in the reconstruction of Afghanistan. WHO also reported that the Afghan Ministry of Health had made important strides toward establishing a functioning structure for long-term health sector development, an organisational structure for the Ministry had been established defining roles and responsibilities for departments. A WHO training seminar on health management is to be followed by nationwide planning workshops.**[43]**

Education System

4.47 In a report dated January 2002 entitled Afghanistan: Preliminary Needs Assessment for Recovery and Reconstruction it was noted that the education system was in a virtual state of collapse. Afghanistan's education indicators rank among the lowest in the world, with the highest gender gap and marked rural/urban and other geographic disparities. The gross enrollment rate in primary education was 38% and 3% for boys and girls respectively. Participation in secondary education was reported as extremely low and tertiary education institutions were hardly functioning.**[4]**

4.48 The Taliban eliminated most formal opportunities for girls' education, although some girls' schools still operated in rural areas and in some towns. Some girls nonetheless received an education in informal home schools, which were tolerated to varying degrees by the Taliban around the country. During 2000 there were reports that the number of children attending these home schools was increasing, along with girls' attendance in various educational settings, including formal schools. During 2001 it was reported that the authorities increasingly restricted the activities of home schools. The Taliban's implementation of its educational policy was inconsistent and varied from region to region, as well as over time. **[2b]**

4.49 In a statement to the UN Security Council on 30 January 2002 Hamid Karzai stated that he would invest in the education of children particularly girls.**[39d]** In February 2002 women took university entrance exams for the first time since the fall of the Taliban, about 500 young women joined seven times as many male students in the tests at Kabul University campus.**[25al]** A new Afghan school year commenced on 23 March 2002 when it was estimated up to 2 million children, including girls, returned to the 3,000 schools which re-opened. Women teachers

who had been forbidden from working were rehired and resumed teaching.**[25ak][44]** The estimated school-age population is 4.5 million and more children are expected to return to school in April, May and June.**[44]** The return to school followed a Back to School Campaign led by the Afghan Interim Administration which had organised an entire educational structure virtually from scratch. The United Nation's Children's Fund (UNICEF) supported the Administrations efforts delivering more than 7,000 metric tons of learning materials to virtually every school in the country. **[44]**

5 HUMAN RIGHTS

Overview

Current Position

5.1 The Bonn Agreement established the Interim Authority and demanded that the Interim Authority should

- act in accordance with basic principles and provisions contained in international instruments on human rights and international humanitarian law
- ensure the participation of women as well as the equitable representation of all ethnic and religious communities.

Those participating in the talks also affirmed their determination to end the tragic conflict in Afghanistan and promote national reconciliation, lasting peace, stability and respect for human rights in the country.**[39b]**

5.2 Prior to 22 December 2001 there was no functioning constitution or legal provisions prohibiting or protecting against discrimination based on race, sex , religion, disability, language, or social status. However the Bonn Agreement stated that the 1964 Constitution of Afghanistan would apply on an interim basis until a new constitution could be agreed. Those provisions relating to the monarchy and the executive and legislative bodies would not apply, however provisions prohibiting discrimination based on race, sex and religion would be in effect.**[2b]** In March 2002 the Interim Administration committed to establishing a Truth and Reconciliation Commission to investigate atrocities committed by all sides.**[25ba]**

5.3 In a paper, dated 13 February 2001, the United Nations High Commissioner for Refugees (UNHCR) reported that the establishment the Interim Authority and the gradual deployment of the international security assistance force in Kabul city and surrounding areas had paved the way for a significant improvement in the situation for Afghans. This was particularly true in urban centres where the previous situation of systematic discrimination by the Taliban no longer prevailed**.[11e]** UNHCR have advised that serious problems could continue to be faced by some individuals or groups if they were returned to Afghanistan at the current time. In particular this could be on political grounds depending on the group in control of their area of origin or on ethnic grounds for persons originating from and returning to an area where they constitute an ethnic minority. In addition those who were associated with or are perceived to have been associated with, either the former Taliban or pre 1992 Communist regimes might face serious problems on return.**[11e]**

5.4 The Bonn Agreement called for the United Nations to assist in the establishment of an independent Human Rights Commission. A cooperative initiative between representatives of Afghan society, officials of the Interim Administration and the United Nations resulted in the convening of a national workshop on human rights in Kabul on 9 March 2002. The participants represented a wide range of Afghan society, including men, women, a range of ethnic groups, and representatives from various regions. It also included human rights specialists and activists from national non-governmental organisations, academia, the Special Independent Commission and relevant ministries of the Interim Administration. The meeting was opened by Hamid Karzai, chaired by Sima Samar Vice-Chair of the Interim Administration and Minister for Womens Affairs. A keynote address was delivered by Mary Robinson, United Nations High Commissioner for Human Rights. The workshop produced four standing working groups, composed entirely of Afghans, which will formulate proposals for:

a) the establishment of the independent Human Rights Commission
b) the development of the national programme of human rights education
c) approaches to human rights monitoring, investigation and remedial action
d) the advancement of the rights of women.

[40a]

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5.5 The overall human rights situation throughout 2000 and 2001 continued to be extremely poor and serious human rights violations continued to occur. The Taliban carried out summary justice and political and other extra judicial killings.**[2b]** Afghans continued to suffer a wide range of deprivations and violations, with policies and practices that severely restricted or denied their human rights. The continuing civil war was the most significant factor. Both warring factions demonstrated total disregard for the protection of civilians and international humanitarian law. **[11d]**

5.6 On assuming power the Taliban imposed a strict and intimidating Islamic code. **[11d]** A reported formal easing of restrictions in 2000 reversed during 2001. The Taliban attempted to increase its control by increasing the authority of the PVSV religious police, by increasing restrictions and by committing a greater number of abuses**.[2b]**

5.7 The Taliban and members of other warring factions committed numerous serious human rights abuses in areas they occupied in 2000 and 2001. In the past there have been reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. There have also been credible reports that both sides were responsible for torture in prisons. The human rights situation in areas outside Taliban control also remained extremely poor and Northern Alliance members have committed numerous serious abuses. Anti-Taliban forces continued sporadic rocket attacks against Kabul in 2000 and bombarded civilians indiscriminately. Armed units of the Northern Alliance, local commanders and rogue individuals have been responsible for political killings, abductions, kidnapping for ransom, torture, rape, arbitrary detention and looting.**[2b]**

5.8 A UNHCR report dated April 2001 noted that in a situation of continued conflict, abysmal economic conditions and widespread human rights violations there are no clear definable rules concerning who is or who is not at risk in Afghanistan. However UNHCR reported that among the prime targets of human rights abuses were the following:

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

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

Domestic and International Non-Governmental Organisations

5.10 There are many domestic and international NGOs in the country. Some are based in neighbouring countries (mainly Pakistan) with branches inside the country. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education and agriculture. The civil war and lack of security continued to make it difficult for human rights organisations to adequately monitor the situation inside Afghanistan. **[2b]** Prior to 22 December 2001 the Taliban continued to harass domestic NGOs and interfered with their operations. They threatened to impound the vehicles of NGOs that did not work on projects preferred by the Taliban. Other threats included the closure of projects that did not include Taliban supervisors or workers. **[2b]**

5.11 In August 2001 the Taliban arrested eight foreign aid workers and an estimated 48 Afghan employees of an NGO on charges of proselytizing, they were released by opposition forces in November 2001.**[2b]** UNHCR confirmed that amongst those targeted by the Taliban were Afghans working for the UN and other NGOs.**[11d]** Following their capture of Yakawlang in January 2001, eyewitnesses reported that personnel of the Center for Cooperation on Afghanistan (CCA), a local aid agency, were among the civilians rounded up and executed outside the relief agency office. Other staff members of relief agencies were identified among those killed. Several staff members of a local leprosy clinic and one of its patients were also identified among those killed. **[17a]**

Freedom of Speech and Media

Current Position

5.12 A new law guaranteeing freedom of the press in Afghanistan was formally adopted in early February 2002. The law gave written guarantees for a free press and the leader of the Interim Administration, Hamid Karzai said that it left Afghan journalists free to criticise the government. The law ends years of censorship and a total ban on free speech under the former Taliban regime. Television was banned and the printed media had been reduced to little more than propaganda. Publishing is now estimated to be enjoying a period of freedom not seen for 20 years. Broadcasting and most papers remain state controlled, but a number of weekly independent magazines are now available on the streets including a magazine called Women's Mirror, written by women for a female readership.**[25ao]**

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5.13 There were no laws effectively providing for freedom of speech and of the press. Senior officials of various warring factions attempted to intimidate journalists and influence their reporting. There were fewer than ten regular publications in the country. All other newspapers were only published sporadically and for the most part were affiliated with different factions.**[2b]** The Taliban radio station, the Voice of Shariat, broadcast religious programming and Taliban pronouncements.**[2b]** The Taliban selectively banned the entry of foreign newspapers into their territory and many foreign books were banned.**[2b]** The Taliban prohibited music, movies, and television on religious grounds. In August 1998 television sets, videocassettes, videocassette recorders, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. The ban continued through most of 2001 although reportedly television sets were sold widely and their use ignored unless reported by a neighbour.**[2b]**

5.14 All factions attempted to pressure foreign journalists who reported on the conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul, however in August 2000 the Taliban introduced strict regulations governing the work of foreign journalists in the country. Foreign journalists were forbidden to film or photograph people or animals, were not allowed to interview women and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. During 2000 and 2001 there were also credible reports of the detention and torture of those believed to have been helpful to Western journalists.**[2b]**

5.15 Taliban arrests and restrictions against journalists increased during the intensified military conflict late in 2001. In September 2001 foreign media were banned from areas under Taliban control. A British journalist and her two Pakistani guides were arrested by the Taliban and later released, and a French and a Pakistani journalist and their Pakistani guide were arrested in October 2001 and also later released, a Japanese journalist was similarly arrested in October 2001 and released by the Taliban in November 2001.**[2b]**

5.16 A number of journalists were killed during the intensified fighting late in 2001. On 11 November 2001 Taliban forces fired on a Northern Alliance convoy and killed three journalists who were in an armoured personnel carrier. On 19 November 2001 in Mnangarhar province armed men forced four journalists out of their convoy of vehicles and executed them and on 26 November 2001, in an apparent attempted robbery in

Taloqan, armed men broke into a house demanded money, stole equipment and killed a Swedish journalist.**[2b]**

Freedom of Religion

Background and Demography

5.17 The majority of Afghans are Muslims of the Sunni sect; there are also minority groups of Shia (Shi'a) Muslims, Hindus, Sikhs, Christians and Jews.**[1][2a]** Reliable data on the religious demography is not available but it is estimated that 85% of the population are Sunni Muslims and most of the remaining 15% Shia**.[2a]** There are small numbers of Ismailis who are Shia muslims who consider the Aga Khan their spiritual leader. In the past small communities of Hindus, Sikhs, Jews and Christians lived in the country, however most members of these communities have left. Even at their peak, these non-Muslim minorities constituted only one per cent of the population. Almost all members of the Hindu and Sikh population, which once numbered 50,000, have emigrated or taken refuge abroad. Hindus and Sikhs now numbering only in the hundreds often work as traders. The few Christians and Jews who live in the country apparently are almost all foreigners who are assigned temporarily to relief work by foreign NGO's.**[2b]**

5.18 Several areas of the country are religiously homogenous. Sunni Muslim Pashtuns, centered around the city of Kandahar, dominate the south, west and east of the country. The homeland of the Shia Hazaras is the Hazarajat or the mountainous central highlands around Bamiyan. Badakshan province in the extreme northeast has historically been an Ismaili region. Other areas, including Kabul the capital are more heterogenous, for example around the northern city of Mazar-i-Sharif there is a mix of Sunnis and Shia belonging to a number of ethnic groups.**[2a]**

Current Position

5.19 The Bonn Agreement reinstated part of the 1964 Constitution including, amongst others, the provision prohibiting discrimination based on religion.**[2b]**

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5.20 Freedom of religion was restricted severely. Due to the absence of a constitution and the ongoing civil war, religious freedom was determined largely by the unofficial, unwritten, and evolving policies of the warring factions.**[2b]** In mid 1999 the Taliban claimed it was drafting a new constitution based on the sources of Islamic religious (Sharia) law. It was stated that the new constitution would ensure the rights of all Muslims and of religious minorities, however a constitution was never adopted. Custom and law required affiliation with some religion, and atheism was considered apostasy, and was punishable by death. Licensing and registration of religious groups did not appear to be required by the authorities in any part of the country. The small number of non-Muslim residents in the country were allowed to practice their faith but not proselytize.**[2b]**

5.21 The country's official name according to the Taliban was the Islamic Emirate of Afghanistan, and according to the Northern Alliance was the Islamic State of Afghanistan. These names reflected the desires of both factions to promote Islam as the state religion. Taliban leader Mullah Mohammed Omar carried the title Commander of the Faithful.**[2a]**

5.22 In areas it controlled the Taliban sought to further institute its extreme interpretation of Islam declaring that all Muslims must abide by their interpretation of Islamic law. Proclamations and edicts were announced through broadcasts on Radio Shariat and enforced by the religious police under the control of PVSV. Violations were subject to on the spot beatings and detentions.**[2b]**

5.23 On 7 January 2001 the Taliban issued a decree calling for capital punishment for any Afghan who converted from Islam. In March 2001 the Taliban acting on what it claimed to be religious grounds destroyed two giant statues of the Buddha dating from pre-Islamic times which were carved into the cliffs near Bamiyan. The destruction received worldwide criticism including from numerous Islamic authorities. On May 23 2001 the Taliban decreed that Hindus and Sikhs would be required to wear a piece of yellow cloth attached to their clothing to identify their religious affiliation.**[2b]**

See also Hindus and Sikhs: paragraph 5.34

5.24 In June 2001 a decree was issued relating to foreigners in Afghanistan stating that those preaching other religions to Afghan Muslims would be deported after being imprisoned for three to ten days, Taliban officials later stated that the decree was only an initial guideline. In August 2001 eight foreign nationals and an estimated 48 Afghans working for the German based NGO Shelter Now International were arrested by the Taliban on charges of proselytising and apostasy. Those arrested were freed on 15 November 2001 by opposition forces following the fall of Kabul. In August 2001 the Taliban expelled two other religion-based NGO's with longtime presence in the country. Their personnel were ordered to leave within 72 hours.**[2b]**

Religious Groups

Shia Muslims

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

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

See also Hazaras: paragraphs 5.74 - 5.80

Ismailis

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

Sikhs and Hindus

5.28 Afghan Sikhs comprise descendants of traders drawn to Afghanistan through Afghan intervention in northern India and British-Indian intervention in Afghanistan, plus some whose emigration was stimulated by the upheaval of 1946-47 that accompanied the partition of the Indian Empire. The Afghan Sikhs retain the use of Punjabi amongst themselves. Given their involvement in trade, Dari/Farsi is probably the most important additional language for them. **[15c]**

5.29 The total non-Muslim population at its peak was only around 50,000. Almost all of the Hindu and Sikh population have now either emigrated of taken refuge abroad. **[2a]** Sikhs left Afghanistan en masse along with thousands of Hindus after the destruction of the Babri Mosque in Ayodhya, India in December 1992. Seeking revenge, some radical Muslims in Afghanistan saw their countrymen of Indian origin as soft targets to exact revenge; large scale looting of Hindu and Sikh temples ensued. **[36f]**

5.30 Although Sikhs also fled Kabul in 1996 when the Taliban assumed control, it was reported in October 1997 that there were a small number of Sikh shops in Jalalabad. **[15b]**

5.31 According to one report Sikhs appeared to have adapted their worship to comply with Taliban dictates and for the tiny Sikh minority (including a close-knit community of around 500 in Kabul) relations with the Taliban were relatively smooth compared to other religious minorities. This is due in part to their small numbers, but also to their willingness to adapt to Taliban rules.**[30c]** However a Sikh shopkeeper believed that some Sikhs would like to leave Afghanistan for India, as they have to behave according to Afghanistan's current circumstances. He nonetheless asserted that they were treated well by the country's current rulers, but also that the economic situation was poor for

them.**[30c]** A UN source also stated that in general the Sikh community does not have any problems with the authorities. He added that they are able to run their businesses and are allowed to practise their religion with no restriction on their movement.**[36f]**

5.32 Similarly in Jalalabad, a leader of the Sikh community stated that the Sikh community also felt safe in Afghanistan despite Taliban rule. There were reportedly one hundred Sikh families in Jalalabad (about seven hundred in total) who came to worship at the city's two Gurdwaras. Sikhs dominate the textile market in Jalalabad's retail shops, receiving the fabric from Muslims via the Afghan-Pakistan border. This system of commerce has been built on a foundation of communal coexistence and mutual reliance.**[35]**

5.33 Hindus have been an integral aspect of the economy and Afghan society, although their businesses were eroded under the Taliban due to the dire economic situation. It was reported however that the Taliban did not target or mistreat the Hindu community; as a small group they were not perceived as a threat. A 1998 report corroborates this viewpoint, stating that for Hindus and Sikhs it was the Taliban's opponents who caused them the most problems.**[3b]** For the small community of Hindus and Sikhs that remained in Afghanistan, the Taliban were generally tolerant, as they were with other 'non-believers'. Individual cases of discrimination did nonetheless still occur.**[3c]**

5.34 On 23 May 2001, the Taliban decreed that Hindus and Sikhs would be required to wear a piece of yellow cloth attached to their clothing to identify their religious affiliation. This was purported to be to identify non-Muslims so they could be spared from harassment by PVSV enforcing mandatory rules on Muslims. The requirement was later suspended and identity cards were to be issued. On 3 July 2001 the Taliban announced that Hindus would be consulted before ordering them to wear any distinctive marks differentiating them from Muslims.**[2b]**

Freedom of Assembly and Association

5.35 Civil war conditions and the unfettered actions of competing factions effectively limited the freedom of assembly and association during most of 2001. The Taliban has used excessive force against demonstrators but there were no reports of this in 2001.**[2b]**

Employment Rights

5.36 Little is known about employment laws and practices. An insignificant number of the work force has ever been employed in an industrial setting, the only large employers in Kabul were the minimally functioning government ministries and local and national NGO's.**[2b]**

People Trafficking

5.37 There was no available information regarding legislation prohibiting trafficking in persons There were reports in 1999 of trafficking by Taliban soldiers who abducted women and children from Shomali Plains villages and trafficked them to Pakistan and the Arab Gulf states. There were similar but unconfirmed reports of abductions of girls

and women from villages in the Taloqan area during fighting in June to October 2001.**[2b]**

Freedom Of Movement

5.38 In principle male citizens had the right to travel freely both inside and outside the country, although their ability to travel within the country was hampered by warfare, lawlessness, landmines, a road network in disrepair and a limited domestic air service. The Taliban's restrictions on women curtailed their ability to travel freely. Some Afghans reported difficulty in receiving necessary permits to leave the country for tourism or business purposes. Despite these obstacles many people continued to travel relatively freely prior to the US military action in October 2001, with buses plying routes in most parts of the country. **[2b]**

5.39 It was reported in 1998 that there was broad agreement among UN sources that freedom of movement had generally improved in Taliban controlled territory in comparison with the pre-Taliban era. Checkpoints on roads became very rare and there was a brisk traffic both within, and in and out of the area - especially via Pakistan. It was noted however that freedom of movement was greatest and most unhampered for the Pashtun ethnic group. Ethnic minorities generally, and in particular Hazaras, attracted more Taliban attention. **[8]** Following the October 2001 US military action however the Taliban appeared to be losing control in the areas it governed. **[25s]**

5 HUMAN RIGHTS SPECIFIC GROUPS

Women

December 22 2001 to date

5.40 The Bonn Agreement reinstated part of the 1964 Constitution including, amongst others, the provision prohibiting discrimination based on sex.**[2b]** Following the Taliban's fall from power and the signing of the Bonn Agreement some Afghan women made tentative steps towards the resumption of a public life however lack of education and unavailability of jobs remained significant problems.**[2b]** The Interim Administration includes two women Ministers Dr Sima Samar, Vice Chair and Minister for Women's Affairs, and Dr Suhaila Seddiqi, Minister for Public Health**.[25ab]**

5.41 In January 2002 Hamid Karzai demonstrated his support for women's rights by signing the "Declaration of the Essential Human Rights of Afghan Women" which affirmed the right to equality between Afghan men and women.**[6c]** In February 2002 about 500 women sat entrance examinations at Kabul University. There were about seven times as many male students attending, but as women had previously been banned from study and could only receive an education clandestinely this marked significant progress.**[25al]** In March 2002, the beginning or the new school year, girls returned to school and women teachers who had been prevented from working were rehired.**[25ak]**

5.42 On 25 March 2002 the UN Commission on the Status of Women approved a resolution on the status of women and girls in Afghanistan. The resolution urges the Afghan Interim Authority and the future Transitional Authority to

- fully respect the equal human rights and fundamental freedoms of women and girls in accordance with international human rights law;
- give high priority to the issue of ratification of the Convention on the Elimination of All Forms of Discrimination against Women;
- consider signing its Optional Protocol which gives individuals the right to bring their concerns to the Conventions monitoring body;
- repeal all legislative and other measures that discriminate against women and girls as well as those that impede the realisation of their human rights and fundamental freedoms;
- enable the full, equal, and effective participation of women and girls in civil, cultural, economic, political and social life throughout the country at all levels
- ensure the equal rights of women and girls to education.

[40c]

1996 to 22 December 2001

5.43 As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently including beatings, rapes, forced marriages, disappearances, kidnappings and killings. Such incidents generally went unreported and most information was anecdotal. Although the stability brought by the Taliban acted in general to reduce violence against women -notably rapes and kidnappings - Taliban members threatened or beat women to enforce the Taliban's dress code and imposed wide-ranging and even life-threatening restrictions on women's mobility and their ability to obtain gainful employment. The enforced seclusion of women within the home greatly limited the information available on domestic violence and marital rape.**[2b]**

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

5.45 Ideologically, the Taliban believed that the state should preserve the dignity and honour of the family and guarantee the personal security of women.**[11d]** The treatment of women under Taliban rule was however particularly harsh. The Taliban initially excluded women from all employment outside the home, except the traditional work of women in agriculture. In July 2000 the Taliban issued a decree which banned women's employment (except in the health care sector) by UN agencies and NGOs. Implementation remained erratic, but the UN and NGOs kept their female staff at home to avoid open confrontation with the Taliban. **[2b]**

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

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

5.48 Taliban actions significantly reduced women's access to health care. In practice women were excluded from treatment by male physicians in most hospitals. When treatment by a male physician was permitted the doctor was prohibited from examining her unless she was dressed in the Taliban approved burkha and was also prohibited from touching her. The possibility of meaningful diagnosis was therefore limited. There were credible reports that the restrictions on women's health care were not applied in practice and improvements in womens medical care were reported in 1999 and 2000. In 2001 the process of improvement was reported to have slowed.**[2b]**

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

5.50 During 1999 there were reports of inconsistencies in the enforcement of the requirement for women to wear the burqa. Enforcement was reportedly relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas cover their heads with large scarves that leave the face uncovered and have not faced reprisals. The Taliban's dress code for women was apparently not enforced strictly upon the nomad population of several hundred thousand, or upon the few female foreigners who must still cover their hair, arms and legs. Women in their homes must not be visible from the street, and the Taliban required that homes with female occupants have their windows painted over.**[2b]**

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

5.52 Many of these extreme restrictions on women were not however invented by the Taliban. For centuries they have governed the lives of ethnic Pashtuns in border areas with Pakistan. Such customs have nonetheless been slowly subsiding in cities, although they remain prominent in the villages. The Taliban chose to adopt the most uncompromising Pashtun customs, and then attempted to enforce such concepts of

family honour on an entire society. Hence in the villages where these customs had hitherto already existed, there were no great protests at the Taliban's demands. In Kabul however, where modernity and tradition have competed for most of the 20th Century, the new ultra-conservative demands posed a much greater problem. **[18d]**

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

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

Children

5.55 Approximately 45% of the population is made up of children aged 14 or under. The situation of children is very poor. Infant mortality is 250 in 1,000 births and Medecins Sans Frontieres reported in 2000 250,000 children a year die of malnutrition and 25% of children die before the age of five. The Taliban's restrictions on medical treatment have had a detrimental effect on children. A UNICEF study reported that the majority of children are highly traumatized and expect to die before reaching adulthood. According to the study, some 90% have nightmares and suffer from acute anxiety, while 70% have seen acts of violence, including the killing of parents or relatives.**[2b]** All factions involved in the conflict were reported to have been responsible for direct abuses of children's rights.**[7k]**

5.56 Afghanistan's ratification of the Convention on the Rights of the Child amounted to no more than a paper promise according to Amnesty International (report dated November 1999) as Afghan children were denied the most basic rights. Female and sometimes male children suffered rape and sexual abuse, and were abducted by local warring commanders. Others have been sold into prostitution. Such atrocities are an endemic characteristic of a long war-torn country like Afghanistan and were occurring long before the Taliban swept to power.**[7k]**

5.57 Amnesty International has reported that the Taliban took children hostage whose fathers were reported to be political opponents of the Taliban. The families of these children were told that the children would be released when their fathers surrendered to the Taliban.**[2b]**

5.58 UNESCO reported in 2000 that as few as three per cent of Afghan girls were receiving primary education, and the figure for boys was 39%. It was also reported that students were banned from travelling abroad even to Islamic countries although this was not always enforced in practice and a number of children of the Taliban leadership, including girls, were reported to have been able to obtain foreign education.**[2b]**

5.59 The Taliban banned certain recreational activities, such as kite flying and playing chess. In October 2000 the Taliban banned youths from playing soccer in Kabul on Fridays. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings. The Interim Administration had lifted these restrictions by the end of 2001.**[2b]**

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

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

For information on Education System: see paragraphs 4.47 - 4.49.

Ethnic Groups

Introduction

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

Current Position

5.63 The Bonn Agreement reinstated part of the 1964 Constitution including, amongst others, the provision prohibiting discrimination based on race.**[2b]** The Interim Administration includes representatives from Pashtun, Hazara and Tajik ethnic groups.**[25ab]**

Pre 22 December 2001

5.64 During the Soviet occupation of Afghanistan, ethnic divisions were largely superseded by a common military and political desire amongst the mujahidin. Since

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

See also Hazaras: paragraphs 5.74 - 5.80

5.65 In the past there were reliable reports of individuals being detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents.**[2b]** Amnesty International reported in their 1999 Annual Report that during 1998 non-Pashtun Afghans were barred from moving about the country freely, and that many were detained solely on the basis of their ethnicity. In July of that year hundreds of people travelling to Pakistan were reportedly stopped in the Jalalabad area by Taliban guards who took away Tajik, Hazara, Uzbek and Panjsheri men and boys as young as twelve. **[7j]** There were reports during 1999 and 2000 that there was harassment and forced expulsions of ethnic Hazaras and Tajiks from Taliban controlled areas.**[2b]**

Pashtuns

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

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

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

5.69 It was noted in 1997 that Pashtuns made up the great majority of the refugees in Pakistan. The Pashtun tribal population of Pakistan's North-West Frontier Province (NWFP) still has much in common in terms of culture, language and traditions with their fellow Pashtu-speakers across the border (the 'Durand Line') in Afghanistan. There is a long tradition of mobility among the Pashtuns who live in the NWFP and those of eastern Afghanistan. Notably, some 60,000 nomads ('kuchis' or 'powindahs' as they are respectively known in Afghanistan and Pakistan) were accustomed to moving annually with their herds between summer pastures in Afghanistan and winter pastures in Pakistan. Others were merchants or businessmen with interests in Kabul, Kandahar and Jalalabad in Afghanistan and Peshawar in Pakistan, who moved regularly between the two countries. **[11a]**

5.70 In early March 2002 Human Rights Watch reported the testimonies of Pashtuns in Northern Afghanistan, which depicted violence, looting, and intimidation at the hands of local commanders.**[17d]** A full report of the findings of Human Rights Watch researchers who visited northern Afghanistan in February and March 2002 was issued in April 2002. The report detailed abuses suffered by ethnic Pashtuns in northern Afghanistan since the fall of the Taliban in November 2001. The abuses included killings, sexual violence, beatings, extortion, and looting, and targeted Pashtuns as their ethnic group was closely associated with the Taliban.The three political factions are active in the north Junbish-I-Miili-yi Islame, Jamiat e- Islami and Hizbi-I Wahdat, drawn largely from the Uzbek, Tajik, and Hazara ethnic groups respectively. Each of these groups and their militia were directly implicated in many of the abuses as were non-aligned Uzbecks Tajiks and Hazaras taking advantage of the vulnerability of unprotected and selectively disarmed Pashtun communities. Each of these groups was reported to have targeted the Pashtun community in areas under its control, partly in reprisal for the communities' perceived or actual association with the predominately Pashtun Taliban movement. In Faryab province, commanders whose forces were associated with the abuses were removed by General Abdul Rashid Dostum. This appeared to have contributed to a reduction in violence and abuse. However, in other areas, abusive commanders continued to act without restraint or reprimand. Hamid Karzai appointed a three-person independent commission to investigate the claims of discrimination against ethnic minorities in northern Afghanistan.**[17e]**

Tajiks

5.71 Tajiks - the second largest group - make up about 30% of the population. Their language is a form of Farsi, close to the national language of Iran. **[27]** Most of them are Sunni Muslims, but Shia Muslim Tajiks are also found in the west of the country (in and around the city of Herat) and in Kabul.**[11a]** Tajiks generally however are divided between the north, the west and Kabul. Of central Asian origin, there are around 4 million of this group living in neighbouring Tajikistan. Tajiks have had significant political influence due to their level of education and wealth. They have no specific social structure (as the Pashtuns do), adopting the social and cultural patterns of their neighbours.**[27]**

5.72 Tajikistan - racked by civil war and with a government backed by Russian troops - has been sympathetic to fellow Tajiks led by Rabbani. Many Afghan Tajiks also favour

a greater Tajikistan, entailing the merging of Tajik areas of Afghanistan with Tajikistan.**[11a]**

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

Hazaras

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

5.75 Amnesty International reported in May 1997 that the bodies of 12 ethnic Hazaras, reportedly all civilians, were found in a neighbourhood west of Kabul. Taliban soldiers were believed to have been responsible for their deaths. Amnesty also reported in 1997 that thousands of people were held for up to several months on account of their ethnicity. Among these were around 2,000 Tajik and Hazara men rounded up from their homes in Kabul in July 1997 and held in various jails. Most of them were believed to be prisoners of conscience. **[7d]**

5.76 During a visit to Mazar-i-Sharif in December 1997, the UN Special Rapporteur visited villages where massacres were reported to have occurred in September 1997. The perpetrators were reportedly Taliban forces during their second offensive of Mazar-i-Sharif, against villagers belonging to the Hazara ethnic minority. The UN Special Rapporteur was advised that a group of 14 or 15 young men were taken from the village to the nearby airport where they were tortured and subsequently executed. Some 53 other villagers were killed in another village and around 20 houses were set on fire. The Special Rapporteur was told that the killings were carried out on religious grounds, since the villagers were Hazara Shias, and out of revenge for when villagers fiercely resisted the Taliban during their first offensive in May 1997.**[6a]**

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

summer 1998 offensive was an abominable episode of butchery and rape. **[12]** In a report submitted in October 1998 by the UN Special Rapporteur on Afghanistan, it was alleged that the Hazara ethnic minority was principally, though not exclusively, targeted by the Taliban in its capture of Mazar-i-Sharif. **[11b]**

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

5.79 In May 2000 a massacre of primarily Hazaras by the Taliban was reported, near the Robatak pass on the border between Baghlan and Samangan provinces in the north central area. A Human Rights Watch report stated that all of those killed had been detained for four months, many of whom had been tortured. Thirty-one bodies were found at the site, 26 were identified as civilians from the Baghlan province. From January 2001 to June 2001 Human Rights Watch and the UN Special Rapporteur of the Commission on Human Rights reported on summary executions and reprisals against local civilians mainly ethnic Hazaras. These were carried out by the Taliban when they fought with Northern Alliance factions for control in and around the town of Yakaolang(Yakawalang).**[17b][39a]** It was estimated that there were approximately 180 killed in January 2001 and reports of a further 30 in May and June 2001. There were also reports that in June 2001 civilian property was targeted including the burning of bazaars and roadside houses. In particular Nayak town was reported to have suffered large scale destruction with property being looted prior to destruction.**[39a]** The Special Rapporteur indicated that for three days in January 2001 the killings seemed to be indiscriminate and even prominent local figures who had previously co-operated with the Taliban were killed.**[39a]**

5.80 In April 2002 three mass graves were discovered in the central Afghan region of Bamiyan. It was reported that the graves contained at least 35 bodies and were thought to contain the bodies of local Hazaras killed a month before the fallen of the Taliban in late 2001.**[25be]** A UN investigative team which visited the area reported later that it had examined two sites in Daudi village, and a UN spokesman reported that they had found at least four people buried. Forensic teams were to be called in to carry out a more thorough examination of the sites and the UN spokesman confirmed there were strong indications of other sited in the area.**[25bf]**

Uzbeks and Turkomans

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

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

5.83 In January 2001 it was reported that Taliban forces summarily executed at least 31 ethnic Uzbek citizens while retreating from Khwajaghar in Tahkar province, during battles with Northern Alliance forces.**[17b]**

Baluchis

5.84 Baluchis number around 384,000 - around 2% of the population. Their language is Baluchi. They live in the pastoral lands of the south and south-west, and are Sunni Muslims. The group is divided between Pakistan, Iran and Afghanistan with a tradition of rebellion against their respective central governments. They have had ambitions to form an independent state of Baluchistan, although these demands have faded after political repression in all three countries. The Baluchis' independence struggle has attracted little attention from the outside world. **[27]**

Nuristanis

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

Panjsheris

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

Former Members of the PDPA Regime and KHAD (former State Security Services)

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

5.88 In 1997 it was reported that the Taliban had detained people from the PDPA and former members of the KHAD (the former State Security Services). They were particularly interested in apprehending former KHAD members who had been guilty of widespread torture and killings. Most high-ranking PDPA and especially KHAD personnel have nonetheless already left the country. **[8]**

5.89 The Security Services played a crucial role in the survival of the Communist regime, which had very little support amongst the population. The KHAD ensured the existence of the regime and operated by means of tracking down and fighting enemies as they saw fit. The slightest sign of disloyalty or opposition provided a pretext for such action. KHAD subordinates were instructed to carry out arrests, detentions, judicial sentencing, exile, torture or extra-judicial execution of perceived opponents of the regime. Adopting brutal methods, their notorious ruthlessness induced a climate of terror with the level of autonomy that they were given. Despite their reputation, former members of the Communist security services and their relatives were not by definition at risk of Taliban persecution. The Taliban even accepted some former KHAD members within their own intelligence apparatus, regarding their specific experience as more important than their political past. Others however may have made too many enemies in the past, so the level of risk depended on the individual concerned. **[34]**

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

5.91 The protection enjoyed by some apparently stemmed from their clan membership and links with influential ethnically and family-based groupings ('qawms'). Members of influential 'qawms' were thus be able to achieve ‘rehabilitation’ in Afghanistan under the Taliban to a greater extent than others will. Those lacking such cultural and social protection risked harassment and persecution by the Taliban merely on account of membership of the PDPA. The pattern of Taliban reactions was so arbitrary, unsystematic and unpredictable that social power structures and private links with the Taliban may have been the decisive factor as regards the risk of ill treatment. One Afghan NGO expressed no specific knowledge of ill treatment of low ranking PDPA members. **[8]**

5.92 The Ministry of Foreign Affairs for the Netherlands suggested in December 1998 that people belonging to the Khalq factions of the Communist Party were reported to run less of a risk than those belonging to the Parcham faction. This is connected with dissension between the various Pashtun tribes, which were also present in the PDPA. The Ministry also reported that prominent communists, such as former Ministers, certain judges, law officers, high-ranking soldiers, intellectuals and other well-known personalities, may also be at risk. Because of their previous activities such individuals generally had something to fear from the authorities in 1998, and sometimes in neighbouring Pakistan.**[14]**

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

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

5.95 In a report dated 13 February 2002 UNHCR advised that certain groups or individuals could face serious problems were they to return. Amongst these groups they identified persons associated or deemed to have been associated with the Communist regime overthrown in 1992, and warned that they might be at risk of violence, harassment or discrimination.**[11e]**

Homosexuals

5.96 Homosexual relationships for both men and women are forbidden by Sharia law, which applies in Afghanistan.**[41]** The stipulated punishment for those found guilty of homosexual acts was to have walls toppled on them. Although there were no known instances of such punishment in 2001 it was carried out on at least one occasion in 1999 and seven times in 1998.**[2b]** In particular in February 1998 a wall was felled by a battle tank on three men convicted by Sharia court of committing sodomy with young boys. The punishment took place in front of thousands of spectators including the Taliban leader Mullah Omar who ordered the they remain buried for 30 minutes. Two men died in hospital the next day and the third survived.**[41]**

Intellectuals

5.97 The Afghan intelligentsia (consisting of various religious and political groups) are scattered around the world. Some supported the Taliban, while others backed the Northern Alliance. Others generally favoured an end to the conflict and a negotiated settlement. It is this particular group that was the particular target of assassination attempts both inside Afghanistan and in Pakistani refugee camps.**[7l]** UNHCR confirmed that among the most targeted are educated Afghans not associated with the Taliban regime or intellectuals seeking an end to the war. **[11d]**

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

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

5.100 Amnesty International reported that from 1999 to 2000 dozens of Afghan leaders and intellectuals living in Pakistan received death threats, and several had have been killed. A number of moderate activists relocated out of Pakistan to other countries, in part as a reaction to killings in Pakistan.**[GG[**

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

5 HUMAN RIGHTS OTHER ISSUES

Mines and Unexploded Ordinance

5.102 Afghanistan is the most heavily land-mined country in the world, according to UN mine-clearing experts. It is estimated that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordinance (UXO) throughout the country, sown mainly during the Soviet occupation. The landmines and UXO cause deaths and injuries, restrict areas available for cultivation and slow the return of refugees.**[2b]** The mine and UXO problem in Afghanistan has been exacerbated by recent events with new areas being contaminated by coalition UXOs. Ammunition depots in major towns when hit have spread UXOs over as much as a 5km radius and injuries have escalated due to new contaminations and increased population movement.**[4]**

Reconstruction

5.103 In January 2002 the Asian Development Bank, the United Nations Development Bank and the World Bank prepared a Needs Assessment Report on Afghanistan. The report judged that more than two decades of conflict and three years of drought have led to widespread human suffering and massive displacement of people in Afghanistan. The infrastructure base has been destroyed or degraded, and human resources have

been depleted. State institutions have become largely non-functional and the economy increasingly fragmented.**[4]** The report was presented to an international meeting in Tokyo jointly chaired by the United States, the European Union, Japan and Saudi Arabia.**[25aw]** Overall donors pledged $4.5 billion over the next 5 years $1.8 billion of which is to be committed within 2002. At the Tokyo conference the UK Department for International Development (DiFD) committed £200 million over the next five years for reconstruction and humanitarian assistance.**[46]**

5.104 The United Nations Development Programme set up a special fund The Afghan Interim Authority Fund (AIAF) to support government activities in Afghanistan and the fund has received more than $26 million from international donors during its first three months. This has enabled the Interim Authority to pay civil service salaries and cover crucial administrative costs.**[47]**

Former Taliban Members

5.105 Thousands of Taliban fighters were captured during the US led coalition military action against Al Qa'ida and their Taliban supporters, which started in October 2001. Many continue to be at large.**[25au]** The military action aimed at routing out the remaining Al Qa'ida members and their Taliban supporters continues.**[26c]** The situation for other Taliban members is different. In early January 2002 more than 260 Taliban prisoners were freed from Kabul prison. Hamid Karzai leader of the Interim Administration stated his intention to free all prisoners who held no senior position, and said the Taliban rank and file would not be punished. **[25au]** A further 300 captured Taliban soldiers released in February 2002 were described by Hamid Karzai as innocent. In southern Afghanistan the former Taliban foreign minister Wakil Ahmad Mutawakil surrendered and was being questioned by US officials.**[25av]**

Refugees Outside Afghanistan

5.106 In June 2001 UNHCR regional spokesman Yusuf Hassan stated that Afghan refugees constituted the world's largest refugee population, with some 2 million in Pakistan, 1.5 million in Iran and thousands of others scattered around neighbouring central Asian republics, India, Russia and many other parts of the world. He estimated a total of nearly four million Afghan refugees around the world.**[36a]** Prior to the 11 September 2001 attack on the US and subsequent US action in Afghanistan, a UNHCR source stated that despite their objective of facilitating returns, they would not assist returns to areas affected by conflict or drought.**[36a]** By July 2001 39,600 Afghans had voluntarily returned home from Iran and Pakistan in the year, with only 3,000 seeking UNHCR repatriation. With Iran and Pakistan also affected by serious drought however, many Afghans opting to return decided that they could live at least as well back home as they could in these two asylum countries. A UNHCR survey revealed that only 21% had opted to return due to improved security conditions, with the majority fearing huge economic difficulties or deportation. In the first six months of 2001, 82,000 had been deported from Iran and 3,400 from Pakistan (although the true figure could be much higher). **[36c]**

5.107 After considerable resistance, the UNHCR reached an agreement in August 2001 with the Pakistani government on the process of screening unregistered Afghan

refugees who had arrived in the last couple of years. Under the agreement, joint UNHCR and Pakistani teams would screen Afghans in the Jalozai, Nasir Bagh and Shamshato camps (comprising an estimated 180,000 Afghans). Those opting to return would receive a voluntary repatriation grant. Those opting to join the screening programme would be interviewed, and if found to be in need of protection would be relocated to other settlements with UNHCR assistance. Others whose cases were rejected would have the right of appeal, but would have to return home once a final decision had been taken. **[20e]**

5.108 Following the 11 September 2001 terrorist attacks in the New York and Washington and the subsequent US targeting of Usama bin Laden sheltered by the Taliban, there was an expected increase in the influx of Afghans into Pakistan. The Pakistani government announced in late September that the border would remain closed to Afghans without proper travel documents. Those managing to cross illegally would nonetheless still be assisted in the camps. It was acknowledged that Afghan refugees trickling through unfrequented routes along the porous border could not be ruled out. Some refugees claimed that those with enough money were bribing their way through the border. **[36g]** The Pakistan government also warned that it would deport any Afghans found to be involved in pro-Taliban demonstrations, although observers believe that most of these demonstrators are Pakistani religious hard-liners rather than Afghans. **[25q]**

5.109 After the events of 11 September 2001 an estimated 250,000 Afghans fled to Pakistan and tens of thousands more may have been smuggled to Iran. Following the fall of the Taliban refugees continued to flee mostly from food shortages. But large numbers are also returning home. An estimated 250,000 had returned since November.**[25as]** In February 2001, UNHCR emphasised that peace within Afghanistan was the overriding factor in motivating refugees to return and estimated that in January 107,000 had returned from Pakistan and 20,000 from Iran.**[36j]**

5.110 Assisted repatriation from Pakistan began in March 2002 with about 5,800 returning in the first three days.**[11f]** By early April a total of 160,00 had returned from Pakistan. On 3 April 2001 UNHCR, Iran and Afghanistan signed a repatriation agreement for the assisted voluntary return of Afghan refugees from Iran and it was estimated that if repatriation continued at the rate already seen the number returning during 2002 could possibly rise to over one million.**[11g]** By the middle of April 2002 it was estimated that 40,000 Afghans per week were returning from Pakistan bringing the total number of returns from Pakistan since the start of the repatriation programme to 285,000.**[25bg]**

Al Qa'ida

5.111 Usama bin Laden's Al Qa'ida organisation ran a number of training bases in Afghanistan. The organisation was widely assumed to be responsible for the September 2001 terrorist suicide attacks in the USA. A composition of Arabs and Pakistanis were reportedly being trained in the camps. It had its own private army known as the 055 brigade, numbering perhaps 2,000 - 3,000 who fought on behalf of the Taliban against the Northern Alliance. Al Qa'ida differed immensely from the Taliban in terms of its aims and vision. The Taliban's concern has been the

establishment of an independent Islamic State in Afghanistan. Al Qa'ida's 055 brigade on the other hand have more of an international outlook and contrast to the Taliban in terms of language, habit, interpretation of Islam and vision of Afghanistan's future.**[13]**

5.112 In October 2001 (updated November 2001) a paper was issued by the British Government detailing in full the background of Usama bin Laden and the Al Qa'ida terrorist network, its links with the Taliban and evidence of its involvement in terrorist atrocities. The paper concludes that the attacks on 11 September 2001 were carried out by the Al Qa'ida organisation, which is headed by Usama bin Laden.**[48]**

5.113 Despite the fall of the Taliban Usama bin Laden remains a fugitive and US military operations continue in an effort to capture and detain him and remaining Al Qa'ida fighters.**[2b]** In early April 2002 a senior member of the network Abu Zubaydah (bin Laden's senior field commander) was captured in Pakistan and was described as the highest ranking member to fall into American hands since 11 September 2001.**[25bm]** The organisation is proscribed in the UK under the Terrorism Act 2000(Proscribed Organisations) (Amendment) Order 2001.**[21]**

ANNEX A

POLITICAL ORGANISATIONS AND OTHER GROUPS

Harakat-i Aslami-yi (Islamic Movement of Afghanistan
Shia party leader Ayatollah Mohammed Asef Mohseni.**[1][17b]**

Hizb-i Islami Gulbuddin (Islamic Party Gulbuddin)
Pashtun/Turkmen/Tajik; led by Gulbuddin Hekmatyar. **[1]** Radical Islamist, controlled few military or political resources. **[33]**

Hizb-i Islami Khalis (Islamic Party Khalis)
Pashtun; led by Maulvi Muhammed Yunus Khalis. **[1]**

Hizb-i Wahdat(Islamic Unity Party)
Formed in June 1987 by eight Afghan Islamic Shi'ite factions. Based in Tehran, Iran. Secretary General is Abdol Karim Khalili. **[1]**

Hizb-i Watan (Homeland Party)
Formerly PDPA (changed its name in 1988), party dissolved 1991/2. **[11a]**

Ittihad -i Islami Bara-yi Azadi (Islamic Union)
Pashtun leader Abdul Rasul Sayef **[1][17b]**

Jamiat-i Islami (Islamic Society)
Turkmen/Uzbek/Tajik; led by Burhanuddin Rabbani and by General Ahmad Shah Masoud until his death. **[1]**

Jonbesh-e Melli-e-Islami (National Islamic Movement)
Formed 1992, mainly from troops of the former Northern Command of the Afghan Army. Predominantly Uzbek/Tajik/Turkmen/Ismaili/Hazara Shi'ite; led by General Abdul Rashid Dostum. **[1]** Also comprises former militias of the old Communist regime. **[33]**

Northern Alliance
See UIFSA. **[1]**

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

Taliban
Militant fundamentalist group, mainly Sunni Pashtuns. **[1]** Formed in 1994 by a group of graduates from Pakistani 'madrassas' (Islamic colleges) bordering Afghanistan. **[11a]** Taliban being the plural of 'Talib', meaning 'seeker of religious knowledge'. **[1]** Controlled 90% of the country from end of August 1998 **[5h]** until ousted by US led coalition in November/December 2001.**[25y]**

United Front
See **UIFSA**

United Islamic Front for the Salvation of Afghanistan Jabha-yi Muttahid-i Islami-yi Milli bara-yi Nijat-i Afghanistan (UIFSA) /United Front/Northern Alliance
Established June 1997, comprising various anti-Taliban groups. Also known as the Northern Alliance or the United Front**[17b][1]** Loose coalition whose membership has varied but includes **Jamiat-i Islami, Hizb-i Watan, Jonbesh-e Melli-e-Islami, Harakat-i Aslami-yi** and **Ittihad -i Islami Bara-yi Azadi.[17b]**

ANNEX B

PROMINENT PEOPLE

Dr ABDULLAH ABDULLAH
Northern Alliance Foreign Minister**[25o]** Appointed Minister for Foreign Affairs in the Afghan Interim Administration, 22 December 2001.**[25ab]**

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

KHAN (General) Mohammed Fahim
Appointed successor of Ahmed Shah Masoud following. **[25n]** Appointed Vice Chair and Minister for Defence in the Afghan Interim Administration 22 December 2001.**[25ab]**

HEKMATYAR (Engineer) Gulbuddin
Leader of Hizb-i-Islami Gulbuddin. Prime Minister 1996. **[1]** Fled to Iran after Taliban captured Kabul in 1996 offices in Iran closed by Iranians in early 2002 reported to be back in Afghanistan.**[25ax]**

KARZAI Hamid
Pashtun leader of Interim Administration. Chief of Popolzai tribe. Describes himself as moderate Muslim. Initially supported Taliban but feared overt Pakistani influence over the regime. Returned from exile in Pakistan shortly after start of US led military action.**[25bb]**

KHALILI (General) Abdol Karim
Leader of the Hizb-i-Wahdat faction of the anti-Taliban alliance. **[18g]**

KHAN Ismail
Opposition leader. Escaped from Taliban prison in March 2000. **[20b]** Was the governor of Herat **[11d]** following Soviet withdrawal, but was forced to flee when the Taliban took control of the area in 1995. In 2001 was amassing forces in the Ghor and Badghis provinces. **[18g]**

MALIK (General) Abdul
Former leader of the National Islamic Movement. **[1]**

MASOUD (General) Ahmed Shah
Commander allied to the Jamiat-i-Islami. Tajik. **[1]** Assassinated by suicide bombers posing as Arab journalists in September 2001. **[25m]**

OMAR (Mullah) Mohammad
Supreme Taliban leader, who seldom leaves his Kandahar base. **[26b]** Carried the title "Commander of the Faithful". **[2b]** Sought by US led coalition forces following fall of Taliban whereabouts unknown**.[29g]**

RABBANI Burhanuddin
Leader of Jamiat-i-Islami. "President" from 1992.**[1]**

SAMAR Sima
Vice Chair of Interim Administration and Minister for Women's Affairs.**[25ab]**
Hazara Doctor who runs an organisation in Quetta Pakistan providing health and education services for Afghan woman and children.**[25bc]**

SEDDIQI Suhaila
Health Minister in Interim Administration. Tajik doctor and army general, never left Afghanistan where she played a key role in keeping Kabul military hospital running.**[25bd]**

ANNEX C

CHRONOLOGY [25j]

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

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

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

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

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

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

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

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

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

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

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

1993 - Mujahedin factions agree on formation of a government with the ethnic Tajik,

Burhanuddin Rabbani, proclaimed president.

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

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

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

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

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

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

2001 March - Taliban blow up giant Buddha statues in defiance of international efforts to save them.

2001 May - Taliba**n** order religious minorities to wear tags identifying themselves as non-Muslims, and Hindu women to veil themselves like other Afghan women.

2001 September - Ahmad Shah Masood, guerrilla and leader of the main opposition to the Taliban, is killed, apparently by assassins posing as journalists.

2001 October - USA and Britain launch air strikes against Afghanistan after Taliban refuse to hand over Usama bin Laden, held responsible for the 11 September attacks on America.

2001 November - Opposition forces seize Mazar-i- Sharif and within days march into Kabul and other cities.

2001 5 December - Afghan groups agree deal in Bonn for interim government

2001 7 December - Taliban finally give up last stronghold of Kandahar. Mullah Omar remains at large.

2001 22 December - Pashtun royalist Hamid Karzai is sworn in as head of 30 member interim power-sharing government.

2002 January - Agreement reached on International Security Assistance force, which

commences deployment in and around Kabul **[39c]**

2002 March - Operation Enduring Freedom against remaining Taliban and Al Qa'ida continues. Major ground operation Anaconda undertaken by US and coalition forces.**[26d]** UK announce plans to deploy 1,700 troops to assist in fighting remaining pockets of Taliban and Al Qa'ida resistance.**[25an]**

ANNEX D

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