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Political Conditions, Security and Human Rights Situation in Afghanistan

**Report on fact-finding mission to Islamabad and Peshawar, Pakistan
and Kabul, Afghanistan**

5 – 19 May 2002

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Abbreviations used

ACBAR: Agency Coordinating Body for Afghan Relief
A.I.A.: Afghanistan Interim Administration
AIMS: Afghanistan Information Management Service
CCA: Cooperation Centre for Afghanistan
DACAAR: Danish Committee for Aid to Afghan Refugees
ICG: International Crisis Group
ICRC: International Committee of the Red Cross
IDP: Internally Displaced Person
IOM: International Organization for Migration
IRIN: Integrated Regional Information Networks (part of the UN's office for coordinating humanitarian aid (UNOCHA))
ISAF: International Security Assistance Force
KHAD: Khidamat-i-Ittala'at-i-Dawlati (Ministry for State Security under the communist government in Afghanistan)
MDM: Médecins du Monde
MSF: Médecins Sans Frontières
NGO: Non-Governmental Organisation
PDPA: People's Democratic Party of Afghanistan (the former Afghan communist party)
RAWA: Revolutionary Association of the Women of Afghanistan
SAMA: Sazman-i-Azadibakhsh-i-Mardum-i-Afghanistan (a Maoist organisation)
SCA: Swedish Committee for Afghanistan
UIFSA: United Islamic Front for the Salvation of Afghanistan (The Northern Alliance)
UN: United Nations
UNAMA: United Nations Assistance Mission to Afghanistan
UNHCR: United Nations High Commissioner for Refugees
UNICEF: United Nations Children's Fund
WCRWC: Women's Commission for Refugee Women and Children
WFP: World Food Programme

I. INTRODUCTION

In recent years, the number of asylum-seekers from Afghanistan has constituted a major share of the total number of asylum-seekers in Denmark – around 25% in 2001 – corresponding to a good 2,000 registered asylum-seekers.

The latest developments in Afghanistan have meant that the Danish Immigration Service put the processing of asylum cases from Afghan citizens on hold from 12 January 2002 inclusive as there was no precise background information on current conditions in Afghanistan. To produce the relevant information on conditions in Afghanistan, The Danish Immigration Service decided, in cooperation with Danish Refugee Council, to undertake a fact-finding mission to Afghanistan and Pakistan.

The Danish Immigration Service and the Danish Refugee Council have previously undertaken two missions with regard to investigating conditions relevant to asylum in Afghanistan. In November 1997 a mission took place inside Afghanistan with visits to Jalalabad, Kabul, Kandahar, Herat and

Bamian, and in January 2001 a mission was undertaken to Pakistan, as at that time some uncertainty prevailed as to how the security situation in Afghanistan would develop in connection with the adoption of new UN sanctions against the Taliban government on 19 December 2000. It was noted that UN organisations and international and national NGOs working inside Afghanistan at that time had head offices either in Islamabad or Peshawar in Pakistan, which was the mission's destination.

The mission took place from 5 May to 19 May 2002. The delegation visited Islamabad and Peshawar in Pakistan, where some of the international organisations and NGOs still have their head offices. In Afghanistan the mission was restricted to Kabul, partly because it was not possible to evaluate the security conditions outside Kabul at the time of planning, and for logistical reasons. The mission should also be seen as a first phase of several missions as there are plans to perform a later mission to other areas of Afghanistan. This will partly depend on developments after the holding of the "Emergency" Loya Jirga, a traditional gathering of elder tribal leaders, in the middle of June 2002 and the implementation of the transitional government.

All the sources the mission met with emphasised that the future situation in Afghanistan will depend on whether the Loya Jirga is successful, including whether it results in the formation of a transitional government with sufficient representation of the different ethnic and political groups. The information in this report was gathered about one month before the Loya Jirga was held and should be seen in this context.

After the mission returned home, information emerged on 29 May 2002 from IRIN on the killing of eight candidates for the Loya Jirga – four in the southern province Kandahar, one in Kabul and three in the central province Ghor. Information also came from the same source on the detention of Loya Jirga members in Herat and in the Konar province.

Several of the sources asked also pointed out that much of the information emerging about Afghanistan is very Kabul-oriented, and that the situation in Kabul cannot be seen isolated from the rest of the country as the stability in Kabul is also dependent on the political and security related developments in other areas.

Efforts were made to achieve a broad source base so that both international independent organisations and local organisations were involved. Background information was also obtained on the sources from relevant organisations and cooperation partners in Afghanistan and Pakistan. With regard to the choice of sources, it is also noted that this is characterised to some extent by the fact that the organisations involved in Afghanistan, both inside the country and in Pakistan, are largely aid-oriented and consequently not specifically oriented towards monitoring of human rights matters. In relation to the NGOs it is therefore only the local Afghan NGO, Cooperation Centre for Afghanistan (CCA), that works directly with monitoring of human rights. After its return the mission also contacted UNHCR's head office in Geneva with reference to obtaining clarification of essential questions to which it was not possible to obtain concrete answers during the mission. The

report states what information comes from UNHCR-Geneve.

I. 1 Latest developments in Afghanistan

Until autumn 2001, the Taliban movement controlled 90-95% of Afghanistan, while the Northern Alliance (UIFSA) , which was in opposition to the Taliban, controlled the rest of the country, mainly the north-eastern area.

On 7 October 2001, an international coalition force led by the USA started a military action in Afghanistan with the purpose of overthrowing the Taliban regime and eliminating the al-Qaeda network in Afghanistan. The American forces cooperated with anti-Taliban forces from the Northern Alliance and other local groups in southern Afghanistan . In the middle of November the Taliban were removed from power and had withdrawn from Kabul to the southern and south-western areas of Afghanistan. At the end of January 2002 the last Taliban resistance in Kandahar was overcome by American troops, when they attacked and killed a group of 6 Taliban soldiers who had barricaded themselves in a hospital building . However, there is still fighting in the south-eastern area of Afghanistan, where Taliban forces and forces belonging to the al-Qaeda organisation are thought to be.

With support from the international community, negotiations were introduced on the formation of an interim administration in Afghanistan, under the management of the UN in Bonn, at the end of November 2001. The four factions who took part in the discussions were the Northern Alliance, the Rome group, who are loyal to the former king Zahir Shah, and the Peshawar group and the Cyprus group, who are small groups of Afghan exiles and include a mix of ethnic groups. A significant breakthrough was achieved on 3 December 2001, when the former president Burhanuddin Rabbani accepted a list of candidates who would lead the interim administration. Rabbani, who had been recognised by the UN as a de jure president for Afghanistan through the period of Taliban government, had opposed the idea that the nomination of candidates for the future government should take place in Bonn, but argued instead that this should take place in Afghanistan after detailed negotiations after the Bonn meeting. During the negotiations in Bonn, Rabbani's views became more isolated and met with opposition from other factions, also including some delegates from the Northern Alliance.

On 5 December 2001 the so-called Bonn agreement was signed and an interim administration was formed with Hamid Karzai as leader. The interim administration, which consists of 30 members, was officially sworn in on 22 December 2001. (For an overview of the members of the interim administration, refer to Appendix 5). The interim administration should function for six months until 22 June 2002, after which power will be transferred to a transitional government. The Bonn agreement also contained an agreement that a special independent commission would be formed which would be responsible for organising and implementing the procedures for holding an "Emergency" Loya Jirga. The Loya Jirga should decide the structure for and management of a transitional government. According to the Bonn agreement, within an 18-month period after the transitional government is implemented, a "Constitutional Loya Jirga" should be held with the aim of adopting a new constitution for Afghanistan. Moreover, within a two-year

period after holding the "Emergency" Loya Jirga in June 2002, free elections should be held in Afghanistan with regard to forming a fully representative government.

Names of the Loya Jirga commission members were published at the end of January 2002. They were selected by the UN after consultation with a number of intellectual groups from civilian society, religious and political leaders and members of the interim administration. The 21 members of the commission were selected from different ethnic and religious groups and include, among others, three women. At the end of March 2002 it was announced that the Loya Jirga would be held from 10 to 16 June 2002. A decision was also made in Bonn on deploying an international security force with a UN mandate to demilitarise Kabul and stabilise the security situation in the capital. A final agreement regarding such a force was signed in Kabul in January 2002. The force is being led by Great Britain and consists of around 4,500 men.

I. 2 Terms of reference for fact-finding mission to Pakistan/Afghanistan

The mission obtained information and performed investigations according to the following terms of reference:

II. POLITICAL CONDITIONS

II. 1 Interim administration's exercising of political and administrative functions

- In Kabul/the rest of the country, including the rural districts
- The independent commission that will hold Loya Jirga in the summer of 2002. The commission's composition and its support from different groups in society.

II. 2 Any organised political conflicts

II. 2. 1 Conditions for people associated with political parties/groupings and any conflicts based on past confrontations

- Hezbe-Wahdat's position today and conditions for people with current and previous affiliation – in Kabul/other areas
- Junbesh-e-Melli's (Dostum's) position today and conditions for people with current and previous affiliation – in Kabul/other areas
- Jamiat-i Islami's position today and conditions for people with current and previous affiliation – in Kabul/other areas
- Taliban – position and influence today, including the positioning of formerly influential Taliban members and the situation for former "ordinary" members
- Any other political groupings (SAMA, Solhe-gozang)

II. 2. 2 Any new conflicts arising after implementing the interim administration

II. 3 Conditions for people associated with the former communist government

- Former members of PDPA and KHAD
- People educated in the former Soviet Union
- People married to former Soviet citizens
- Family members (especially sons) of former PDPA/KHAD members
- Children resident for a long time in the former Soviet Union

II. 4 Possible negotiations on an amnesty

- Which groups will be covered?

III. SECURITY CONDITIONS

III. 1 Security situation generally in the country:

- Regional differences in the security situation:
- Possible presence of local militia ("war lords") and their role in different areas of the country, including recruitment and possible compulsory enlistment to current local militia/Mujaheddin groups
- General law and order situation/lawlessness (bandit activity, etc.)
- Demobilisation/disarming
- Mines

IV. HUMAN RIGHTS CONDITIONS

IV. 1 Human rights situation in general:

- Social and economic conditions:
- Access to housing/land/work for people returning

IV. 2 Ethnic groups:

- Occurrence of persecution based on ethnicity, possible regional differences:
 - o Pashtuns – identification with Taliban?
 - o any other ethnic groups (Kuchis) at risk of persecution

IV. 3 Conditions for women:

- The Ministry of Women's Affairs, function and influence
- Conditions for single women (including providers), including access to work/housing/medical assistance
- Arranged marriages

IV. 4 Freedom of movement:

- Is there free movement between Kabul and the rest of the country
- Is there free movement in other areas of the country

IV. 5 Freedom of speech:

- Can people in opposition to/critical of the interim administration express themselves freely
- Is the media controlled

V. ISSUING OF DOCUMENTS

VI. CONDITIONS FOR ENTERING AND LEAVING THE COUNTRY

II. POLITICAL CONDITIONS

II. 1 Interim administration's exercise of political and administrative functions

II.1.1 Political conditions in general

The coordinator for UNAMA's Civil Affairs department stated that after the fall of the Taliban regime there is no longer a uniting factor in Afghanistan, and that a fragmentation of the country is taking place as has been the case historically. The Pashtuns, who constitute the biggest ethnic group in

Afghanistan, have been put out of the game in this connection. The new political situation is the Bonn agreement. According to the source, the Bonn agreement was drawn up in the USA with a small faction of the Northern Alliance (UIFSA) , known as the Pansjir faction . The fact that Kabul was captured before the Bonn negotiations were started gave this faction, and especially the Foreign Minister – Qanooni – extra strength to exert his influence in Bonn. At the same time, other especially Pashtun groups - including the so-called Rome group with the former King Zahir Shah, the Cyprus group and the Peshawar group - grew weaker. As well as the government leader post, the ministry of finance post was also allocated to Pashtuns belonging to the Rome group and the circle surrounding the former king, but the Pansjir Tajiks hold the three most important posts in government – Foreign Ministry, Defence Ministry and Ministry for Home Affairs. The latter two ministries represent the "armed" part of government, as they have real control of the military, the police and the military intelligence service. The interim administration (Afghanistan Interim Administration – A.I.A.) is thus unbalanced in favour of the Pansjirs and according to the coordinator strong efforts are being made to turn Afghanistan into a Tajik state. The Tajiks represent between 20 and 25% of the population, and according to the coordinator such a government will never be widely accepted. Historically, Afghanistan has always been a Pashtun state. According to the coordinator, the USA will play a crucial role for the new regional power structures in Afghanistan. The USA went into Afghanistan under the global strategy based on war against terrorism, and is primarily interested in fighting the Taliban and al-Qaeda. In this battle they have created local alliances with Pashtuns, who have received arms, uniforms and money, and in this way they are involved in the development of new regional power structures in Afghanistan.

The Director of the International Crisis Group (ICG) considered that there is still civil war in Afghanistan between the different warlords who each control their own local areas. ICG also pointed out that the interim administration was formed in Bonn and not in Afghanistan. ICG also pointed out that the Pashtun representation in the interim administration (A.I.A.) is limited, and that especially the posts in the key ministries like the Ministry of Defence and Ministry of Home Affairs were allocated to the advantage of the Tajiks. The question of whether the transitional government after the elections in June 2002 will reflect the different ethnic groups, including whether the Pashtuns will be adequately represented, is crucial for the transitional government's political power. In this connection it is not solely a question of the number of seats allocated to the ethnic groups, but a question of who will be given the various key positions. ICG judged that the leader of the interim administration, Hamid Karzai is dedicated, but has a difficult task as he is dependent on support from his hinterland. The king's return has created a new tension and according to ICG he has not proved to be a symbol of unity. Pashtun society in the eastern and southern areas of Afghanistan is split today.

The senior advisor for ACBAR found that the leader of the interim administration, Hamid Karzai, does not have any real power base. Politically, Karzai has proved in some cases to be in a position to build bridges between ethnic groups, but there is still mutual fighting between the different ethnic groupings for power, where the Pashtuns in particular feel marginalized. The

senior advisor also expressed concern that the Minister of Defence does not have sufficient political maturity to negotiate and enter into compromises. The senior advisor considered that Karzai has not spent enough time travelling around the country, but that he has spent a great deal of time abroad. The fact that the implementation of international aid, which Karzai has tried to mobilise, has proved sluggish has also not supported his position. On the contrary, according to the source frustrations have arisen among Afghans regarding the numbers of foreign representatives present in Kabul without resulting in any visible activities. The senior advisor was of the opinion that Karzai will be in a position to make a difference in Afghanistan if the Afghans do not end up by seeing him as a person "planted" by foreign countries.

The director for DACAAR also pointed out that one important factor for the local warlords' continued loyalty to Karzai and the government in office in Kabul will be serious progress in the implementation of the foreign aid that Karzai has appealed for to the international community. The director for DACAAR considered that in this way it would be possible for the government to buy some loyalty in the form of a "peace dividend". If the local warlords are satisfied in this way with projects, there will be an opportunity for them to be able to develop from "warlords" into "aid lords".

The director for DACAAR pointed out in this connection that donors are refraining from releasing aid funds until stability is created, but on the other hand stability is linked to the aid. The director for DACAAR also pointed out that the biggest problems with achieving political support for the government in office lie in the Pashtun areas of Afghanistan, because the Pashtuns, in relation to the current administration's composition with Pansjir Tajiks in the three important posts – Foreign Ministry, Defence Ministry and Ministry of Home Affairs – feel marginalized.

II.1.2 Exercise of political and administrative functions in Kabul/ the rest of the country, including the rural districts

The UNHCR mission to Afghanistan emphasized that the exercise of political and administrative functions in Afghanistan today should be evaluated against the background of the fact that the country has been at war for 23 years, and that only four months have passed since the Bonn agreement came into effect. The building of a nation, including a national army and a police force will therefore first need to begin and will take some time.

The coordinator for UNAMA's Civil Affairs department also pointed out that Afghanistan has been at war for almost 24 years and that currently there is administrative chaos in Afghanistan. Currently, no administrative decisions are being made at district level, which are controlled from Kabul.

The human rights advisor for UNAMA stated that the central administration is not particularly strong and does not have any authority outside Kabul, where real control is exercised by local warlords. Building up of government institutions should begin first and for the time being the main task has been to create peace and put a political power in place. There is no judicial system

and no development of a national police force.

According to the Norwegian ambassador, the administration lacks generally qualified personnel, and there is a need for a significant build up of capacity. Resources are now going to be invested in some ministries, which should build up the civil service. The UN system currently pays salaries to the whole administration – also in the provinces. At present, the interim administration covers 20% of the operating budget through collection of taxes, including import duties, duties in connection with other trading and visa charges. The international community has been surprised by the fact that this part of the administration is already working and that the tax revenues from the provinces are reaching the central administration. If commercial airlines start overflying the territories more extensively, this will bring in significant additional revenues for the administration on a daily basis.

The Norwegian ambassador also stated that significant efforts are being made in the education sector and that cooperation has been established between UNICEF and the Afghan authorities on reopening primary schools (grade 1-5). It is judged that between 1.5 and 2 million children are back in the schools, and that this refers to both boys and girls. According to the Norwegian ambassador, similar efforts are being made in the health sector, but this is primarily based on assistance from NGOs.

The director for the Cooperation Centre for Afghanistan (CCA) observed that there is no central power in Afghanistan today, but that it is the so-called "B52-syndrome" (understood as the USA's military control) that really controls the country. There is no authority at present that can appoint local governors or civil servants at province level without consulting the local rulers, who according to the CCA's director are really "those who rule by arms". CCA's director also stated that guidelines were issued from Kabul for the provincial authorities but that it is the local commandant who interprets their application.

The director for the International Crisis Group (ICG) also pointed out that after the fall of the Taliban regime, political power is being exercised by local commandants, and that no central leadership really exists in Afghanistan today. There are also no valid laws and no functioning judicial system.

The leader of OXFAM was also of the opinion that the administration's influence is generally not reaching down to province level in Afghanistan today, and that no representatives from the interim administration can be found in the rural areas. Moreover, no salaries are currently being paid to civil servants at province level. The leader of OXFAM found that the northern areas in Afghanistan were controlled more from Kabul than the rest of the country.

The leader of Médecins Sans Frontières (MSF) was of the opinion that there has never been a central administration in Afghanistan - neither now nor previously – and that it will take at least one to two generations to put one in place. Current administrative functions are limited to the collection of taxes, and the interim administration has some influence in the north-eastern part of

Afghanistan. The leader of MSF also indicated that Afghanistan is presently controlled by the "B52-syndrome". It is also the local rulers who govern. The leader of MSF mentioned as an example that the central administration had been unable to appoint local governors in all provinces as local rulers protested. He also mentioned that in connection with the appointment of the local management of the Ministry of Health in the Bamian province conflicts arose between the central administration and the local rulers, which resulted in the government having to withdraw its candidate and accept the local rulers' candidate, who belongs to the ethnic Hazara group. The leader of MSF also pointed out that the top layer of employees in the ministries are directly chosen by the minister himself in such a way that the employees originate from the same ethnic group and the same province as the minister.

The director for ACBAR stated that the interim administration has an influence, but no real control. He mentioned as an example that the whole of the western area is controlled by the governor in Herat, Ismael Khan. The administration wishes to exercise influence down at province level but this requires the break-up of local warlords' power. The administration has good intentions, but difficulties with implementing them. The question is also whether there is capacity at province level to implement them. The director for ACBAR also stated that the capacity in the interim administration varies greatly, some ministries are functioning, but, for example, the health sector is dependent on significant inputs from a single NGO – the Swedish Afghanistan Committee (SCA) - and the education sector is similarly driven mainly by NGOs.

The senior advisor for ACBAR indicated that it will be a long time before the government can manifest its strength. For example, there are no written laws and neither a communication system nor a banking system. It is currently the UN organisations that are doing the administration's jobs, and according to the senior advisor there is no build-up of capacity in the national administration. According to the source, no salaries are being paid to government employees at lower levels. She mentioned as an example that 1.5 million children are now back in the schools but that recently (about one week before the mission's visit) there had been a strike by teachers in the Nangarhar province because they were not being paid. The UN system possibly pays salaries to the administrators in the ministries, but according to the source these salaries do not reach down to the lower levels.

II.1.3 The independent commission that will hold Loya Jirga in the summer of 2002. The commission's composition and its support from different groups in society

II.1.3.1 General information about the Loya Jirga process and the independent commission

The coordinator for UNAMA's Civil Affairs department, which has the Loya Jirga process as his special field, stated that the Loya Jirga commission consists of 21 members and is ethnically composed of seven Pashtuns, six Tajiks, three Uzbeks, four Hazaras and one Turkmen. There were no special criteria for the selection of participants in relation to the ethnic groups, and for example there are no representatives from the Durani Pashtuns.

The coordinator also explained that election to the Loya Jirga takes place at district level based on the estimated population figures. The coordinator stated that there have been extensive discussions regarding the estimated population figures in Afghanistan today, especially in relation to the individual ethnic groups. There has been no census since 1971, and this census favoured the Pashtuns so that they constituted a group of approx. 50% . At the same time it is deemed that this census had a margin of error of around 50%. The Pashtuns and other ethnic groups assess their own population group to be much bigger than they are, and if these figures should be used as a basis, according to the coordinator Afghanistan's population would be 70-80 million (instead of approx. 26 million). There have also been discussions on the division into districts. According to the coordinator, the commission has taken the view that in 1996 there were 363 functioning districts, and that some new ones have been added so that there are a total of around 400 districts.

According to UNAMA's coordinator for the Civil Affairs department, election to the Loya Jirga is performed in two rounds. First, a meeting is held at district level where an election committee is selected. The election committee then chooses the final candidates through a secret ballot, the number of candidates depends on the size of the district, around 1,000 in total. The Loya Jirga will also involve participation by the ministers in the interim administration and the 21 members from the Loya Jirga commission. 347 candidates will be nominated by the commission in consultation with different groups of the civil society, including people from the universities, religious leaders, artists, NGOs and other prominent groups. Finally, the commission will nominate 160 women. According to the Bonn agreement, a significant number of women should participate in the Loya Jirga. UNAMA pointed out that the 160 women represent about 11% of the total number of participants, which is considered to be fully satisfactory as they should in no way compare women's participation in political life in Afghanistan with Scandinavian conditions. Female representatives are also elected to the election committees at district level, especially in the Dari-speaking Shia areas. As an example, UNAMA mentioned that four female candidates out of 70 were elected in Herat. Women are elected to a lesser extent in the Pashtun areas, but one female candidate was elected in Kandahar.

A representative for an international NGO stated that there had been a great deal of criticism of the commission and its decisions on changing district divisions, as the division into districts in the southern Pashtun area had resulted in fewer districts, while the northern area had acquired more districts.

The Norwegian ambassador also stated that the process is in two stages with election of electorates who elect the representatives for the Loya Jirga – a total of 1,501 persons, of whom 160 are women. The Norwegian ambassador also stated that the Loya Jirga commission has attracted great attention and in general has the backing of the population, but that the warlords do not have confidence in the process. According to the Norwegian ambassador, UNAMA has stated that this can be understood positively because it shows that the process has not been affected up to now by the warlords' attitude. The commission is independent and appointed by the UN

system. The Afghan authorities have no direct contact with the commission, nor has the president of the interim administration, Hamid Karzai. The warlords, who dominate the different areas of Afghanistan, have been invited to a briefing in Kabul on the process to ensure that information about the process reaches out to all areas.

The director for ACBAR judged that people in Kabul are reasonably comfortable with and have confidence in the Loya Jirga process, but that it is doubtful whether this also applies for areas outside Kabul. The same source found that the majority of Afghans know about the holding of the Loya Jirga, but that it is uncertain whether people generally know about the Loya Jirga commission itself and its composition.

II.1.3.2. The election process

The coordinator for UNAMA's Civil Affairs department stated that there have been attempts to corrupt the process both in the form of bribery, and also direct armed attempts to stop people from participating in the process at district level. These attempts have been made especially by people affiliated to Shura-i-Nazar, which is a faction of the Jamiat-i-Islami party and consists of Pansjir Tajiks. While the former president Rabbani and the former prime minister Hekmatyar, who leads the Hezbe-Islami party, have been most involved in episodes in bribing people, the Defence Minister, General Fahim's faction, has used more heavy-handed methods, including armed attempts, to manipulate the process. According to UNAMA, there have been no organised attempts to sabotage the Loya Jirga process from the Taliban side.

The coordinator for UNAMA also explained that there have been episodes where the local authorities (commandants), which organise the meetings at district level, have tried to manipulate the process. They "pick" their own people for the meetings - typically 2-300 people where it should have been 1,000-1,500 - and in some cases lists of candidates have been prepared in advance. If there are people who also want to stand, they are threatened to withdraw. There have also been attempts at political manipulation. UNAMA receives lists of such episodes with the name of the person responsible in the district. UNAMA then reports to the UN's special envoy for Afghanistan, Lakhdar Brahimi, who reports to head of A.I.A., Hamid Karzai. Karzai has then summoned the responsible leaders for the area, which has had an effect. To the question concerning how the Afghans view foreign/UNAMA's involvement in the process, the coordinator answered that according to the Bonn agreement the UN's mandate is to secure a fair and transparent process, and that UNAMA has therefore pointed to the episodes that have occurred.

According to the Norwegian ambassador, the ethnic minorities – Tajiks, Hazaras and Uzbeks – are now standing together in the process and are demonstrating confidence in the process, while the Pashtuns are more sceptical and struggling among themselves, which gives cause of concern for the future.

The first secretary from the Norwegian embassy in Kabul stated that the Loya Jirga process has been most problematic in the northern and eastern areas where there have been relocations of large population groups, and that

in these areas there are reports of pressure and bribery from local commandants in connection with the elections. The first secretary also stated that attempts are being made to sabotage the process by the former president Rabbani in alliance with the former prime minister Hekmatyar and factions of Rabbani's party - Jamiat-i-Islami, but that it is judged that these groups are becoming increasingly marginalized and their opponents too heavy.

According to the Norwegian ambassador, the Loya Jirga process has generally been positive so far, but the future and the outcome of the process may give cause for concern, depending on the Pashtun's position in a future government. Problems have primarily arisen in areas to the north and east, where there is a mixed ethnic composition, but it has gone better than expected. Representatives from the so-called troika of donors – Germany (which represents the EU) – Japan and Norway (which has the presidency of the Afghanistan Support Group) are planning to travel around the country during the Loya Jirga process to observe the process and to make the donor side visible.

UNHCR-Peshawar stated that four delegates from the Loya Jirga commission had visited Afghan refugee camps in Pakistan – Peshawar, Quetta and Islamabad - in April 2002 with regard to collecting profiles of 40 prominent refugees, including 10 women, for participation in the Loya Jirga. In connection with a visit to the Nasir Bagh camp on 8 May 2002, the delegation was presented to a Tajik tribal leader who was invited to take part.

The director for International Crisis Group (ICG) found that the Loya Jirga process was not transparent, and is not being performed in a democratic way, partly because the whole process is organised by the UN, while the UN is not responsible for the political situation in Kabul.

The director for DACAAR was also of the opinion that the Loya Jirga process is not running particularly well and that a question-mark is over whether it is democratic as there are signs that the process is being manipulated. The different local commandants have shown a good ability to "position" their own candidates. The director for DACAAR considered it a major question as to whether one can talk of "ownership" of the process for the general Afghan citizen. There is an awareness of the process, but the question is what character information about the process has when it comes from local rulers/commandants.

The coordinator for SCA found that the Loya Jirga process is generally running in a positive way despite the fact that there are areas with conflicts between local tribal chiefs. SCA found that the king's return and the fact that he is currently holding meetings with the Pashtun representatives from the southern areas is a positive sign and a guarantee for Pashtun participation.

The leader of MSF judged that in most areas the process has run without problems. There are problems in the areas where there has been a recent emigration of ethnic groups who are now returning.

The senior advisor for ACBAR found that there is a risk that the presence of foreign observers in the Loya Jirga process may be perceived as spying by the general Afghan population.

The leader of OXFAM was of the opinion that people were generally keen to participate in the Loya Jirga, but that young Afghans have no experience of participating in politics. Confidence is being shown in the process, but at the same time also some opposition to foreign involvement.

II.1.3.3 Expectations to the results of the Loya Jirga

Most sources considered that the future situation in Afghanistan will depend on the success of the Loya Jirga, which means a transitional government with a broad composition with sufficient Pashtun representation and leadership. If it does not succeed, war will probably break out again.

The coordinator for UNAMA's Civil Affairs department explained that the aim of the Bonn agreement was to achieve a provisional administration that could function for six months, and not an actual government. The Loya Jirga should decide who will be head of state, what the structure of the transitional government will be, and how the key posts will be filled. The procedures for the decisions that will be made at the Loya Jirga are expected to be published at the end of May 2002. It is expected that a 2/3 majority of the votes will be required, which the Pansjirs will not be able to carry alone. The coordinator for UNAMA thought it was doubtful whether the Pansjir leaders will surrender their positions or power. The Defence Minister's - General Fahim's - role and the USA's possible support for him was judged by UNAMA to be crucially important. If agreement is not reached on the transitional government at the Loya Jirga, the peace process will be lost. If, on the other hand, agreement and stability are achieved, according to UNAMA's coordinator it will take 10-20 years before results can be seen in Afghanistan, and there will still be local conflicts in between. If after the elections in June 2002 the transitional government remains unbalanced, according to UNAMA it will only really have control over Kabul and the north-eastern areas of Afghanistan, while Kandahar, Herat and Mazar-i-Sharif will be beyond the central administration's real control. If, however, the Pansjirs give up one of the three most important ministerial posts, there is a possibility for coexistence. According to UNAMA's coordinator, a federal state with autonomy for the regions can only be accepted if the central positions in Kabul are distributed in a balanced way.

The senior advisor for ACBAR found that the biggest risk for the Loya Jirga process not to succeed was foreign involvement. According to the senior advisor, there have been attempts to manipulate the process from the neighbouring countries – both Iran and Pakistan. The senior advisor found that Pakistan's expected support in particular for the former prime minister Hekmatyar is problematical. There are also an unknown number of al-Qaeda members in Pakistan, and Pakistan is in a position where the country has been humiliated. Iran is expected to support the governor in Herat, Ismael Khan, and the leader of Hezb-e-Wahdat, General Khalili, while the leader of Junbesh-e-Melli, General Dostum is possibly being supported by Russia. Finally, there are expectations that the defence minister, General Fahim, will obtain support from India. The senior advisor pointed out that there is a

potential for problems and it would take very little to create unrest.

The director for DACAAR was also of the opinion that the role of foreign countries – and especially Iran's and Pakistan's role - in the process will be crucial for its success. The USA's role is limited in relation to eradicating al-Qaeda, and the USA does not have a special interest in creating peace and stability. The director for DACAAR judged that a particular indicator for a breakthrough in the Loya Jirga negotiations is the Afghans' general war-weariness.

The leader of OXFAM stated that the Loya Jirga process itself is dangerous as the Loya Jirga will be limited solely to "rubber-stamping" agreements already entered into before its start. In this connection OXFAM referred, among other things, to the American defence minister Donald Rumsfeld's visit to Herat, to Ismael Khan, and ongoing negotiations between King Zahir Shah and Pashtun groups from southern Afghanistan. The Northern Alliance is also mutually split, partly in relation to the king's role. OXFAM also pointed out that only six days have been allocated for the meeting itself, which has 1,501 participants, which gives very little speaking time for the individual groups.

II. 2 Possible organised political conflicts

II.2.1 Conditions for people associated with political parties/groupings and possible conflicts based on previous confrontations

The delegation discussed the political conflict level with the interlocutors, including the interim administration's capacity to intervene regarding local conflicts. Refer also to the section on political conditions and the section on security.

The director for International Crisis Group (ICG) said that the risk of violation depends on where you are in the country and your political and ethnic affiliations. The same source commented that if you are in opposition to the leader in a specific region, you may have problems.

The coordinator for UNAMA's Civil Affairs stated that Ismael Khan in Herat and Dostum and Mohammed Atta in Mazar-i-Sharif do not accept political opposition.

A UN source stated that it has been reported that in connection with the Loya Jirga process there have been cases of death threats, random detentions and killing of people who "compete" for political influence. This refers to people who are in opposition or who do not support local or regional commandants. These reports come from areas outside Kabul.

UNHCR-Geneva stated that there are examples of Tajiks in the Bamian province having problems related to their anticipated political affiliation in the

past and not their ethnic background. The source said that in the central highlands and in Bamian province there has been a change of alliance between Wahdat, Massoud and Taliban forces. People who are suspected of having been affiliated with Tajik commandants (Massoud's forces) or the Taliban, may have problems. The source said that in the Saijhan and Kahmard districts in Bamian province there have been cases where people have been arrested for suspected affiliation with Tajik commandants. Moreover, family members of such people are put under pressure in these districts. The source also said that family members of people thought to have cooperated with the Taliban are subject to pressure and threats in Bamian province. UNHCR had no specific information on how many cases were involved.

Several interlocutors, including UNHCR-Afghanistan, the director for ICG and the senior advisor for ACBAR were of the opinion that the interim administration cannot protect people against possible conflicts outside Kabul. According to UNHCR-Afghanistan, Afghanistan does not have any central administration with control in the country, and violations in the regions thus depends on local leaders' actions. The interim administration does not have the capacity to intervene regarding local disputes. According to UNHCR, the administration has been very willing to cooperate, but it is a question of capacity. In this connection UNHCR stated that the governor in Ghazni, who was deployed by the interim administration, detains political opponents, and that the central administration has no influence over this.

UNHCR-Afghanistan also said that political motives for conflicts often conceal other conditions, for example, the fight for land. Many years of war have created a lack of confidence, and this together with economic motives creates a basis for injustice.

Hezbe-Wahdat's position today and conditions for people with current and previous affiliation – in Kabul/other areas

The director for CCA stated that in Hazarajat there is a confrontation between the leaders of the two factions in the Hezbe-Wahdat party, Khalili and Akbari, as they are fighting for influence in relation to the Loya Jirga and in relation to appointing the province administration. Khalili has nominated the governor and the leaders of the different sectors, where Akbari has only been able to nominate people for subordinate positions. According to CCA, Khalili is refusing to surrender influence to Akbari. Both parties have a military presence outside Bamian, but they are not as strong as before.

According to the director for CCA, Khalili receives general guidelines from the central administration, but day-to-day leadership rests with Khalili.

Junbesh-e-Melli's (Dostum's) position today and conditions for people with current and previous affiliation – in Kabul/other areas

Several sources, including the coordinator for UNAMA's Civil Affairs department and the director for DACAAR, stated that Dostum has control in Mazar-i-Sharif, but encounters military opposition on the edge of the town from General Mohammed Atta from the Jamiat-i-Islami party. (cf. also information above on conditions for people in political opposition who do not support local rulers and the security section under the description of

conditions in the north.)

The coordinator for UNAMA stated that neither of the two parties in the conflict allows any political opposition. According to the director for DACAAR, Dostum is dependent on having good relations with Pashtun minorities in the area.

Jamiat-i-Islami's position today and conditions for people with current and previous affiliation – in Kabul/other areas

Several sources, including the coordinator for UNAMA's Civil Affairs department and the director for CCA, said that the Pansjir wing within Jamiat-i-Islami today has acquired special power. According to CCA, a wing within the party called Shura-i-Nazar separated from the former president Rabbani's more fundamentalist standpoint. Shura-i-Nazar comprises, among others, prominent Pansjir Tajiks, including defence minister Fahim, foreign minister Abdullah Abdullah and minister for home affairs Qanooni. According to CCA, Shura-i-Nazar excluded Pashtuns from influence during the formation of the interim administration, which has created great anger against them.

The director for ICG stated that the leader of Jamiat-i-Islami – former president Rabbani – does not have any particular power today. Several Jamiat generals – including defence minister Fahim – have chosen to form an administration with Karzai. The director for ICG and the coordinator for UNAMA's Civil Affairs said that Rabbani is trying to ally himself with commandant Rasoul Sayyaf, who is the leader of a mainly Pashtun dominated militia, and the former prime minister Gulbuddin Hekmatyar, who is the leader of Hezbe-Islami. (cf. the section below on other possible political groupings.)

With regard to Ismael Khan – who is governor in western Afghanistan in Herat – both the director for DACAAR and ICG and the coordinator for UNAMA's Civil Affairs department said that Khan holds strong control over the western part of the country. According to the sources the central administration's influence on his leadership is limited. The coordinator for UNAMA commented that Ismael Khan rules the area strictly. People who support the former king's case have either had to flee or have been imprisoned.

UNHCR-Geneva provided information that there was a case recently in Herat where an independent candidate for the Loya Jirga was subjected to random detention for two days and in this connection was subjected to rough treatment.

The director for DACAAR said that on the surface Ismael Khan refers to Kabul, but in reality he suits himself.

CCA also said that in the north Jamiat-i-Islami has allied itself with local Pashtun groups.

Taliban – position and influence today, including positioning of

formerly influential Taliban members and the situation for former "ordinary" members

Taliban's position and influence today

Most sources stated that the Taliban, as a political movement, does not exist any more. At the same time, most sources were of the opinion that many former members of the movement are in particular in the southern and south-eastern Pashtun areas of Afghanistan, but that there are also former Taliban in other areas of the country. It is the opinion of the coordinator for UNAMA's Civil Affairs that the Taliban movement will not re-emerge as an organised political movement, but that a possible new Pashtun movement may arise. Historically, the Pashtuns have conquered non-Pashtun areas, and Afghanistan has always been considered by Pashtuns to be a Pashtun state, which means that the Pashtuns will not accept a state led by a Tajik. Therefore Pashtun political opposition could occur if they are not allocated sufficient power in the central administration and sufficient autonomy in the Pashtun areas.

The director for MSF stated that the Taliban movement is "dissolved", but that former members are everywhere in the country – especially in the southern and eastern parts, but also in Kabul. They do not constitute a political threat, but they may create problems in the future. MSF stated that many Pashtuns, who disagreed with Taliban policy, have now returned to Kandahar and other areas in southern Afghanistan. According to the same source, there are foreign Taliban in the south-eastern parts of the country and in "Tribal Areas" in Pakistan, and the Afghans hate them. The director for OXFAM also said that there are Taliban everywhere in the country – even in Kabul – but it is doubtful whether Taliban exists as a movement. In Herat, former Taliban can be seen in traditional Taliban costume. According to the same source, the Taliban movement's hinterland is in the Pashtun south and it is therefore crucial that they are involved in the political process. Otherwise there may be political resistance that creates chaos in the country.

According to the director for ACBAR, people who sympathised with the Taliban still have influence in the south and west of Afghanistan. The Taliban movement was a more extreme form of Pashtun customs in southern and south-western Afghanistan.

The director for CCA commented on the Taliban's position, that there are elements of the movement in the south and north. Some are in hiding and other Taliban groups are gathering again to fight the coalition forces. However, they are hardly in a position today where they can constitute a threat to civilian life. However, according to the source the situation is not very clear, and a Pashtun movement may possibly mobilise again. In areas where there is a Pashtun majority - for example in the Ghazni, Uruzgan, Farah and Helmand provinces - minorities may be exposed to pressure. According to the director for CCA, there are former Taliban members in the current administration - and according to the director for CCA, the present education minister Abdul Rassoul Amin has written Mullah Omar's statements. This means that former Taliban are employed in the ministry for education.

The director for ICG was of the opinion that former Taliban can still play a role. The source said that some Taliban members are outside Kandahar, where they have allied themselves with local commandants and at times set up road-blocks.

According to CCA, local Pashtun tribal leaders, who were previously allied with the Taliban movement, have now entered into new alliances at district level with local commandants in the south and east. The director for MSF said, that the shift of alliances may be taken as a sign that the local tribal leaders want to avoid fighting in their areas. Therefore Pashtun tribal leaders chose to affiliate with the Taliban without fighting and they are now shaving their beards and are loyal to the current local rulers. According to the source, there has been no real change of alliance, but a wish to be loyal to the population and to avoid fighting.

The senior advisor for ACBAR was of the opinion that there are still former Taliban in the country and that the movement's mentality still lives on, but not in the extreme version. In particular, there are pockets of Taliban in Khost and Gardez. The senior advisor felt that the fanaticism may be influenced by the involvement of foreign parties.

The human rights advisor for UNAMA stated that people who were previously in opposition to the Taliban movement may no longer have problems as the movement has been overcome.

Evaders and deserters from Taliban

UNHCR-Geneva had no specific information as to whether people who have evaded or deserted from Taliban military service have encountered problems in the local communities which supported the Taliban movement. The source emphasised that this does not mean that such problems do not exist. UNHCR commented that in local communities which did not support the Taliban, a person will not encounter problems solely due to evasion or desertion from the Taliban movement.

According to several sources, including the director for CCA and the coordinator for UNAMA's Civil Affairs department, the Taliban generally cannot constitute a risk for people who fled from the Taliban's forced recruitment of soldiers. The director for CCA commented, however, that it cannot be completely excluded that such people may have problems. In some areas the Taliban mentality is still strong, for example a local commandant in Ghazni announced that men must not shave. According to the same source, in Pashtun areas the Taliban movement is seen as a movement that re-established Pashtun dominance in Afghanistan in connection with taking over power from 1994.

People with previous affiliation to the Taliban

Several sources, including UNHCR-Afghanistan and the director for OXFAM, said that "ordinary" members of the Taliban movement in southern Afghanistan have been able to integrate themselves into the general Pashtun population. According to UNHCR, it is expected that an amnesty will be declared for Taliban members who have not committed war crimes, but at

present there is a legal vacuum.

UNHCR emphasised that they have been able to integrate themselves in the Pashtun areas, but in other areas there is a serious risk that former Taliban - or people suspected of affiliation with the Taliban movement - may be exposed to infringements of human rights. UNHCR-Afghanistan said that people who have worked for the religious police will have problems. This also applies at district level. (Refer also to the conditions for Pashtuns, cf. section IV.2.1)

The director for DACAAR said that there were reports that mass graves had been found in northern Afghanistan, probably with Taliban soldiers. A report from the American-based "Physicians for Human Rights" states that a mass grave was found in the desert near Shibergan immediately west of Mazar-i-Sharif. According to the report, the mass grave is expected to contain the bodies of hundreds of Taliban soldiers who died after being taken prisoners by the Northern Alliance last autumn. According to the report, there are signs that the soldiers died of suffocation after being imprisoned in containers.

CCA said that a number of former Taliban soldiers were released from a prison in Shibargan.

During the mission, press releases appeared stating that the humanitarian conditions in the prison in Shibargan were extremely poor, including information on over-full cells and major shortages of food rations, which have led to deaths.

ICRC produced a press release on 25 April 2002 which stated that ICRC has started to distribute food in the Shibargan prison after ICRC delegates found at the end of March 2002 that the inmates were suffering from malnutrition.

UNHCR-Afghanistan stated in this connection that the imprisonment of these people has become a political question as the interim administration is negotiating with General Dostum on releasing the prisoners.

Finally, several sources stated that the question of an announcement of an amnesty has not been clarified, cf. the section on an amnesty.

Possible other political groupings

The director from ICG mentioned the Sunni Muslim commandant Rasoul Sayyaf, who is based just outside Kabul. Sayyaf belongs to an even more extreme version than the Taliban movement, and therefore does not view secularly oriented intellectual people in a positive light. The coordinator for UNAMA's Civil Affairs department stated that Sayyaf belongs to the fundamentalist Wahabi tradition, which has contacts with Saudi Arabia. In 1992, Sayyaf fought the Hazaras in Kabul, who are Shia Muslims, and Sayyaf was therefore responsible for major destructions of residential quarters in the city. According to the same source and the director for ICG, Sayyaf has entered into an alliance with the former president Rabbani and the former prime minister Gulbuddin Hekmatyar.

Several sources mentioned that the leader of Hezb-i-Islami Gulbuddin Hekmatyar has his forces south-east of Kabul at Sarobi. The director for MSF commented that Hekmatyar does not receive noticeable financial assistance from abroad, and therefore is out of the picture politically speaking. According to the director for MSF, there are rumours that some former Taliban groupings have allied themselves with Hekmatyar.

II.2.2 Possible new conflicts that have arisen after the establishment of the interim administration

The delegation discussed with the interlocutors whether new conflicts had arisen after the establishment of the interim administration and, if so, the reason for this. Refer also to the section on political conditions and with regard to military conflicts, to the section on security. The section below only contains more general considerations regarding the level of conflict in the country after the establishment of the interim administration.

Several sources, including the coordinator for UNAMA's Civil Affairs department, the director for ICG and the director for DACAAR, stated that since the establishment of the interim administration, new political and military alliances had been entered into in the lead up to the election to the Loya Jirga. The same sources said that there are rumours that the former president Rabbani has entered into alliances with Gulbuddin Hekmatyar and Rasoul Sayyaf. Both parties have forces just outside Kabul. The director for ICG also mentioned that Dostum has allied himself with different Pashtun tribal leaders in the north in the fight against General Mohammed Atta from Jamiat-i-Islami.

The coordinator for UNAMA's Civil Affairs department expressed great concern that the Americans, with their "war against terrorism" are building new power structures in the south-east, which may be very dangerous. In the fight against al-Qaeda, the Americans are creating alliances with different Pashtun groups. The Americans are giving them uniforms and arming them, and this may dislocate the otherwise very balanced power structures found in the Pashtun areas.

The director for ICG mentioned that after the fall of the Taliban movement and the establishment of the interim administration, the Pashtuns withdrew to southern and eastern Afghanistan. The peace process is very vulnerable, and political development over the next six months is crucial for whether the population will be safe in the country. According to the source, it is absolutely crucial to have a balanced administration, which requires a proportional representation of both ethnic and political groupings at regional level. If this does not happen, a Pashtun uprising may occur from the south, and in this case, according to the source, there will be a risk of acts of revenge with regard to Tajiks, Hazaras and Uzbeks. The source said in this connection that in recent years a historical pattern has developed with ethnically motivated outrages - the Junbish forces' (Dostum's) killing of Taliban prisoners of war in 1997, which was followed by the Taliban attacks on Uzbeks and civilian Hazaras in the following years, and finally this spring's ethnic attacks on Pashtuns in the north committed by Hazaras, Uzbeks and Tajiks. According to ICG, the inter-ethnic rivalry is usually related to a political level.

II. 3 Conditions for people affiliated to the former communist government

The director for ICG stated that it is very difficult to predict who is in danger. This depends on how the surrounding community views you, i.e. whether you are identified with communism.

UNHCR-Afghanistan said that the risk of violation depends on specific conditions for the individual, for example where they come from, and whether family relationships can create protection. UNHCR also felt that the risk of attack will depend on who you are facing. Ismael Khan, the governor in Herat province, would be more dangerous than General Dostum, who would be more lenient. UNHCR also said that the central administration would not be able to intervene in the event of violations committed in the regions.

UNHCR-Afghanistan stated that conditions are not safe for people who have been members of the communist central committee. This also applies for people who have been a member of the committee's structures at province and district level. These people's family members are also not safe. The same applies for leaders of the former communist party's social organisations, for example youth organisations, women's organisations and labour organisations. In these cases the leaders of the organisations who have worked at province and district level are also not safe. Finally, there will be problems for high-ranking military officers (including KHAD members) and their family members.

UNHCR-Afghanistan commented that former PDPA members are working within the interim administration, and this is possible for them due to family relations.

The coordinator for UNAMA Civil Affairs department felt that former communists who could have something to fear are people who have had a high profile. There will not be any problems for low-profile PDPA members. The coordinator for UNAMA also stated that there are former KHAD officers working in the Afghan community today. People who have been PDPA members are today working within the security service and the military. The human rights advisor for UNAMA stated that the current administration includes several former communists in high positions. General Dostum and the defence minister, who previously had links with the then communist government, were mentioned as examples.

According to the director for DACAAR it is hardly safer today than under the Taliban for former communists. The Taliban performed purges from the administration, and there was hardly any persecution of people at a low level, rather of members with a higher profile. The same source said that it can be unpredictable as to who will have problems as the crucial factor is what social relations they have. The source also mentioned that there is still an anti-communist feeling. For example, a new national holiday has just been introduced in April to mark the date of Najibullah's fall in 1992.

The senior advisor for ACBAR said that it is possible that the new

government will be suspicious of former communists. At the same time, the source said that former communists are working in the administration. This was also the case under the Taliban movement, which, however, performed purges of people with this background from the administration. The same source felt that the new rulers would not perform purges against former PDPA members solely based on their communist convictions, but possibly with regard to replacing former communists with their own people. According to the same source it is difficult to predict who will have problems, and this often depends on family relationships. High-profile former communists, however, cannot return.

The leader of OXFAM was of the opinion that there is no risk associated with PDPA members with no profile if they return to Afghanistan. The same source said that it is too early for high – ranking communists to return. Under the Taliban, according to the same source, it was very dangerous for former communists. OXFAM stated that it is generally known that two people who were previously communists are working today for Afghan radio.

UNHCR-Pakistan stated that former PDPA members may need protection, but do not automatically qualify for resettlement in a third country. Such applications are treated on an individual basis.

The coordinator for the Swedish Afghanistan committee (SCA) stated that they had not had any problems with giving jobs within the organisation to former communists. Working inside Afghanistan had not caused any problems for these people.

The coordinator for UNAMA's Civil Affairs department stated that it is not specified that former PDPA members are excluded from representation in the Loya Jirga. UNAMA stated that there are no criteria stating that you should not have belonged to any political party in order to become a member of the commission which is preparing the Loya Jirga process. Therefore people who are known to have been members of PDPA hold positions on this commission.

The coordinator for UNAMA also stated that couples live in Afghanistan today where the husband is Afghan and the wife is from the former Soviet Union. In such cases there could be a possibility of persecution of these people. UNAMA felt that it would be difficult for such couples to live in Afghanistan. This would require the female partner to convert to Islam and wear traditional dress. The director for DACAAR was of the opinion that it is unlikely that there are couples living in Afghanistan today where the husband is Afghan and the wife is from the former Soviet Union as Russia is still not popular in Afghanistan.

II. 4 Possible negotiations on an amnesty

The senior advisor for ACBAR said that it is not clear whether an amnesty will be issued for former Taliban soldiers and former communists. UNHCR-Afghanistan stated that an amnesty has not been issued. UNHCR also stated that a decree with a declaration of an amnesty relating especially

to people who fought for the Taliban and who want to return to Afghanistan has not been published yet. However, this will happen within a short time. According to UNHCR, the declaration exists in draft form, where the conditions for being covered by an amnesty are described. Refer also to the section on conditions for people with a former affiliation to the Taliban (cf. section II.2.1).

III. SECURITY CONDITIONS

III. 1 The security situation generally in the country

The deputy chief of police in Kabul stated that the security situation in Afghanistan is 90 % good, and that it is 100% good in Kabul. In Kabul, the Afghan police forces, together with the international security forces (ISAF), have created security.

The Norwegian ambassador emphasised that the security situation in Afghanistan is conditional on two matters. Firstly, ISAF's presence in Kabul, and secondly the presence of the American forces who fly over the different parts of the country with bomber aircraft. An idea was put forward for a mobile ISAF battalion which can be moved around to other areas, but a decision has not been made on this at present.

Several sources, including CCA and MSF, moreover stated that the relative peace is due to the presence of the American military, which is popularly called the "B52-syndrome".

The human rights advisor for UNAMA stated that security outside Kabul is not good and that the central administration does not have control except in Kabul. The same source said that Afghanistan is not yet a "post-conflict" society. There is not sufficient stability, and vendettas occur, even in Kabul. Several sources, including the Norwegian ambassador, the coordinator for UNAMA's Civil Affairs department, the director for DACAAR, the human rights advisor for UNAMA and a representative from an international NGO, were of the opinion that during the spring there has been an increasing degree of local conflicts, and that these are largely connected with the Loya Jirga process. According to the director for DACAAR, the security situation has been uncertain throughout the spring with increasing local conflicts, which have not been widely reported. The same source stated that it is "seething underground". According to the human rights advisor for UNAMA, these conflicts primarily take place in the south-eastern Pashtun area and in the area around Mazar-i-Sharif.

The director for DACAAR said that the security situation was not optimum in several places and that it was safer under the Taliban. The director for ACBAR was also of the opinion that security is poorer than under the Taliban movement, and that the situation is quite tense. Security in Kabul, according to the same source, is relatively good – and this is mainly due to the presence of the international security forces.

The director for IOM stated that there are security problems in the Pashtun belt – especially in pockets in the east, where the Americans are searching for al-Qaeda supporters – and in the north. According to the same source, the rest of the country is relatively safe. However, the peace process is still very fragile as the warlords are positioning themselves and still have a great deal of power in the regions.

The coordinator for the Swedish Afghanistan committee (SCA) was of the opinion that security in general is excellent apart from areas where it is suspected that there are al-Qaeda supporters. Moreover, there has been fighting recently in Mazar-i-Sharif, but according to the source this should be related to the Loya Jirga process. Also, there will be conflicts in Jalalabad up until the Loya Jirga process as people nominated to participate in Loya Jirga are not accepted by the local shura (council of elders). According to the source, there will be conflicts for shorter or longer periods as tribal leaders will lose power.

The director for ICG commented that the security situation varies from region to region. The same source judged that there is still fighting in the country, which must still be said to be in a state of civil war.

Several sources including the director for DACAAR, the coordinator for UNAMA's Civil Affairs department, the director for OXFAM and the director for ICG expressed concern that the situation could deteriorate. The sources argued that the new administration represents the Mujahedin groups which were in a state of civil war with each other from 1992-96. According to the sources, the situation today is very similar to that in 1992, after the fall of Najibullah. The director for DACAAR commented that at that time as well Kabul was stable for several months and repatriation to the country started, after which conditions broke down. The old commandants are now mobilising up to Loya Jirga, and there is a fear that the same thing will happen. The director for DACAAR said that the conflicts at Mazar-i-Sharif may be an indicator for the security situation throughout the country. This unsafe situation is the reason why DACAAR will not move its head office to Kabul before August/September, when it will be assessed whether a move is sustainable.

Many sources, including the coordinator for UNAMA's Civil Affairs department, the director for International Crisis Group, the director for DACAAR and the Norwegian ambassador agreed that it is crucial for stability in the country that the Loya Jirga process is successful and results in a transitional government with adequate representation of the different political and ethnic groups.

The leader of MSF said that security problems will arise if international aid does not come to Afghanistan during 2002.

Almost all sources, including the coordinator for UNAMA's Civil Affairs department, and the director for ACBAR expressed frustration regarding the fact that the international community would not support an extension of ISAF's mandate for the other major towns which are very important for

security. The coordinator for UNAMA's Civil Affairs department commented that the Afghans perceive this as a sign that the international community has already lost interest in Afghanistan.

III. 2 Regional differences in the security situation

III.2.1 Kabul

Several interlocutors, including the director for DACAAR and the human rights advisor for UNAMA, said that the security situation in Kabul is generally good, but that in certain areas in the western part of Kabul – district 5, 6 and 7 – civilian safety is not good. These areas were totally bombed out during the civil war in 1992-96.

Almost all sources, including the coordinator for UNAMA's Civil Affairs department, the director for ACBAR and the Norwegian ambassador, stated that ISAF is doing a good job in Kabul, and that it is crucial for security that there is an international presence.

The coordinator for UNAMA's Civil Affairs department said that the crime rate in districts 5, 6 and 7 has been high, but ISAF has been active in the area and it is probably calmer now. According to the source, some of the violence is politically motivated. The coordinator also said that in Kabul there are organised groups of Pansjirs who are cooperating with the police and the Ministry of Home Affairs, which is also controlled by Pansjirs. Many Pansjirs have settled in Kabul since the fall of the Taliban regime. They have occupied houses and there are cases of assault and killing of the original owners who have tried to claim their properties. There is also some bandit activity.

According to the director for DACAAR, the situation in district 5, 6 and 7 is problematical as crime occurs which is directed against wealthy people, and ISAF does not patrol very much in the area. The same source said that some violence is politically motivated. The source did not think that there is any ethnically motivated violence in Kabul. The director for DACAAR said that one cannot look at the situation in Kabul in isolation as the regional conflicts may be an indicator for what may happen in Kabul. It is very peaceful on the surface in Kabul, but this does not express stability.

The senior advisor for ACBAR also commented that politically motivated violence occurs in Kabul where people are fighting to be elected to the Loya Jirga. ACBAR writes in a press release of 12 May 2002, attached as Appendix 4, that some areas of Kabul (e.g. western Kabul) are not being adequately protected by ISAF and are considered to be unsafe for many Afghans who are employed in NGOs.

The human rights advisor for UNAMA said that vendettas also occur in Kabul. Even the presence of ISAF cannot guarantee safety there. The director for DACAAR said that there was a probable attempted coup against the interim administration in April. However, the same source found

that most detainees had been released again and that imprisonment should perhaps be seen as a warning to Gulbuddin Hekmatyar from Karzai's side.

According to several interlocutors, including the director for ICG, the coordinator for UNAMA's Civil Affairs department and the director for OXFAM, there is a major military presence immediately outside Kabul, and this is creating a vulnerable situation. The sources mentioned General Rasoul Sayyaf and Hekmatyar's forces. The coordinator for UNAMA and the director for OXFAM also stated that defence minister Fahim has his military hinterland located immediately north of Kabul. According to the director for OXFAM, this involved military equipment in significant quantities, including many tanks which are positioned on the Shomali plains. UNAMA said that General Sayyaf's forces are just outside Kabul – outside Parwan province. Several interlocutors said that there have recently been three rocket attacks on Kabul, which hit the civilian airport.

Urbanisation

Several sources, including UNHCR in Peshawar, the leader of MSF and the director for ACBAR, said that the security situation may deteriorate - especially in the towns - in connection with repatriation from neighbouring countries to the towns. There is a trend towards urbanisation as large numbers of returnees are looking towards the towns, and this will increase the pressure for demand for housing, jobs, etc. UNHCR in Peshawar said that if the return to the towns becomes too extensive, problems will arise with the social capacity, and this may create problems in relation to security. The director for International Crisis Group said that the trend towards urbanisation and problems with mines and infrastructure are making the country vulnerable.

ACBAR expresses concern in a press release of 12 May 2002, attached as Appendix 4, regarding the fact that the international community is not currently willing to extend ISAF's mandate beyond Kabul. NGOs are worried that more Afghans, due to a fear for their safety in unprotected areas, will attempt to migrate to the towns where there is more stability. This will probably lead to security-related problems due to overpopulation, unemployment, high costs of living and conflict between returnees and the already existing population.

III.2.2 South-east

All interlocutors stated that the situation in the south-east is problematical and that there are different reasons for this. Firstly, there is fighting for control - and in this connection representation in the Loya Jirga - between different Pashtun groups. The coalition forces are also continuing their battle to find al-Qaeda and Taliban. And finally, in Nangahar province there has been a confrontation in connection with the administration's attempt to fight opium production.

The director for ICG said that security is very poor in the south-eastern part of the country where security depends on the specific warlord in the area. There is no joint leadership in this area, and some warlords demand a toll, and there are conflicts between Pashtun groups. The same source said that

there is limited safety for people returning from Pakistan.

Several sources including the Norwegian ambassador, and the directors for DACAAR, ACBAR and OXFAM therefore said that there have been conflicts in Jalalabad in Nangahar province. The Norwegian ambassador stated that there had been unrest around Jalalabad caused by protests from local leaders against the ban which the interim administration has issued against opium cultivation. According to the director for DACAAR, the local chief of police has declared solidarity with the local Pashtun farmers who grow opium. The farmers were met with demands to destroy their crops in return for compensation of USD 250, and they had revolted against the low level of compensation and against a police action directed at the bazaar on 26 April 2002. The interim administration instead put a new chief of police in place. According to the same source, the previous chief was deported to Pakistan.

The director for DACAAR also said that a few days before the confrontation on opium production there had been an attempt on the life of defence minister Fahim, when he was visiting Nangahar.

A protection officer from MDM stated that every week there are reports of criminal attacks on lorries with repatriating families, who have their property stolen on the road from Peshawar to Jalalabad.

Almost all sources said that there is fighting in the Khost and Paktia provinces, especially in the town of Gardez. American forces are fighting against al-Qaeda, and in this connection have armed various Pashtun groups.

The coordinator for UNAMA's Civil Affairs department expressed concern that the Americans are arming different Pashtun groups in the fight against al-Qaeda, as this could destroy the very balanced power structures found in the area. The Norwegian ambassador remarked that the Taliban are operating in the area from the Pakistan side, and this is creating a problematical security situation.

In Laghman - which was previously very peaceful – according to the director for DACAAR there is fighting at Metalam, where two to three Pashtun commandants are fighting for power in the area.

The coordinator for the Swedish Afghanistan committee also said that there are conflicts in Ghazni between different Hazara groups. According to the coordinator for UNAMA's Civil Affairs department, Hazara forces in western Wardak and Ghazni have occupied originally Pashtun areas, and there has been fighting between the parties. The director for CCA also mentioned that in Ghazni province, in some Hazara areas bordering on Pashtun areas there are problems between Hazaras and Pashtuns, for example in the Jaghatu district.

A representative from an international NGO said that there are disturbances in Gardez, Lagman, Kunar, Jalalabad and Ghazni.

III.2.3 South

Several sources said that in the southern parts of the country there are conflicts due to the fight against opium cultivation and conflicts between local Pashtun commandants due to confused power structures.

The first secretary from the Norwegian embassy in Kabul stated that the situation in the southern belt of Afghanistan – especially around Helmand and Nimruz – is problematical because there have been disputes in connection with the opium harvest. It is reported that 40-60 % of the year's harvest has been removed by making payments to people in the area. The Norwegian ambassador said that clashes arise between local commandants in the Pashtun belt in the south where they set up temporary road-blocks. The Norwegian ambassador also stated that there are IDP camps in southern Afghanistan which are run by NGOs from Pakistan, Saudi Arabia and Malaysia, and there are security-related problems in these camps.

The director for DACAAR said that local groups support the Taliban in areas in the southern part of the country, and that the Taliban are a power factor there.

The director for CCA said that there are conflicts in Uruzgan between Hazaras and Pashtun groups. According to the source, this is because the Hazaras were blamed for having helped the Americans in the fight against the Taliban and al-Qaeda, and Pashtuns are avenging this.

The director for OXFAM commented that security in Kandahar has improved, but that it was very poor a couple of weeks before the mission's visit.

III.2.4 West

According to several interlocutors, including the Norwegian ambassador, the directors for DACAAR, ACBAR and ICG and the coordinator for UNAMA's Civil Affairs department, the security situation in Herat is good as the governor, Ismael Khan, has full control over the area.

However, the director for ICG commented that this could change rapidly as there is internal tension in the area between the Dari-speaking and Pashtu-speaking population.

The coordinator for UNAMA's Civil Affairs department also said that in Nimruz, Farah and southern Herat there is a potential for conflicts between the Pashtu- and Dari-speaking population. The director for ACBAR said that there is tension in Farah province south of Herat. This is due, among other things, to the absence of police or security forces.

III.2.5 North

Several sources including the Norwegian ambassador, the coordinator for

UNAMA's Civil Affairs department, and the directors for ACBAR and ICG said that there is still fighting immediately outside Mazar-i-Sharif, and that the situation is unstable. Battles are ongoing in the towns of Sholgara and Sar-e-Pul south and south-west respectively of Mazar-i-Sharif.

The coordinator for UNAMA's Civil Affairs department said that the situation is serious as there is a power struggle between the Junbish leader Dostum and Mohammed Atta from the Jamiat-i-Islami party. On three occasions this almost resulted in regular warfare between the parties for the town, but the UN intervened. The Norwegian ambassador said that to some extent forces from the Hezbe-Wahdat party are also involved in the conflict.

The coordinator for the Swedish Afghanistan committee (SCA) said that fighting is taking place between Dostum and Mohammed Atta outside Mazar-i-Sharif, and that this is creating uncertainty for periods.

All sources moreover said that immediately after the fall of the Taliban there were attacks on Pashtun minorities in the north and west. Refer also to section IV.2 on conditions for ethnic minorities.

III.2.6 The central region - Hazarajat

Several sources including the coordinator for UNAMA's Civil Affairs department, and the directors for OXFAM, and CCA said that the leaders of the factions within the Hezbe-Wahdat party, Khalili and Akbari, are fighting each other. The director for OXFAM commented that a couple of days before the mission's visit Khalili and Akbari had fought each other in Waras and Dikundi.

The director from CCA commented that it is generally safe in Hazarajat, but that there is ongoing conflict between Khalili and Akbari, but they are however not fighting at present. The battle for power involves the election to the Loya Jirga and influence on the provincial administration. The same source also said that there are conflicts between Hazaras and Tajiks in the town of Bamian. Refer also to the section on conditions for ethnic minorities (IV.2).

III. 3 Presence of warlords

Reference is made in general to the information in the section on security and information in section II.2 on possible organised political conflicts.

III. 4 Recruitment of soldiers, including forced recruitment

According to a UN source, some Pashtun families in the area around Sar-e-Pul, west of Mazar-i-Sharif encountered demands to send a male family member for a period of 2-3 months. According to information, demands were imposed from both the warring parties – Dostum and Mohammed Atta. It is not being done systematically, but from time to time. The source stated that there is a focus in the area on conditions for Pashtuns, but has no

information on whether this also applies for other ethnic groups, but cannot exclude that this happens. The source has no information on whether this involves minors, but pointed out that in an Afghan context boys from the age of 14 years can be considered as adult men, including bearing arms.

According to the director for ICG, there is no forced recruitment. However, young men join up voluntarily as this is a question of having a job.

III. 5 General law and order

The deputy chief of police in Kabul stated that there are no security problems in Kabul. The limited crime rate in the city was due to economic problems. The deputy chief of police also said that districts 5, 6 and 7 were completely destroyed by the civil war in 1992-96.

According to the coordinator for UNAMA's Civil Affairs department, the crime rate has been higher after the fall of the Taliban, with kidnappings. However, the ISAF forces in Kabul have cracked down hard on this. The same source stated that criminal acts in the western part of Kabul are partly politically motivated and that local leaders have links with criminal gangs.

UNHCR-Afghanistan and the coordinator for UNAMA stated that the central administration does not have the power to step in and prevent attacks. According to UNHCR, this means that assaults are in the hands of the local commandants who dominate an area. According to the same source, this produces an element of unpredictability in the persecution patterns as Afghanistan is not a united nation.

The Norwegian ambassador stated that the general law and order situation in Kabul and also outside Kabul is surprisingly good. General law and order also prevails on the route between Peshawar and Kabul where you can now drive by cars. The director for CCA was of the opinion that security has improved significantly and there are few reports of theft and none of abductions.

The director for ACBAR commented that Kabul is generally under control, but that this is not the case outside the city. According to the same source, ethnically oriented crime occurs on the edge of the city between Pashtuns and Tajiks.

Several sources including the director for ICG and the human rights advisor for UNAMA said that there is no functioning judicial system. The director for ICG said that the current Minister of Justice supports the use of Sharia legislation.

According to the coordinator for the Swedish Afghanistan committee (SCA), the crime rate rose after the fall of the Taliban. The rise in the crime rate is especially related to burglaries, but not attacks on the street.

III. 6 Demobilisation

The Norwegian ambassador stated that the interim administration is investing a great deal in giving Afghans relief work, for example renovating houses, and that such a programme has been initiated in Kabul, financed through UNDP. 25,000 people have already been given jobs and receive a daily pay of USD 2. A similar programme is about to be set up in Kandahar. According to the Norwegian ambassador, a great deal is being invested in these programmes. With regard to demobilisation of former soldiers, this work has not progressed very far. According to the Norwegian ambassador, real disarming can only start when a national army has been trained which will be responsible for the disarmament. Total disarming of Afghans will, however, be difficult.

A representative from an international NGO said that there had been attempts to disarm soldiers in Kabul but that soldiers are seen in the streets. Soldiers still have weapons and they have just handed in old weapons. The source said that there is a need for employment of former soldiers.

The director for ACBAR said that demobilisation is limited and that there is no formal programme for this. It has been difficult for the authorities to put pressure on armed people outside the towns.

The director for ICG stated that there are armed soldiers in Kabul. They should have been demobilised, but attempts are now being made to keep them in the barracks. There is a programme for demobilisation, but the source commented that in some places stronger warlords are disarming the weaker ones and keeping their weapons.

Land mines

According to the Norwegian ambassador, there are many mines in the area north of Kabul at Bagram, which many Afghans are trying to return to. The director for ACBAR said that all residential areas in Kabul have been cleared of mines, but that mines are a major problem in rural areas.

Refer also to Appendix 3.

IV. HUMAN RIGHTS CONDITIONS

IV. 1 The human rights situation in general

The human rights advisor for UNAMA stated that the formation of a national human rights commission, which is part of the Bonn agreement, is still at the planning stage. UNAMA is facilitating the process, and various working groups have been set up. The plan is that a last meeting will be held at the end of May 2002 where the decisions reached by the working groups will be approved. According to the Bonn agreement, the interim administration will set up the commission before the Loya Jirga, but UNAMA emphasised that this for the moment is a commission which is established "on paper", which should be seen in the context that the building up of other institutions, such as a judicial system and a police force, is not yet complete.

According to UNAMA's human rights adviser, the question of the prosecution of war criminals was first raised during the negotiations in Bonn but was not included in the agreement. People who have committed war crimes have been excluded in principle from participating in the Loya Jirga. The same source said that on the one hand it is difficult in the present political situation to prosecute warlords, and that on the other hand a general amnesty cannot be given for people who have committed serious human rights violations and war crimes. On the initiative of UNAMA, a working group has been set up which will work with the question of a judicial settlement in the future. UNAMA judged that this will involve a one-year process with national consultations and negotiations, and that it will take at least 18 months to two years to achieve a clarification of the process for a possible judicial settlement. UNAMA commented that there is more of a focus on reintegration in Afghanistan at present.

The director for CCA commented that the question surrounding a judicial settlement is problematical in an Afghan context. The judicial settlement cannot be restricted to Taliban as other forces also perpetrated injustices. If you only prosecute Taliban, who are Pashtuns, it would be an ethnic settlement. Violations were also perpetrated before the Taliban. However, it would be difficult at the present time to bring people to account for this. The director for ICG stated that during the visit of the UN High Commissioner for Human Rights, Mary Robinson, to Kabul in March 2002, proposals were made for the setting up of a truth commission, and in this connection the initiation of prosecution of war criminals. ICG commented that this has not been followed up and that this was rather an attempt to attract international attention.

IV.1.1 Social and economic conditions

The minister for repatriation stated that the social and economic conditions in Afghanistan today should be seen against the background of the fact that the country has been at war for 23 years, that 90% of the country has been destroyed and that the economy is poor. Access to housing, jobs, health and education is generally a problem for returning refugees. The situation in the rural areas, where there are largely no facilities, is generally worse than in the towns. This means that returning refugees are gathering in the urban areas, which is creating problems. The minister emphasised that there are no safety problems for refugees who are returning, but that at present they should only encourage Afghans to return on a voluntary basis. The minister pointed out that those returning encounter a difficult economic situation. The minister appealed for Afghan citizens to be given a temporary visa until the situation is such that they can return.

The human rights adviser for UNAMA and the manager of IOM's office in Kabul also stated that access to jobs, housing, treatment in the health system and education are generally problematical in Afghanistan today. The manager for IOM added that the situation is especially difficult in the towns due to the large numbers of returning refugees, and the fact that programmes for implementing the building of houses and job creation have not yet started.

The senior advisor for ACBAR stated that the economy has not yet taken off in Afghanistan, and that there are a number of conditions, including the lack of a communications system and the lack of a banking system, which mean that people cannot establish themselves.

The director for ACBAR stated that there is a lack of access to facilities like water and sanitation, and electricity. The situation is particularly critical in Kabul, where ghettos are formed with a major risk of the outbreak of epidemics due to the absence of these facilities, but this also applies for towns like Herat and Jalalabad, where a large number of refugees have returned.

Access to housing in Kabul

The director for DACAAR pointed out that there is a major housing shortage in Kabul, for both people and organisations, which has caused steep rent increases.

The senior advisor for ACBAR also pointed out that extreme rent increases have taken place in Kabul as a result of UN organisations and aid organisations setting up and contributing to increasing the rents. Afghans who want to return home, according to the source, therefore cannot afford to pay the rent in Kabul.

The director for ACBAR described access to housing in Kabul as catastrophic. The establishment of the international community in Kabul has meant that rents have gone sky-high - for example, the rent for the building where ACBAR has offices has increased from USD 450 per month to USD 13,000 per month. Employees in ACBAR and other NGOs have been evicted from their houses in the suburbs of Kabul because they can no longer pay the rent, despite the fact that these are people with a good income. At present, 4-5,000 refugees return to Kabul on a daily basis, and there is currently a need for housing for around 100,000 people. At the same time there are restrictions on new construction. (Refer to Appendix 4 - ACBAR's press release of 12 May 2002).

The leader of MSF-Afghanistan stated that the population figure in Kabul has risen sharply within the last three months, and that today there are 2-300,000 more inhabitants than three months ago. MSF also emphasised that the high rents in Kabul pose a problem, and mentioned as an example that the rent for the building that MSF uses as offices has risen from USD 250 per month to USD 8,000 per month. Families are therefore settling down with five to six families under the same roof, and problems arise when refugees return home and claim their houses. If this involves wealthy families who are returning and claiming large houses, 30-40 families can suddenly be at risk of losing a roof over their heads. According to MSF, there is no aid for returning refugees who have had their houses destroyed during the war.

The human rights advisor for UNAMA pointed out that - especially in relation to access to housing - there is no judicial system to decide on disagreements between the people who have taken properties into use and the original owners who are now returning (cf. also section III.2.1.2).

Access to jobs in Kabul

The director for DACAAR stated that there are currently plenty of jobs in Kabul for well educated people. DACAAR also commented that as the UN organisations pay their local staff six to seven times as much as the NGOs - and now according to DACAAR's information they have plans to increase salaries by a further 40-60% - this means that many well educated people are taking some jobs in a UN organisation that do not really require a high level of education. He mentioned as an example that a well educated person who was previously employed as an engineer by DACAAR now has a job as a telephone receptionist in a UN organisation. According to DACAAR, this is having an effect downwards in the system where it is restricting access to jobs for people with a lower level of - or no - education, and it is also having an impact on the central administration's shortage of qualified staff.

The senior advisor for ACBAR also said that a process is currently under way where the UN organisations are employing the best educated people, including many former NGO employees, because the UN organisations pay higher salaries. NGOs therefore have to recruit new people, including former civil servants, and therefore what is left of an educated work force for employment in the state administration is very limited.

The director for ACBAR stated that people in Kabul are currently seeing the results of the "peace dividend", and that the people who are working for, for example the international organisations, have a high salary. The director for ACBAR also commented that with the high number of refugees who are now returning and settling down - especially in Kabul - access to jobs will be problematical in the future, which should be seen, among other things, against the background of the fact that the private sector has not got going properly.

The director for International Crisis Group (ICG) also commented that there is a large international community in Kabul which is creating jobs, but that there are no job opportunities outside Kabul.

Several sources, including ACBAR, DACAAR and IOM, said that at present there is a limited labour market for the uneducated part of the population, which is being strengthened by the large numbers of returning refugees. (For information on women's access to the labour market, refer to section IV.3.3)

Access to land

The Norwegian ambassador stated that there is still a drought - especially in the southern parts of the country - which together with the danger of mines is preventing the re-establishment of refugees and internally displaced people.

The director for ICG also stated that there are problems with access to land because large rural areas are still afflicted with drought and land mines. The director for ACBAR pointed out that access to land in rural areas is problematical, partly because large areas are still mined and because no reconstruction has started in the rural areas, including the establishment of

irrigation channels and other facilities.

Access to treatment in the health system

The manager for ICRC-Afghanistan described the health facilities in Afghanistan as extremely poor. There are 20-25 hospitals in Kabul, which are functioning, but these are hospitals that charge fees and only a small part of the population can afford to pay for treatment at these hospitals. There are hospitals in most larger towns in Afghanistan, but they are not all functioning. For example, there is a 400-bed hospital in Herat, which is not in operation. In most cases payment is required for treatment by a doctor or nurse. In the rural areas, the facilities are even worse, and in many cases non-existent. According to ICRC, there are largely no doctors in the rural areas.

The leader of MSF-Afghanistan also stated that there is largely no access to health treatment in the rural areas as no doctors or nurses are available. As a consequence of this, people who are not treated for basic illnesses like diarrhoea and infectious diseases risk dying. MSF judged that it will take years to change the system, and commented that in Afghanistan there is one doctor for every 100-200,000 inhabitants. There is better access to treatment in Kabul - for women as well - but this involves payment-based treatment and not everyone can afford it. In some of the larger towns there is also access to medical treatment, but MSF stated that the organisation, for example, had to pay doctors from Kabul to go to Bamian to treat patients. MSF judged that in general there is no longer any difference in access to treatment for men and women.

The coordinator for SCA stated that in the areas where health clinics have been set up, there is free access to treatment, but that a 50% increase in capacity is required. 80% of the health system is based on inputs from NGOs. After the change of government, many women doctors returned to Kabul to work, which has increased the shortage of doctors in the rural districts. The situation in Kabul is generally better in relation to the rest of the country, both for access to medicines and treatment.

The senior advisor for ACBAR stated that the national health system is overloaded. There are facilities for building this up further, but there is a general shortage of funds for equipment and medicine.

IV. 2 Ethnic groups

IV.2.1 Persecution based on ethnicity, possible regional differences

UNHCR-Afghanistan pointed out that regionally there is no official protection against attacks by armed local groups, and that the situation for the different ethnic groups is unpredictable. Despite the fact that the interim administration has attempted to repress ethnic conflicts in the northern areas, the administration has no real control over the area. UNHCR emphasised in this connection that the development of a national army and a police force will begin first, and that it will take time before this capacity exists

in Afghanistan. UNHCR- Afghanistan judged that Pashtuns in the northern areas and Tajiks in the central area around Bamian province constitute special risk groups.

The director for International Crisis Group (ICG) found that there are three decisive and linked factors that determine whether you belong to a risk group, which are: geographical origin, political affiliation and ethnicity. Against this background, ICG judged that Pashtuns in the northern areas belong to the most vulnerable group, while Dari-speaking groups in Herat belong to the least vulnerable groups. The crucial factor, however, is where you are at a given time, and which group you are perceived to sympathise with, especially in areas with rival groups (cf. also section III on security conditions). The source said that in recent years there has been a historical pattern with ethnically motivated attacks, for example killing of Taliban prisoners of war in 1997 and the Taliban's subsequent killing of Uzbeks and civilian Hazaras and most recently attacks on Pashtuns in the north committed by the other ethnic minorities.

Pashtuns

In connection with the question of the situation for Pashtuns, most sources referred to the documentation of attacks committed against Pashtuns in the northern area of Afghanistan at the end of 2001 and the beginning of 2002, which appear in a report from Human Rights Watch.¹⁶

UNHCR-Afghanistan stated that viewed in relation to the attacks directed against Pashtuns in the northern areas of Afghanistan immediately after the fall of the Taliban regime in November and December 2001, the number of attacks has fallen, but that they still occur. Pashtun refugees are still coming from the northern areas to the eastern and southern parts of Afghanistan. In the western region - in the area close to Herat - there are problems between the local governor and the Pashtun refugees who have previously sought refuge in IDP-camps near Herat due to the drought. Moreover, as a result of the ongoing political process surrounding the Loya Jirga, there is a certain risk for Pashtuns in areas where they constitute a minority as there is generally a risk of a negative reaction against Pashtuns due to their identification with the Taliban. UNHCR also expressed some concern in relation to the Pashtun refugees who are returning from abroad, as it is feared that they may possibly cause the conflict between Pashtuns and other ethnic groups to flare up because many of the returning Pashtuns are not expected to want to accept a political leadership which is dominated by other ethnic groups.

The human rights advisor for UNAMA emphasised that the situation for Pashtuns in the northern areas has given the greatest cause for concern since the change of government in Afghanistan. Pashtuns throughout the northern area have been subject to persecution in the worst sense, including murder and raping of Pashtun women. The Pashtuns have also been the first group to be disarmed, and they are therefore easy victims of attacks by other still armed groups.

The coordinator for UNAMA's Civil Affairs department also referred to the fact that there have been attacks in the northern areas and that these in particular have been committed by Pansjirs and were aimed against

Pashtuns as a reaction against the Taliban.

The Norwegian ambassador stated that Pashtuns in the northern areas, where they constitute an ethnic minority, are still in real danger of attacks by Tajiks, Uzbeks and Hazaras. The attacks in the north, which were especially serious last winter, were suppressed in April 2002, but have grown worse again, and Pashtun refugees are still coming to the border area between Pakistan and Afghanistan around Chaman in the south. The Norwegian ambassador considered that the current persecution of Pashtuns in the north is being caused by the Loya Jirga process, as a struggle for power is taking place in connection with the elections. If a broad ethnically balanced government is formed after 22 June 2002, the refugee problem will perhaps be over. The Pashtun persecution should, according to the Norwegian ambassador, also be seen in context with the Taliban's suppression of non-Pashtuns during their time in government.

The Norwegian ambassador had no information on ethnic groups other than Pashtuns in northern Afghanistan which can today be said to really be at risk.

The director for International Crisis Group (ICG) described the situation in the north as an ethnic cleansing of Pashtuns. The source said that Tajiks, Uzbeks and Hazaras have been involved in the attacks. ICG found that the situation for Pashtuns in the north is still unsafe, which can partly be seen in the exodus of Pashtuns which is still taking place from the area. ICG judged that the attacks should be seen as a reaction against the attacks previously committed by the Taliban in the area, and which were directed against Uzbeks and Hazaras.

The director for Cooperation Centre for Afghanistan (CCA) also judged that the attacks directed against Pashtuns in the northern area should be seen as an act of revenge for attacks previously committed by the Taliban against Hazaras and Uzbeks. According to CCA, the attacks primarily took place immediately after the collapse of the Taliban regime and were limited to the Faryab, Balkh and Samangan provinces, where the Pashtuns were forced to leave the area. CCA was of the opinion that the attacks have now stopped. CCA said, among other things, that the Pashtuns still occupy the trade and transport sector in the northern area, and that several thousand Pashtuns are living in Mazar-i-Sharif without any problems.

The director for DACAAR judged that the whole northern area – from Badghis in the west - is unsafe for Pashtuns today. DACAAR also referred to the fact that a report was recently issued by Physicians for Human Rights , which documents the finding of fresh mass graves outside Mazar-i-Sharif, which witnesses attacks that took place in the autumn of 2001.

Refer also to the information on forced recruitment in section III.4.

Other ethnic groups

Tajiks

UNHCR–Afghanistan stated that there are problems in Bamian province between Tajiks and Hazaras. The situation should be seen against the background that many Tajiks, who previously fled from the area, are now returning, especially in connection with the Loya Jirga process, where they want to exert their influence in the areas they originally come from. This

applies especially for the provincial capital Bamian, where returning Tajiks are now claiming their properties which in the meantime have been occupied by Hazaras. According to UNHCR, this involves a form of discrimination against Tajiks, which can potentially develop into something more serious.

The director for Cooperation Centre for Afghanistan (CCA) also stated that there have been violent attacks directed against Tajiks in the town of Bamian, based on disagreements between the current occupiers (Hazaras) of properties, and former owners (Tajiks), who are returning. The attacks have not, according to CCA, been of a life-threatening nature. Refer also to section II.2.1 relating to conditions for Tajiks in Bamian who are suspected of previous affiliation with the Taliban or Tajik commandants (Massoud).

The director for ICG stated that Tajiks are safe in Kabul, but not in the northern areas due to clashes between Tajiks and Uzbeks around Mazar-i-Sharif (cf. also section III on security conditions).

Kuchis

The director for DACAAR and the coordinator for SCA indicated that Kuchis – Pashtun nomads – have problems today in Afghanistan. Previously, grazing areas for their cattle was guaranteed by the Taliban who used these nomads as a form of intelligence service, but today they have been driven from the northern and central areas of Afghanistan, and their possibilities for survival as nomads are therefore threatened.

Hazaras

The director for Cooperation Centre for Afghanistan (CCA) judged that Hazaras in Kabul today do not have any problems relating to their ethnicity and can move around freely. Most Hazaras live on the western edge of the city, as the majority belong to low-income groups which cannot afford the expensive rents in the city centre. CCA also judged that Hazaras today do not have any security-related problems based on their ethnicity in relation to returning to Bamian province. CCA also said that in the town of Ghazni and in Jaghori in Ghazni province there are also no ethnic problems for Hazaras.

The coordinator for SCA said that today many Hazaras are employed in the administration in Kabul, especially in the Ministry of Agriculture where the minister is also a Hazara.

The director for DACAAR stated that there are no reports of ethnic persecution of Hazaras in Kabul.

The director for ICG stated that Hazaras generally have control over Hazarajat. The same source said about the Hazara populations' conditions that after the fall of the Taliban there is no longer an open war against Shia Muslims, but that according to the source they are still a religious minority and that there is therefore a feeling of uncertainty in this group.

IV. 3 Women's conditions

IV.3.1 General information on conditions for women

The human rights advisor for UNAMA judged that the physical safety for women in most areas of Afghanistan is extremely difficult. Mass rapes are a commonly occurring phenomenon, which should be seen in the context that men are armed and women are not. The Pashtun women in the northern areas and nomad women (Kuchis) belong to the most vulnerable groups, according to UNAMA. The human rights advisor for UNAMA also pointed out that women still wear a burka for their own safety, which also applies for urbanised wealthy women. One important difference from previously is that women can now move around alone without having to fear the religious police. Women also participate in discussions in, for example, UN fora and other fora in the major towns, but not in smaller towns and villages. Today there are no legal restrictions discriminating against women, but the social and security-related restrictions still exist.

The senior advisor for ACBAR pointed out that in general women still wear a burka for their own safety, which should be seen in the context that over the last 23 years young men in Afghanistan were brought up to believe that women should wear the burka. Therefore, according to the source, it would be too great a revolution if women immediately stopped wearing the burka, and this must happen in a slower and more evolutionary way.

The coordinator for SCA also stated that women still wear a burka with regard to their own safety. SCA said that, for example, there are many young men in Kabul who do not have jobs and move around the streets without having anything to do. There have also been reports of attacks on women committed by soldiers in Kabul. SCA also said that there are no longer reports of women being abducted, but that rape of women is a taboo subject, and it is therefore difficult to say anything about the occurrence of this. In this connection, SCA stated that local ethnic conflicts often affect women in the form of rapes and other maltreatment, and also referred to the report from Human Rights Watch on rape against Pashtun women in the northern areas (cf. above under section IV.2.1.1).

The director for DACAAR explained that the burka is still being worn by women everywhere – also in Kabul – which should be seen in the context that great uncertainty still prevails regarding the future, and that women therefore do not wish to expose themselves at the present time and perhaps be brought to account for this later on. Kabul is no longer as western-oriented as the city was before 1992. Women now have access to the labour market, many women are employed in the Ministry for Women's Affairs, and DACAAR currently also employs many women in both Herat and Kabul.

According to the director for CCA, there are signs of an improvement in the situation for women. CCA commented that female ministers have now been appointed, and a significant number of women will take part in the Loya Jirga. Girls are also back in the schools, and women are out on the labour market. There is no longer any official restriction on women's access to jobs, but it is first and foremost the educated women who have obtained jobs.

CCA also pointed out that women have not yet stopped wearing the burka which, according to CCA, is because there are still social and culturally conditioned restrictions in Afghan society, even if the official restrictions against women have been lifted. CCA said that the current administration includes elements from the Jamiat-i-Islami party who want to keep women in a traditional Islamic culture, and that there are also influential religious leaders who are contributing to the continued social and cultural pressure against women's appearance in public. CCA commented that there are no longer reports of specific attacks on women, and that kidnapping of women is also no longer a commonly occurring practice.

The director for International Crisis Group felt that women may be vulnerable if they are perceived as radical, for example if they belong to RAWA . There is still a fear of rapes and abduction of women, but the risk depends on the geographical region and ethnicity. Pashtun women in the northern areas are therefore at greatest risk. ICG also said that educated women are not returning to areas where their physical safety is not guaranteed, for example in Jalalabad (cf. section III on security conditions).

The director for OXFAM found that there has been a change in the situation of women in the towns where they now have access to the labour market and education, but that there have been no real changes in the rural areas.

IV.3.2 Ministry of Women's Affairs, function and influence

The director for OXFAM commented that it is problematical that the Ministry of Women's Affairs works in isolation, and that there is no lateral coordination of projects relating to women's affairs with other ministries. OXFAM felt that this barrier is also strengthened by the fact that UN advisors and other foreign so-called "Afghanistan experts" are cautious about bringing up the gender aspect in an Afghan context. OXFAM pointed out that the Ministry of Women's Affairs, as something positive, has taken the initiative for a project relating to capacity development of women in connection with their participation in the Loya Jirga. OXFAM said that war widows and women who had to flee from their original areas are the most vulnerable groups, but that according to OXFAM's information the Ministry of Women's Affairs has not taken any initiatives in this field.

The director for International Crisis Group considered that the Minister for Women's Affairs, Sima Samar, is trying to make a persistent effort, but has very limited resources at her disposal and, for example, has had to fight to be allocated office facilities.

Unfortunately, the delegation was unable to meet with representatives for the Ministry of Women's Affairs during its stay in Kabul.

IV.3.3 Conditions for single women (including providers), including access to jobs/housing/medical assistance

The director for CCA stated that single women do not feel safe in the Afghan society and therefore live together with relatives in "extended families". There are a large number of widows in Kabul, but they do not normally live alone but together with other relatives. There is a limited labour market for

uneducated women in Kabul and the jobs that exist are typically service jobs like cleaning, laundering and ironing. Women do not work in the business world, but there are many women who are employed as teachers and nurses. In this connection, CCA pointed out that these jobs are poorly paid. Among the educated women, some obtain jobs in UN organisations and NGOs, but as women have not generally had access to education for many years, this involves a small number. However, it is now possible for women to be educated, as universities and higher education facilities are open to women again.

The director for ACBAR judged that conditions for single women in Kabul are difficult. Single women will not be able to make it on their own in Afghan society, unless these are educated women who are employed in and move around in the international environment. The director for ACBAR also stated that many of the women who have not previously had access to the labour market, and are now looking for jobs, are uneducated or they have also not had an opportunity to complete their education. There is therefore a great need for a large number of training programmes and other forms of education for women in Kabul.

The coordinator for SCA felt that educated single women have a greater chance of surviving now than previously, when they did not have access to the labour market. Educated women who speak English have an opportunity to get jobs at good salaries. The situation for uneducated women, on the other hand, has not changed drastically as they find it difficult to find a job. With regard to the situation for widows, according to SCA, without education they are still completely dependent on emergency aid, and there is a great need for projects in this field.

(For information on access to housing and medical assistance, refer to the general information in section IV.1.1)

IV.3.4 Arranged marriages

The coordinator for SCA commented that there are probably fewer arranged marriages now than under the Taliban, when many young girls were forced to marry especially foreign Taliban soldiers. SCA also referred to the fact that there are reports that families in rural areas are now marrying their daughters off at 10-11 years of age due to poverty.

The director for CCA also pointed out that arranged marriages are no longer a commonly occurring practice as in the Taliban era, but that there are reports that poor families are marrying off their very young daughters for financial reasons.

Several of the sources asked stated that during the Taliban era arranged marriages were a commonly occurring practice. The same sources had no information on the occurrence of arranged marriages after the Taliban's fall. OXFAM commented in this connection that it would not be possible in a given case to seek protection from local authorities.

IV. 4 Freedom of movement

IV.4.1 Is there free movement between Kabul and the rest of the country

According to all the sources asked, there are no restrictions on movements in and out of Kabul, but there is an official curfew in Kabul from 10 p.m. to 4 a.m.. The UN organisations operate with a curfew between 9 p.m. and 6 a.m. with regard to the safety of UN personnel.

IV.4.2 Is there free movement in other areas of the country

The director for ACBAR stated that there are no official restrictions on the freedom of movement, but that there is bandit activity and local road-blocks caused by local acts of war.

The director for DACAAR also stated that there are no restrictions on the freedom of movement, and people now travel freely on the country roads. The main road that crosses the country is open throughout, from Kabul to Mazar-i-Sharif and on to Herat – Kandahar – Jalalabad and now also between Jalalabad and Kabul. There are road-blocks in connection with local fighting - for example around Ghazni - but there are fewer road-blocks now than previously.

The director for CCA also stated that in general there is free movement and no military checkpoints where identity papers have to be produced, but that there may be road-blocks locally in connection with fighting.

(For more information on road-blocks in connection with regional fighting, refer to section III on security conditions).

IV. 5 Freedom of speech

IV.5.1 Can people in opposition to/critical of the interim administration express themselves freely

The director for International Crisis Group commented that there are limits on how much freedom of speech there is at present in Afghanistan due to the instability. It is still too early to judge how the freedom to express oneself will develop, and it will require that security is achieved in the country first. No critical statements are heard from Kabul or other areas in Afghanistan. The critical voices come from abroad, and in this connection ICG referred especially to the Internet-based conference of Afghans coordinated by Harvard University.

The director for CCA also stated that freedom of speech should be seen in the context of the current reality in Afghanistan. Due to the instability, there are indirect restrictions on the freedom of speech, and journalists and authors are subject to a form of self-censorship, especially with regard to

religious subjects. CCA commented that compared with the situation in the neighbouring countries – Iran and Pakistan – there is a greater degree of freedom of speech in Afghanistan today, and that in the present situation authors and journalists should not be encouraged to test the limits. CCA also referred to the fact that, for example, there were restrictions in the USA on freedom of speech in connection with information regarding Osama bin Laden after 11 September 2001. CCA felt that - until a reconciliation is achieved in Afghanistan - a form of self-censorship is necessary.

CCA also stated that in connection with their programme an association has recently been formed to defend authors' rights. According to CCA, the association, which covers both local Afghans and Afghans living abroad, has a primarily preventive purpose that will attract attention to authors' rights.

The coordinator for SCA stated that in general there is freedom of speech, but that recently, in connection with the visit by Pakistan's President Musharraf, there was a journalist who asked critical questions and was asked not to attend subsequent press meetings.

The director for ACBAR said that in general there is freedom of speech in Kabul, but that control is greater in Herat.

IV.5.2 Are the media controlled

The director for CCA stated that the media are controlled in such a way that there are requirements for registration of all newspapers that are published.

The director for DACAAR commented that officially there is freedom of speech in Afghanistan, and that, for example, around 100 different publications appear in Kabul. Two of these are issued in an English version, of which one, "Kabul Weekly" is critical. The radio services are more cautious, but is gradually approaching critical topics. There are radio broadcasts from both Kabul and Herat. DACAAR also said that several international aid projects have been set up relating to the development of the radio services.

The project director for ICG also commented that the printed media are relatively independent, while radio broadcasts are controlled by the government.

In line with this, the director for OXFAM stated that radio services are controlled by the government.

V. ISSUING OF DOCUMENTS

The delegation met with the first secretary at the Afghan embassy in Islamabad in Pakistan. The first secretary stated that the Afghan authorities today issue six different types of passports:

- diplomatic passports
- service passports
- trade passports
- student passports
- Hajj passports (only valid in connection with a pilgrimage)
- ordinary nationality passports

Diplomatic passports and service passports are only issued in Kabul by the Foreign Ministry, while trade passports, student passports and Hajj passports can be issued by local authorities in Afghanistan. Ordinary nationality passports can also be issued at Afghan representations outside Afghanistan.

Every Afghan citizen will be able to apply to the passport issuing authorities to ask to be issued with an Afghan nationality passport.

When applying for an Afghan nationality passport, the applicant should in person visit the passport issuing authorities in person to fill in an application form. Identity documents should be presented in this connection, for example an Afghan ID card (tazkara) or a previous passport. The first secretary stated that the majority of the Afghan population possess ID documents, for example an ID card. If a person does not possess ID documents, the person concerned can bring witnesses who will be able to confirm the applicant's Afghan identity. A passport applicant should also document good knowledge of Afghan affairs, including geographical conditions. The applicant is interviewed in this connection when submitting the passport application.

The first secretary told the delegation that in some cases a refugee card issued by the Pakistan authorities could be accepted as documentation of a passport applicant's Afghan identity.

In connection with the issuing of an Afghan nationality passport at the representations in Pakistan, a fee of USD 104 is charged, while it costs USD 100 to renew a passport. The money should be paid to an account in a Pakistani bank before the passport can be issued. A passport can be issued in 3-4 days from the time of application. At the Afghan embassy in Islamabad, 15-20 passports are issued per day to Afghan citizens.

The director for DACAAR stated that passport are issued in Kabul over a 5-day period from the time of application and the price for a passport in Kabul is less than 2,000 Pakistani rupees (approx USD 30-35).

The first secretary stated that the issuing procedures are the same at the embassy in Islamabad and at the consulates in Peshawar, Karachi and Quetta.

An Afghan passport issued by the former Taliban authorities is basically invalid today. If the Taliban passport was provided with a valid visa to another country, such a passport will not be replaced with a new one. The holder can retain this passport until the expiry of the visa in question. This information was confirmed by the director for DACAAR.

VI. ENTRY AND EXIT CONDITIONS

Several sources, including UNHCR's office in Peshawar and the coordinator for the Swedish Afghanistan committee (SCA), stated that the official border crossing points between Afghanistan and Pakistan are closed. This means that people without valid travel documents and without an entry visa for Pakistan cannot use these crossings for entry into Pakistan. SCA also stated that it is possible for people without valid travel documents to cross the border outside the official border crossings.

The director for DACAAR stated that there are no problems for Afghan citizens in getting an entry visa from Afghanistan to Pakistan on condition that they possess a valid nationality passport.

The director for International Organization for Migration (IOM) informed that the organisation can assist Afghans who wish to return to Afghanistan voluntarily. IOM has a charter flight every Saturday from Dubai to Kabul. IOM also stated that commercial airlines are currently not allowed to land at the airport in Kabul.

The Swedish Afghanistan committee stated, however, that the Tajik airline, Tajik Air, has a weekly flight from Dushanbe to Kabul. Iran Air also flies once or twice a week from Mashad in Iran to Kabul. Finally, SCA stated that the Pakistani airline, PIA, is planning flights from Pakistan to Kabul.

In this connection it can be stated that while the mission was in Pakistan, there was an advertisement in the Pakistani newspaper "The News" on Friday 17 May 2002, where PIA stated that with effect from 21 May 2002 the company would start a weekly flight from Islamabad to Kabul every Tuesday. In the same advertisement information was given that the Afghan airline, Ariana Afghan Airlines, flies from Islamabad to Kabul every Sunday.

VI. 1 Repatriation

As a result of the changed situation in Afghanistan, a large number of Afghan refugees in the neighbouring countries, primarily Iran and Pakistan, have chosen to return to Afghanistan. UNHCR in Pakistan stated that as from 1 March 2002 to 10 May 2002 around 500,000 refugees returned from Pakistan. UNHCR in Pakistan stated that at present they are not promoting repatriation, but are facilitating the process.

Several of the sources asked, including ACBAR and ICG, commented that a question-mark can be put against the extent to which this return was voluntary. The Sources referred to the fact that Afghan refugees are living under difficult conditions in Pakistan. ICG said that this can only be regarded as voluntary if conditions in the host country are acceptable.

Sabrina Kassam-Jan said that Afghan refugees in Pakistan are subject to various forms of harassment, including blackmail, and last year there was a case where 80 Hazaras were arrested.

Persons, organisations and authorities consulted

Kabul

Minister of Repatriation, Mr. Enayatullah Nazeri
Deputy chief of police in Kabul, Mr. M. Khalil Aminzasa

UNAMA (United Nations Assistance Mission to Afghanistan):
Co-ordinator of Civil Affairs, Anders Fänge
Human Rights Advisor, Craig Mokhiber

UNHCR-Afghanistan:
Chief of Mission, Filippo Grandi
Assistant Chief of Mission (Protection), Bart Leerschool
Field Officer, Jette Gottlieb

IOM, Chief of Mission, Armand Rousselot

ICRC, Head of Delegation, Pierre Wettach

The Norwegian Embassy:
Chargé d'Affaires, Bjørn Johannessen
First secretary, Stig Traavik

ACBAR, Executive Coordinator, Ian Purves
ACBAR, which was formed in 1988, is a coordinating body between NGOs working in Afghanistan, and has both Afghan and international organisations as members.

Médecins du Monde (MDM), Protection Officer, Gaelle Le Guern
Médecins du Monde is an international humanitarian aid organisation that originally split from Médecins Sans Frontières with regard to a more public profile. The organisation's primary purpose is to give medical assistance to victims of natural disasters, starvation, epidemics, war victims, victims of political oppression, refugees, minority groups, street children and others who do not have access to national health systems. As well as medical assistance, the organisation also works with supporting victims of attacks, including social legislation.

Médecins Sans Frontières (MSF), Head of Mission, Georges Dutreix
Médecins Sans Frontières is a private international humanitarian aid organisation that offers medical assistance to populations in need in more than 80 countries. The organisation was established by a group of French doctors, and most of MSF's members are doctors and other health personnel. In countries where the medical infrastructure is inadequate or non-existent, MSF cooperates with the respective countries' Ministry of Health to offer assistance. MSF works with rehabilitation of hospitals and health

centres, vaccination programmes and water projects and projects referring to other sanitary conditions. MSF also works with health centres in remote areas, in slum areas and with educating local health personnel. MSF strives for neutrality and independence, both political, economic and religious.

OXFAM:

Programme Representative, Fouad Hikmat

Policy Adviser, Siddharth Deva

OXFAM is a British humanitarian organisation and consists of 12 NGOs which work together in over 80 countries and together with local organisations in these countries. The organisation works to fight poverty and to promote social and economic development. In Afghanistan, the organisation's program includes food aid through "food for work" and "food for education", water and sanitation, agricultural development and programmes directed at educating women, including training of women engineers and capacity development in relation to women participating in the Loya Jirga process. The organisation's work is primarily financed by private donors and from NGOs in Great Britain.

The Swedish Afghanistan committee, SCA, Regional Director, Jan-Erik Wann

SCA, which is primarily supported by SIDA and the EU, was founded in 1980 and today has special programmes within education and health. SCA's programmes in Afghanistan in 2000 constituted 60% of all international aid within education and 30% of aid within health. The programmes are implemented mainly in the northern and eastern part of Afghanistan and as well as the headquarters in Peshawar, SCA has 3 regional offices in Afghanistan – in Ghazni, Kabul and Taloqan.

CCA (Cooperation Centre for Afghanistan),

Director, Said Sarwar Hussaini

CCA is an Afghan NGO which is supported by several international relief organisations, including NOVIB, Norwegian Church Aid, Church World Service, USAID and different UN organisations. Since 1994, the organisation, which was formed in 1990, has had a human rights programme and is especially involved in activities relating to women, education and human rights. The activities consist especially of education projects relating to human rights and in monitoring of their observance. The organisation has 3 regional offices inside Afghanistan – in Kabul, Mazar-e-Sharif and Bamian.

Islamabad

UNHCR – Pakistan:

Representative, Hasim Utkan

Deputy Representative, Eva Demant

Assistant Representative, Philip Karani

USA's Embassy, Refugee Coordinator, Tom Hushek

The Norwegian Embassy:

Ambassador Tore Toreng

Advisor, Gard Bonner

The Danish Embassy:
Consul Ebbe Petersen

The Afghan Embassy:
First secretary, Abdul Jabbar Naeemi

International Crisis Group, (ICG), Project Director, Samina Ahmed
International Crisis Group is a private multinational organisation whose purpose is to strengthen the capacity in the international community to predict, understand and react to prevent conflicts. ICG is based on research in the field and has political analysts based in a number of countries afflicted by conflict - or countries with a risk of conflicts - in order to gather information and issue reports with recommendations directed towards international decision-makers. ICG's president is the former Finnish president Martti Ahtisaari and the former Australian foreign minister Gareth Evans has been president and chief-executive since January 2000. ICG's headquarters is based in Brussels, and the organisation also has offices in a number of crisis-ridden countries. ICG opened an office in Islamabad, Pakistan in January 2002 with regard to covering the situation in both Afghanistan and Pakistan. ICG receives financial support from a number of governments, including Denmark, charitable funds, companies and individual donors.

Afghanistan Information Management Service, (AIMS), Kathleen Miner
AIMS is a UN organisation - a joint-venture between UNOCHA and UNDP. The organisation functions as a data and information centre which has the purpose of procuring information to coordinate humanitarian activities and plan operational activities in relation to rehabilitation and development programmes in Afghanistan. The organisation develops and procures the gathering of information, including a range of maps that cover subjects like the security situation in Afghanistan, IDP camps and road maps. (cf. also the appendices to the report)

Peshawar

UNHCR - Sub-office Peshawar:
Head of Sub-Office, Alfredo Del Rio Court
Protection/ Repatriation Officer, Iris Blom

ACBAR (Agency Coordination Body for Afghan Relief):
Senior Consultant, Nancy Hatch Dupree
Nancy Hatch Dupree is recognised by both the Afghan and the international community as an Afghanistan expert who has worked with Afghanistan for more than 35 years. For the last 12 years she has lived in Peshawar, where she works as a senior consultant for ACBAR, of which her late husband Louis Dupree was a founder. Nancy Dupree has published more than 250 works discussing subjects like Afghanistan's history, archaeology, women and information centres. Nancy Dupree has also been involved in setting up more than 300 libraries inside Afghanistan in connection with mosques and schools and in Peshawar she has established an extensive library and

information centre on Afghanistan.

DACAAR (Danish Committee for Aid to Afghan Refugees):

Director Thomas Thomsen

DACAAR is a humanitarian NGO that was founded in 1984 with regard to offering support to Afghan refugees. Members of the organisation are ASF (Arbejdernes Samarit Forbund – Workers' First Aid Union), Danish Refugee Council and Mellempfolkeligt Samvirke (Danish Association for International Cooperation). The two main areas for DACAAR's activities in Afghanistan today are an integrated agricultural development programme and a programme for clean drinking water. The programmes are mainly financed by DANIDA and the EU, but also with funding from different UN organisations and private Christian organisations. DACAAR has a headquarters in Peshawar and largely works in the eastern, southern and western areas in Afghanistan.

The Swedish Committee for Afghanistan, SCA,

Administrative Coordinator, Peter Bulling

SCA, which is primarily supported by SIDA and the EU, was founded in 1980 and today has special programmes within education and health. SCA's programmes in Afghanistan in 2000 constituted 60% of all international aid within education and 30% of aid within health. The programmes are implemented mainly in the northern and eastern part of Afghanistan and as well as the headquarters in Peshawar, SCA has 3 regional offices in Afghanistan – in Ghazni, Kabul and Taloqan.

Women's Commission for Refugee Women & Children, WCRWC,

Advisor, Ms. Sabrina Kassam-Jan

WCRWC was started in 1989 as an organisation under the International Rescue Committee, which has its head office in New York. The organisation's purpose is to improve the situation for refugee families who find themselves inside or outside their native land, by focusing on conditions for women and children and by trying to influence international organisations, governments and voluntary organisations to take responsibility for protecting refugees. The organisation sends people to refugee camps, internment camps and areas where there are many internally displaced refugees, to perform research and fact-finding missions to describe women's and children's situation and needs. WCRWC is supported financially by the International Rescue Committee and receives support from various foundations and organisations, and private contributors. Financial support for specific projects is also received from the UN and the American government.

ANNEXES

Available in the printed version only

Annex 1: Map of Afghanistan

Annex 2: Map with latest security update

Annex 3: Map of mined areas

Annex 4: Press release from ACBAR of 12 May 2002

Annex 5: The Bonn agreement