



**Afghanistan – Researched and compiled by the Refugee Documentation Centre of Ireland on 9 December 2016**

**(1) Please provide any information about how the family members of Hezb-i-Islami commanders and members are treated in Afghanistan?**

Information on the treatment of family members of Hezb-i-Islami was scarce among sources available to the Research and Information Unit.

A report from the Afghan Analysts Network states:

“Taleban leaders – including those who had withdrawn from the fighting – were detained, tortured and killed by US-led coalition forces and their local militia partners. Taleban commanders, who were leading peaceful lives in their communities, as well as assumed or real sympathisers of the movement, were taken from their homes and sent to Bagram or Guantanamo prisons. Tribal elders were also targeted as part of a crackdown that particularly focused on the Taleban southern heartland. Only a handful of Taleban managed to get security agreements with figures in the new administration to enable them to live peacefully in Afghanistan after 2001.

Hezb-e Islami also saw many of its people detained, although again there were many who had only fought or had family members who had fought against the Soviet occupation of the 1980s (when incidentally, the US favoured the faction for weaponry and funding). However, senior members of Hezb-e Islami largely escaped detention. A notable exception was Hekmatyar’s son-in-law, Ghairat Bahir. US agents and Pakistani security forces detained him in Islamabad in 2002, along with his driver, Gul Rahman, and he was secretly rendered to Afghanistan and tortured by the CIA in the ‘Salt Pit’, north of Kabul. Bahir was finally released from Bagram in May 2008. His driver, Gul Rahman, did not survive CIA custody; he froze to death in the Salt Pit. No one was prosecuted for his killing.” (Afghan Analysts Network (29 September 2016) *Peace With Hekmatyar: What does it mean for battlefield and politics?*)

See also Afghan Analysts Network report which states:

“The agreement also provides for the voluntary return of refugees from HIG-related camps in Pakistan and other HIG members in exile, and the equal treatment of HIG-related disabled persons and family members of martyrs. Returnees will receive land ‘in Kabul and other provinces,’ and about 20,000 families will be given help from ‘the international community.’” (Afghan Analysts Network (21 May 2016) *Almost Signed? The peace agreement with Hezb-e Islami*)

An article from the Los Angeles Times states:

“Bashir Ahmad Reyan had been missing for more than two months when his body was discovered last week in Afghanistan’s southern province of Kandahar. The latest in a string of unexplained deaths in the province, Reyan’s case has gained attention because of claims by family members that he was tortured by security forces – and allegations by the government that he was a Taliban sympathizer. Reyan’s father was an official in the Taliban government that was ousted in the U.S.-led invasion in 2001. Friends at Kandahar University, where he was a fourth-year Dari language student and occasional writer for an online news site, said Reyan was not an active member of the insurgency but may have been a ‘cultural Talib’ who supported the group’s conservative Islamic views.” (Los Angeles Times (7 April 2016) *Another mysterious death in Kandahar, and allegations of official torture*)

## **(2) Is there a culture of revenge in Afghanistan?**

An eligibility guidelines document published by the UN High Commissioner for Refugees, in a section headed “Individuals Involved in Blood Feuds”, states:

“In general, a blood feud involves the members of one family killing members of another family in retaliatory acts of vengeance which are carried out according to an ancient code of honour and behaviour. In the context of Afghanistan, while blood feuds are primarily a Pashtun tradition rooted in Pashtuns’ customary law system, Pashtunwali, they are also reported to occur among other ethnic groups. Blood feuds can be triggered by murders, but also by other offences, such as the infliction of permanent, serious injury, the kidnapping or violation of married women, or unresolved disputes over land, access to water supplies or property. Blood feuds may give rise to long cycles of retaliatory violence and revenge. Under Pashtunwali, in principle revenge must be taken against the offender, but under certain circumstances the offender’s brother or other patrilineal kin may become the target for revenge. In general, revenge is not reported to be exacted against women and children. When the victim’s family is not in a position to exact revenge, a blood feud may reportedly lie dormant until such time as the victim’s family believes it is capable of taking revenge. Revenge can thus be taken years or even generations after the original offence. Sentencing of the offender in the formal judicial system does not necessarily preclude violent retaliation by the victim’s family: unless a settlement has been reached through a traditional dispute settlement mechanism to end the blood feud, the victim’s family will reportedly still be expected to exact revenge against the offender after he has served his sentence.” (UN High Commissioner for Refugees (UNHCR) (19 April 2016) *UNHCR Eligibility Guidelines For Assessing The International Protection Needs of Asylum-Seekers From Afghanistan*, pp.78-79)

A report published by the Landinfo Country of Origin Information Centre of Norway, in a section titled “Blood Revenge / Feuds”, states:

“In Afghanistan, murder is a very serious act that can entail a risk of serious sanctions for the murderer and his family. Murder can trigger a demand for blood revenge.

Blood revenge is primarily a Pashtun tradition, and its connection to honour is illustrated by the fact that failure to reciprocate is deemed a sign of moral weakness, and may imply whole kinship groups being seen as lacking in moral character. Both reporting a murder to the authorities and negotiating for

financial compensation with the perpetrator's family can be interpreted as weakness and as indicating that the group is not strong enough to defend its honour.

A decision in the governmental judicial system does not necessarily exclude the risk of violent retaliation. The victim's family can still be expected to kill the murderer when he is released (unless there is a settlement to end the feud locally). A local community will not consider a revenge killing legitimised by tradition to be a criminal act." (Landinfo Country of Origin Information Centre (1 November 2011) *Afghanistan: Blood feuds, traditional law (pashtunwali) and traditional conflict resolution*, pp.8-9)

In a section titled "Taking Revenge" this report states:

"According to Barfield, it is optimal that revenge is taken against the murderer or the perpetrator of the misdeed, but, under some conditions, killing his brother or other patrilineal kin represents an alternative. Revenge cannot be exacted against women and children. The person exacting the revenge should be a close adult male relative of the victim, but in exceptional cases 'hired assassins' sometimes carry out the revenge (Barfield 2003). Ideally, the killing should be carried out man to man and face to face (courage), but ambushes are also acceptable.

It can be problematic or impossible for the victim's kin group to exact revenge. This is the case, for example, if the murderer is from a more powerful family than the victim and revenge could have fatal consequences. If it is deemed impossible to avenge a killing, the victim's family will often leave to avoid the shame they may face by failing to exact revenge and having to live in proximity to the murderer(s).

However, a blood feud can lie dormant until the victim's family believes it is capable of exacting revenge. Young sons can be given a responsibility to avenge their murdered father when they reach adulthood – revenge can be taken months, years, even generations after an offence. A Pashtun proverb illustrates the low importance attached to time: 'A man took his revenge after one hundred years although he regretted acting in haste'" (ibid, pp.10-11)

A report published by Country of Origin Research and Information (CORI), in a section titled "Pashtunwali – Modern Examples", states:

"In July 2003 Professor Thomas Barfield reported that Pashtuns regard following the precepts of the Pashtunwali as a requirement of being a 'real Pashtun',

'Being born into a Pashtun lineage and speaking Pashto are the primary markers of Pashtun ethnic identity. But Pashtuns also insist that being a 'real Pashtun' demands that one not just speak Pashto, but 'do Pashto,' that is follow the precepts of the Pashtunwali.'

In July 2003 Professor Thomas Barfield reported that homicide generates the strongest demand for personal blood revenge, and described how it can be deemed a sign of weakness not to seek blood retaliation, 'Homicide generates the strongest demand for personal blood revenge. There is the obvious desire to punish the person who committed the act by the victim's

family, but it also involves questions of honor and personal responsibility. Not seeking blood retaliation personally is deemed a sign of moral weakness, even cowardice, not just of the individual who was wronged, but his whole kin group. Payment of compensation agreed to by both parties can also bring an end to the dispute without violence, but settling too quickly may also impugn the honor of the victim's kin group. Nor is this a task that can be shifted to the state. Reporting a murder to get action from government officials is considered a sign of weakness, that the kin group is too weak to take revenge honorably themselves.” (Country of Origin Research and Information (CORI) (February 2014) *CORI Thematic Report Afghanistan; Blood Feuds*, pp.7-8)

In a section titled “Character of Blood Feuds” this report states:

“In an interview with CORI in January 2014 Professor Thomas Barfield reported that disputes which become violent can trigger blood feuds, ‘Blood feuds are triggered by personal violence, sometimes deliberate, sometimes unplanned, that arises out of a dispute. In other words it is not the dispute itself but actions arising from it that start blood feuds.’ In an interview with CORI in January 2014 Dr Noah Coburn reported that 'blood feud' is not a term that is used locally and noted that ‘all groups can be involved in disputes that descend into violence’.” (Ibid, p.10)

This section of the report also states:

“In July 2003 Professor Thomas Barfield reported on the importance of honour in the Pastunwali. Honour combined with the risk of extensive and serious consequences if a man or group's honour is questioned, leads to a strong focus on restoring status, and, in this context, revenge (badal) is a central institution in Pashtunwali. A person seeks revenge and justice for something that has been done against him and his family, ‘Revenge (badal) is the means of enforcement by which an individual seeks personal justice for wrongs done against him or his kin group. It is this right and expectation of retaliation that lies at the heart of the Pashtunwali as a non-state legal system. Kill one of our people and we will kill one of yours; hit me and I will hit you back.’” (ibid, p.11)

A report from the US Institute of Peace, in a section titled “Pashtunwali”, states:

“Disputes among Pashtuns were traditionally said to arise from the three ‘Z’s: *zar*, *zan* and *zamin* (gold, women, and land) – the primary bases of wealth and honor in agrarian tribal society. The most difficult cases were those that had provoked blood feuds where settlements were difficult to arrange because they involved questions of honor and giving up the right of retaliation. These involved homicides and sex crimes such as rape, adultery, and elopements or kidnapping marriages. This was because such actions were viewed legally as an offense against the victim and his family, not against the community as a whole. Thus the victim's family had a strong desire to punish the person (or his relatives) who committed the act themselves. Failing to seek such blood retaliation personally was deemed a sign of moral weakness, even cowardice, not just of the individual who was wronged, but his whole kin group because involved questions of honor and personal responsibility.” (US Institute of Peace (2006) *The Clash of Two Goods: State and Non-State Dispute Resolution in Afghanistan*, p.8)

In a section titled "Crime" this report states:

"It is the goal of the community not only to resolve criminal disputes and reconcile the parties, but also to avoid state intervention, with its differing norms concerning guilt and punishment. Serious crimes, such as murder, are in many ways what drove the creation and continuation of the informal system, which seeks to make victims whole and reconcile parties to maintain community order. Because Afghan custom dictates that the family of victims of violence are honor bound to retaliate, or reconcile, revenge killing is a source of conflict between community members. Consequences of unresolved blood feuds have become magnified in the current environment of instability. If a family member is killed due to political affiliations, it may provoke a wider response between armed groups. Due to the need for community reconciliation, and the shortcomings of formal justice system the majority of blood feuds are handled by local jirgas and shuras." (ibid, p.16)

This response was prepared after researching publicly accessible information currently available to the Research and Information Unit within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

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