



Afghanistan – Researched and compiled by the Refugee Documentation Centre of Ireland on 24 November 2014

What actions are taken by the Afghan authorities against individuals alleged to be former Taliban insurgents?

A report on a 2012 Danish Immigration Service fact-finding mission to Afghanistan, in a section titled “Situation for former members of the Taliban” (section 4.4), states:

“Regarding the situation for former Taliban members, the UNHCR informed the delegation that the government has had a re-integration scheme in place. however, the impact of this scheme is not well known. An independent policy research organisation in Kabul informed the delegation that some former mid-level members of the Taliban are now living in Kabul without any problems. The representative from the independent policy organization in Kabul personally knew a former mid-ranking Talib who is now staying in Kabul and has a job in the public sector. This person has been threatened (attempted blackmail) to work for the insurgency, and he does not return to his home province. Other former members like ordinary foot soldiers would not have any problems as long as they stay away from their area of origin, according to the same source.” (Danish Immigration Service (29 May 2012) *Report from Danish Immigration Service’s fact finding mission to Kabul, Afghanistan 25 February to 4 March 2012*, p.33)

This section of the report also states:

“The independent research institute in Kabul added that the situation for a former Taliban member would also depend on his personal network with the local commander, which means the better relation the less threatened, but in most cases it would not be a Taliban strategy to track down low profile former members. According to the same source, most of the former Taliban members are living in big cities, and they are protected by the government. Those Taliban members, who stop fighting and negotiate with the government or who surrender their arms, can be provided housing and sometimes money, and there is a government programme for the former Taliban members to reintegrate them into the society.” (ibid, p.33)

Referring to the Afghan Peace and Reintegration Programme (APRP) an IRIN News report states:

“APRP aims to reintegrate low level fighters, while simultaneously reconciling top commanders with the government through political dialogue, according to the US Institute for Peace. In return for renouncing violence and accepting the Afghan constitution, ex-fighters are promised reintegration into their communities, assistance with education and vocational training, and a degree of protection and security. The formal reintegration scheme is implemented by APRP and its High Peace Council (appointed by President Hamid Karzai to

negotiate with elements of the Taliban). NGOs and international organizations support APRP through things like programme monitoring, capacity development, study/analysis, and project implementation. According to the UN Development Programme (UNDP), as of May, 6,840 fighters have been reintegrated under the scheme.” (IRIN News (4 June 2013) *Afghan reintegration scheme in the spotlight*)

A report published by the US Department of Defense, in a section titled “Reconciliation and Reintegration” (section 4.5), states:

“Field reporting shows low-level informal reintegration continues in all areas where insurgents are active. The majority of this activity involves a fighter opting to leave the battlefield, return home, and be accepted by his community.” (US Department of Defense (November 2010) *Progress Toward Security and Stability in Afghanistan*, p.66)

An article from The Telegraph refers to a former Taliban insurgent who joined the reintegration programme as follows:

“As the years passed and the Taliban’s promise of victory seemed ever more distant, Mr Haqqani began to lose faith in the insurgency. ‘I was not happy because there was no end to the war and war has given Afghanistan nothing but misery. We are a poor country and poor people and we will remain poor as long as we fight and there is war. Now is the time for peace — that is what Afghanistan needs.’ Mr Haqqani was eventually contacted by a senior officer in the National Directorate of Security. The NDS know the identities of the majority of the Taliban leaders. Many are former mujahideen fighters who fought the Russians and maintain close links with their former colleagues, who now hold positions of considerable power within the Afghan government. Over a period of several weeks, the NDS managed to convince Mr Haqqani that the Taliban were never going to win and his only option of a normal life was to join the Afghan Peace and Reintegration Programme. He has taken part in the programme for a year and has been retrained. He is currently working in Qala-e-Naw.” (The Telegraph (11 March 2012) *The drive to turn the Taliban to peace*)

A New York Times article on the experiences of reintegrated insurgents states:

“Eidi Mohammed, a former Taliban commander who recently renounced violence and sought amnesty under the Afghan government’s reconciliation program, has had another change of heart. Now he is thinking about rejoining his old comrades. Jobless and losing hope he will ever find work, Mr. Mohammed, 38, took his frustrations to provincial officials. They told him there was nothing they could do. ‘The moment I feel like I can move, I will go back to the mountains, rearm myself and fight you again, Mr. Mohammed, who is recovering from a recent gunshot wound to the leg caused by a clash with a police officer, recalled warning the governor, police chief and top security official of Badghis Province. He is not alone. Interviews with more than a dozen former insurgents find a group embittered and torn about their choice to lay down their arms. Many are unable to work and often unable to return to their villages for safety reasons; most feel the government has cheated them.” (New York Times (9 January 2013) *Afghan Amnesty Program Falls Short, Leaving Ex-Insurgents Regretful and Angry*)

A report published by the Center for American Progress, in a section titled “Peace process”, states:

“The current mechanisms for a peace process, however, are perceived as largely illegitimate, according to our Afghan interlocutors, who include members of civil society and tribal leaders who have been involved in Afghanistan’s Peace and Reintegration Program, or APRP, a government program intended to reintegrate insurgents. According to many Afghans, APRP is ineffective, insufficiently focused on grievance resolution, and lacks the capacity to provide protection for those who want to leave the insurgency.” (Center for American Progress (10 March 2014) *Afghans Find Their Way*, p.5)

An article published in the Canadian Army Journal, in a section titled “Personal Safety”, states:

“Although seemingly contradictory, the need for personal safety has driven many into the insurgency, and is a motivator that stretches back into the period of the anti-Soviet conflict. In a country as marred by conflict as Afghanistan, it is undoubtedly difficult to exist without taking sides. For former members of the Taliban, particularly those who were well known within the Islamic Emirate of Afghanistan administration, simply returning to ‘civilian’ life has not been a viable option, as they have been subjected to a wide variety of threats—from western militaries seeking to incarcerate or kill them, from the depredations of rival tribes or other groups empowered within the new regime, or simply from local reprisals for old grievances. The same is true for members of the Taliban who have chosen to demobilize more recently—although to the list of threats above, they can also add the threat from the Taliban itself, who have consistently targeted those who reconcile with the government. These problems are exacerbated by the incredibly weak rule of law that has become the norm under the Karzai regime.⁵¹ Given these conditions, there is little incentive for an individual fighter to leave the insurgency once he has become embroiled within it.” (Canadian Army Journal (CAJ) Vol.14, No.3 (Autumn 2012) *Core Issues Motivating Afghan Insurgents*, p.60)

The 2013 US Department of State country report on Afghanistan, in a paragraph headed “Amnesty” states:

“Contrary to some misconceptions, the Afghanistan Peace and Reintegration Program (APRP) is a mechanism for bringing combatants off the battlefield and does not provide amnesty for criminal activity unrelated to the insurgency. The program document states that the APRP ‘is not a framework for pardoning all crimes and providing blanket amnesty,’ and reintegration candidates are informed prior to enrollment that entry into the program does not amount to blanket immunity from prosecution.” (US Department of State (27 February 2014) *2013 Country Reports on Human Rights Practices*, p.12)

A report published by the RAND Corporation, in a section titled “Holding and Security Procedures”, states:

“One of the most significant barriers to reintegration is a fear of punishment. This can be either a perception that an individual will be placed into a

detention facility and tortured, or, perhaps more importantly, fear of retribution from insurgents who view the individual as a collaborator.” (RAND Corporation (2011) *Reintegrating Afghan Insurgents*, p.15)

The most recent eligibility guidelines document published by the UN High Commissioner for Refugees (UNHCR), in a section titled “Civilians Suspected of Supporting Anti-Government Elements”, states:

“The Constitution provides that no one shall be arrested or detained without due process of law. It also contains an absolute prohibition on the use of torture. Despite these legal guarantees, concerns have been raised about arbitrary detention, as well as the use of torture and cruel, inhuman or degrading treatment against detainees, especially conflict-related detainees, in detention facilities operated by the NDS and the ANP. UNAMA reported that in two NDS facilities, six ANP facilities and one ANBP location, the use of torture was systematic. Among the detainees who were found to have been subjected to torture were children. UNAMA also received reports of the alleged disappearance of 81 individuals who had been taken into ANP custody in Kandahar province. UNAMA’s findings were corroborated in February 2013 by an official investigation ordered by President Karzai following the publication of the January 2013 UNAMA report.” (UN High Commissioner for Refugees (UNHCR) 6 August 2013) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, pp.41-42)

This document also states:

“In light of the foregoing, UNHCR considers that individuals suspected of supporting AGEs may be in need of international refugee protection on the ground of (imputed) political opinion, depending on their individual profile and circumstances of the case. In view of the need to maintain the civilian and humanitarian character of asylum, former armed elements should only be considered as asylumseekers if it has been established that they have genuinely and permanently renounced military activities.” (ibid, p.43)

A report on the treatment of conflict-related detainees published by the (UN Assistance Mission in Afghanistan (UNAMA), in a section titled “Continuing Torture and Ill-treatment of Detainees by NDS, ANP, ANBP and ANA (October 2011-October 2012)”, states:

“UNAMA documented numerous credible and reliable cases of torture at five ANP provincial headquarters in Pul-e-Khumri (Baghlan), Herat city (Herat), Kunduz city (Kunduz), Taloqan (Takhar) and Qalat (Zabul) and at 10 district ANP facilities in Ishkamesh, Kalafgham, Khwajaghar (Takhar), Chisht-e-Sharif, Pashtoon Zarghoon, Shindad, Gulran (Herat), Yosuf Khel (Paktika), Garamser and Nadi Ali (Helmand) in four provinces. UNAMA found torture was most prevalent in NDS and ANP facilities in Kandahar. Half of the 79 detainees UNAMA interviewed in various Kandahar detention facilities provided detailed descriptions of torture by NDS, ANP or ANBP interrogators⁵⁹. Detainees provided detailed and consistent accounts of the use of interrogation techniques that were similar to patterns and practices previously documented in Kandahar. One third of all credible and reliable cases of torture and ill-treatment involving ANP originated in facilities in Kandahar province.” (UN Assistance Mission in Afghanistan (UNAMA)

(January 2013) *Treatment of Conflict-Related Detainees in Afghan Custody: One Year On*, p.11)

In a section titled “Treatment of Detainees by the National Directorate of Security (overview)” this report states:

“Overview Between October 2011 and October 2012, UNAMA interviewed 514 persons held by the NDS in 32 detention facilities in 30 provinces. Sixty-eight detainees were held in two NDS detention facilities at different times, 18 were held in three NDS detention facilities at different times and three detainees were held in four NDS detention facilities at different times totalling 601 instances of NDS detention in the sample. 151 of 514 were also held by ANP or ANBP. 178 of 514 detainees (34 per cent) reported they had been tortured or ill-treated while in NDS custody. Reported forms of torture included beatings (with cables, pipes or wooden sticks), electric shocks, and suspension (being hung by the wrists from chains attached to the wall, iron bars or other fixtures for lengthy periods). Other forms of torture and illtreatment reported included stress positions (such as forced prolonged standing, standing and sitting down repeatedly and standing outside in cold weather conditions for long periods) and threats of sexual violence. Detainees often reported being either blindfolded or hooded when being moved from room to room or facility to facility. UNAMA found that detainees in provincial NDS facilities were held for an average of 19.6 days beyond the 72 hour time limit as prescribed by the Police Law 2005.” (ibid, p.29)

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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