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Afghanistan

“Just Don’t Call It a Militia”

Impunity, Militias, and the “Afghan Local Police”

HUMAN RIGHTS WATCH

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Map of Afghanistan

Glossary

ABP	Afghan Border Police
ALP	Afghan Local Police
AMF	Afghan Militia Force
ANA	Afghan National Army
ANAP	Afghan National Auxiliary Police
ANCOP	Afghan National Civil Order Police
ANP	Afghan National Police
AP^3	Afghan Public Protection Program
APPF	Afghan Public Protection Force
APRP	Afghan Peace and Reintegration Program
ASOP	Afghan Social Outreach Program
CDI	Community Defense Initiative
CSTC-A	Combined Security Transition Command Afghanistan
DDR	Disarmament Demobilization and Reintegration
DIAG	Disbandment of Illegal Armed Groups
IDLG	Independent Directorate for Local Government
ISCI	Interim Security for Critical Infrastructure
LDI	Local Defense Initiative
NTM-A	NATO Training Mission Afghanistan
NDS	National Directorate of Security
VSO	Village Stability Operations

Summary

What we should not do is take actions that will reintroduce militias of the former power brokers. There has been some good work here to get those things back in the box and we shouldn't seek to go back there.
—US Gen. Dan McNeil, commander of the International Security Assistance Force, rejecting a British plan to create tribal militias, January 2008

We have a proverb about a child who is always sick. Instead of trying to cure his sickness, his family changed his name. We are doing the same thing with ALP [Afghan Local Police]. We have all these problems in society, like warlords and mafia, but we do not treat them, we give them a new name.
—Maj. Gen. Esmatullah Dawlatzai, senior Ministry of Interior official, October 26, 2010

ALP is the exit strategy.
—International civilian official, Kabul, October 9, 2010

In Afghanistan armed groups are proliferating. A decade after the US-led invasion of Afghanistan following the attacks of September 11, 2001, the Taliban-led insurgency has intensified in many parts of the country. In response, the Afghan government and its international supporters, as part of the international exit strategy, are expanding the national army and police at high speed. The government has reactivated various irregular armed groups, particularly in the north. Hundreds of small militias have also been created, by powerful local figures and sometimes by communities themselves, to respond to the deteriorating security situation in many parts of the country. International forces operating in Afghanistan work closely with militias, many of which have been accused of human rights abuses.

For decades, Afghans have suffered serious human rights abuses at the hands of local militias, which include a diverse array of irregular forces ranging from armed groups working for tribal leaders to private security companies, criminal gangs, and insurgent groups. The closest Afghan word for militia is *arbaki* (see note on terms on page 17). This term also encompasses irregular forces created by formal government programs. Militias of all varieties have participated in murderous tribal vendettas, targeted killings, smuggling, and extortion. Rapes of women, girls, and boys have been frequent.

Militias are usually controlled by men described as local strongmen or warlords—typically former mujahideen commanders who built up power bases during the anti-Soviet *jihad*—whose source of protection extends into the heart of local and national government. Abusive militias have alienated Afghans from the national government and in some places contributed to the expansion of the insurgency even as the growth in the insurgency has occasioned periodic spikes in government reliance on militias. It is a classic vicious circle.

For example, Kunduz province in northeastern Afghanistan, long one of the more secure parts of the country, is now beset with militias. The rise of militias there has been in part a local response to a rapid decline in security as the Taliban and other insurgent groups have infiltrated and occupied significant parts of the province since 2008. But their rise has also been a deliberate policy of the National Directorate of Security (NDS), which has reactivated militia networks of previous decades, primarily through the Shura-e Nazar ("Supervisory Council" of the north, formerly led by Ahmed Shah Masood) and Jamiat-i Islami networks. The NDS has provided money and guns without requisite oversight. With patronage links to senior officials in the local security forces and the central government, these groups operate with impunity.

In Kunduz the spread and power of militias has become pernicious. Human Rights Watch received a number of allegations of human rights abuses by militias in Kunduz province, including killings, rape, beatings, and extortion. In most cases, no action has been taken against the perpetrators. For example, in Khanabad district in August 2010, a militia killed a young man who refused to join the force. The local prosecutor refused to make any arrests because of the commander's connection to the provincial chief of police and a local strongman, Mir Alam, who is closely involved with abusive armed groups.

Into this mix, the United States and the Afghan government are now also providing military weaponry, training, and salaries to thousands of men in a new village-level force, the Afghan Local Police (ALP). Created at the behest of and funded by the US, the ALP is officially designed to "secure local communities and prevent rural areas from infiltration of insurgent groups." It is supposed to supplement national security forces by providing community defense, but without law enforcement powers. It is seen by the US military as a way to deal with the immense time pressures of trying to hand control of security to the Afghan government by 2014 while maintaining stability in remote parts of the country.

In creating the ALP, the Afghan government and the US say they have learned the lessons of the past and that this time things will be different. Supporters point in particular to what they describe as more rigorous measures to involve the local community in selecting and

vetting recruits, as well as efforts to avoid empowering pre-existing militias and heavy oversight by US special operations forces for most of the new forces. While such goals are laudable, not enough is being done when creating new ALP units to address the factors that permitted past government-backed militias to commit abuses with impunity, sabotaging community trust, and undermining larger security objectives. Indeed, many Afghans have told Human Rights Watch that this new force is hard to distinguish from *arbakai* (plural for *arbaki*).

The constant resort to militias as a quick security fix suggests a lack of understanding of how oppressive even a small militia can be when it operates without proper oversight and with impunity when it commits abuses. When militias engage in rape, murder, theft, and intimidation, and when there is little or no recourse to justice for victims, the creation of militias doesn't decrease insecurity, it creates it.

This report first provides an overview of the often negative consequences of government attempts over the past decade to create civilian defense forces. Since the fall of the Taliban, such forces have included the Afghan National Auxiliary Police, Afghan Social Outreach Program forces, Community Defense Forces, Community Defense Initiative/Local Defense Initiative forces, and Interim Security for Critical Infrastructure units. We look in detail at and present new evidence of recent abuses by a diverse group of local militias that have developed in Kunduz and by Afghan Public Protection Program (AP3) forces in Wardak, the most recent experiment in creating a civilian defense force, which is now an ALP force.

While some community defense force programs have been more successful than others, all have been plagued by failures of vetting and oversight, and, too often, impunity for human rights abuses. In different ways and to different degrees, all of the programs have at times been hijacked by local strongmen or by ethnic or political factions, spreading fear, exacerbating local political tensions, fueling vendettas and ethnic conflict, and in some areas even playing into the hands of Taliban insurgents, thus subverting the very purpose for which the militias were created.

Against this backdrop, the report then provides a detailed account of the ALP one year after it was created. Based primarily on interviews in Kabul, Wardak, Herat, and Baghlan, with additional interviews in Kandahar, Kunduz, and Uruzgan, we conclude that unless urgent steps are taken to prevent ALP units from engaging in abusive and predatory behavior, the ALP could exacerbate the same perverse dynamics that subverted previous efforts to use civilian defense forces to advance security and public order. The creation of

the ALP is a high-risk strategy to achieve short-term goals in which local groups are again being armed without adequate oversight or accountability.

By highlighting shortcomings in the current program and instances of abuse by ALP units, we do not mean to minimize the high loss of life and terror wrought by Taliban bombings, targeted killings, executions, and kidnappings of the civilian population, as documented in previous Human Rights Watch reports.[1] We have long raised concern about how desperate Afghans are for better security. But as this report makes clear, insecurity does not come only from "anti-government" elements. Poor governance, endemic corruption, human rights abuses, and impunity for government-affiliated forces are key drivers of the insurgency, which need to be addressed if development and true stability are to come to Afghanistan.

The Afghan Local Police

The ALP was approved by the Afghan government in July 2010 and established by presidential decree on August 16, 2010. According to the US military and the Afghan government, the ALP is being rolled out across the country to defend rural communities in areas where there is limited Afghan national army and police presence and while the national forces strengthen their capabilities. The Afghan government has an official target to hire 10,000 men for the ALP; the US Congress has approved funding for 30,000. As of August 2011, 7,000 men had been recruited to the ALP.

The term "police" in the title of the ALP is a misnomer, as the ALP is not really a police force. Its terms of reference state that it is a "defensive force" that does not have law enforcement powers. Those supportive of the program say that it was created largely as a short-term fix for the Afghan National Police (ANP) and to free up the Afghan security forces to focus on offensive operations rather than defensive deployments. Afghan security forces will be expected to take the entire burden of such operations as the international troops withdraw. As one international official told Human Rights Watch, "ALP is the exit strategy."

Proponents of the ALP point to safeguards, such as Ministry of Interior control over the ALP, village *shura* (council) nomination and vetting of members, and training and mentoring by US special operations forces. ALP units are also supposed to report to the district chief of police. But Ministry of Interior officials have conceded to Human Rights Watch that many such safeguards had also been promised for previous initiatives that ended in failure.

[1] See Human Rights Watch, *The "Ten Dollar Talib" and Women's Rights: Afghan Women and the Risks of Reintegration and Reconciliation* (July 2010); *The Human Cost: The Consequences of Insurgent Attacks in Afghanistan* (April 2007); *Lessons in Terror: Attacks on Education in Afghanistan* (July 2006).

An assumption undergirding creation of the ALP appears to be that the national police will be able to control ALP forces, despite weak command and control structures, and the fact that the ALP often far outnumber the national police in the districts where they operate. Furthermore, the ALP forces often have separate, informal channels to powerful government officials and local strongmen who can protect them from official accountability.

The directive creating the ALP is vague about its powers. Rules about the ALP's right to search and detain, where individuals can be detained, the length and conditions of detention, and the process for handing over detainees to the national police are unclear. ALP units undergo three weeks of training compared to the six weeks (soon to be eight weeks) for basic patrol officers in the national police force. The current ALP plan also lacks clear guidelines for the planned demobilization or transfer of ALP members to the national police when the ALP is wound up. The ALP is now a year old and the original 2010 plan envisioned the ALP to last from two to five years.

The US military is the funder and primary driver behind the creation of the ALP, which it sees as a critical element of its current strategy in Afghanistan, particularly the goal of transitioning security to Afghan forces by 2014. In his testimony to the Senate Armed Services Committee in March 2011, Gen. David Petraeus called the ALP "arguably the most critical element in our effort to help Afghanistan develop the capability to secure itself."

The program follows US counterinsurgency doctrine. The US military manual, "Tactics in Counter Insurgency," published in 2009, recommends local paramilitary forces in situations to make up for weak national forces, with no mention of the potential for blowback:

> If adequate HN [host nation] security forces are not available, units should consider hiring and training local paramilitary forces to secure the cleared village or neighborhood. Not only do the members of the paramilitary have a stake in their area's security, they also receive a wage. Providing jobs stimulates the economy. Having a job improves morale and allows locals to become a potential member of the local governmental process.

Abuses by the ALP

US special operations forces who are training and overseeing the new forces say that the new forces have begun to deliver improvements in security in a number of areas including places such as Gizab and Arghandab where they had previously established the "Local Defense Initiative" (LDI), a precursor to the ALP. While this report highlights areas of

concern, some interviewees warmly welcomed efforts to support local security solutions, even in areas where they were concerned about the individuals empowered by ALP. The real test of the impact for the ALP in terms of insurgent presence and attacks will take place when the presence of international forces is reduced.

In the provinces where we conducted investigations there is reason for serious concern. In Shindand district in Herat province, for example, which has a reputation for being a vipers' nest of intertwined militias, criminal gangs, and insurgents, Human Rights Watch received numerous complaints about failures of vetting and criminal or insurgent elements being absorbed into the ALP. Allegations of abuse by ALP members surfaced soon after the program began. In October 2010, an ALP member and a man linked to the Taliban were alleged to have killed two men in Bakhtabad village. The family members of one victim said that police officials informed them that nothing could be done because US special operations forces were backing the ALP unit. When the family approached US forces they were told it was an Afghan police matter, reinforcing the common perception among Afghans that armed groups linked to US forces can act with impunity. In another incident, in February 2011, an ALP unit raided several houses in Shindand, stealing belongings, beating residents, and illegally detaining six men. In June 2011, two boys were detained overnight by the ALP beaten and one of them had nails hammered into his feet while in ALP custody.

In Baghlan province, security has deteriorated in recent years as a result of increased insurgent presence, criminal activity, and abusive government-backed militias. Former Hezb-i-Islami fighters, including local strongman Nur-ul Haq, were among the first recruits of the ALP. Haq and his men were working with US troops prior to being officially approved as ALP members. Haq and his forces were quickly implicated in numerous abuses. In August 2010, on a joint patrol with US forces in the Shahabudeen area, Haq and his men raided a house and unjustifiably killed the owner's nine-year-old son. In April 2011, four armed ALP members in Baghlan abducted a 13-year-old boy on his way home from the bazaar and took him to the house of an ALP sub-commander where he was gang raped. He escaped the next day. Although the assailants' identities were well-known, no arrests have taken place. The ALP in Baghlan has also been implicated in another murder and disappearance, but the police have told Human Rights Watch that they have been unable to question suspected ALP members due to their relationship with special operations forces.

In Uruzgan province in December 2010, a local strongman detained six elders after they refused to agree to provide men to the ALP. Some members of the ALP in Khas Uruzgan have been implicated by local officials and residents in illegal raids, beatings, and forcible collection of tax.

These cases raise serious concerns about ALP vetting, recruitment, and oversight. They also raise questions about the relationship of US forces with abusive members of the ALP and other groups and the lack of willingness of the district chief of police to investigate abusive ALP members. Many Afghans with whom Human Rights Watch spoke expressed concerns that criminal and insurgent elements were being absorbed into the force. When their concerns were raised with US and other foreign officials, reassurances were usually offered that the involvement of local *shuras* would guard against such problems. At both the policy and operational level, few questions appear to have been asked or assessments made about the composition of the *shuras* themselves or their ability to play an effective role against more powerful local forces.

Officials and elders in some communities told Human Rights Watch that they had been pressured into accepting the ALP in their area. Local officials in Shindand and Baghlan objected to the deployment of the ALP, with the district council telling the Ministry of Interior that the ALP would be destabilizing. Local councilors complained to Human Rights Watch that the council had come under pressure from the government to accept otherwise unacceptable recruits into the ALP because the recruits had a close working relationship with US forces. The head of the Baghlan provincial council told Human Rights Watch that he had made his objections known to US forces without success:

> I spoke with Captain Andy from Special Forces. I told him that you are here to support Afghan people, not give them guns, they are criminals…. Captain Andy responded that they are not criminals. I was surprised that Special Forces are backing these people.

US special operations forces talk about communities signing up for the ALP as drawing a "line in the sand"—that is, sending a clear signal to insurgents that the community in question backs the government. Communities are being asked to make a choice: you are either with us or against us. But for many Afghan communities the choice is not binary. In some parts of the country this decision means either supporting a government-backed militia that has raped, killed, and robbed, or the Taliban, which has carried out bomb attacks, assassinated civil servants, and threatened to kill teachers in girls' schools.

US and ISAF military forces in Afghanistan have compounded this unpalatable choice since they entered Afghanistan in 2001 by elevating abusive armed groups in security partnerships or giving them lucrative contracts in logistics or reconstruction. International forces can appear to be blind about these relationships. In other cases they are in active collusion, even as they talk about their fight against "the bad guys."

For the Afghan government and international allies who are currently promoting reintegration of Taliban and other insurgent fighters, the lure of the Afghan Local Police is almost irresistible. Not only do reintegrated fighters need jobs, but they also need security to protect themselves from retaliatory attack. But, for communities, this means seeing individuals and groups that have been their attackers or opponents for many years suddenly donning the uniforms of their protectors. If a community sees that there is no accountability for the members of the government's new security force, and no certainty that their loyalties have now changed, they are unlikely to trust them or offer support.

The Ghosts of Militias Past

Since the formation of the Karzai government in 2002, the Afghan government and its international backers periodically have made formal commitments to disarm and demobilize irregular armed groups. But these efforts have been largely tokenistic and ineffective, stymied by powerful vested interests in government and undermined by the financial, logistical, and military support of militias by the US and other international forces. Disarmament efforts have also been undermined by the growing insurgency, which has left many communities feeling too vulnerable to disarm so long as the national army, police, and international forces are unable to protect them.

As security has deteriorated and public confidence in the government has eroded, Afghan and foreign policymakers have turned again and again to the idea of tribal militias or community defense forces. The experiments have usually ended in failure. There are several instructive examples. Launched in 2006, the Afghan National Auxiliary Police (ANAP) was barely trained, had poorly defined rules of engagement, underwent minimal vetting, and was famously corrupt. It was officially advertised as "community policing," but in reality ANAP was used as an ill-prepared paramilitary force. One former Ministry of Interior official interviewed described them as "shields of meat." Defection rates were high. They were abusive, hijacked by warlords, and open to infiltration by the Taliban.

The Afghan Public Protection Program in Wardak province, launched in 2009, highlights the risks of a community defense force being hijacked by local strongmen. Wardak is an ethnically mixed province that has seen a steep decline in security since 2008. The AP3 was expected to provide public protection and discourage insurgent activity but initially had very few Pashtun members. It was only after Ghulam Mohammad, who had been associated with the Taliban and an Islamist political party, Harakat-i-Inqilab-i-Islam, joined the force that it was able to recruit among ethnic Pashtuns. This too has carried a cost.

From the start a number of elders and officials voiced their opposition to Ghulam Mohammad's involvement in AP3 because of his men's abusive record (and some degree of political or ethnic rivalry). Human Rights Watch received a number of allegations that abusive behavior—beatings and intimidation—continues. Local residents claimed that many of Ghulam Mohammad's men were criminals or members of the Taliban. One elder told Human Rights Watch: "These men were his men during the Taliban time, during the Jihad, and they are still with him as *arbakis.*" Ghulam Mohammad was removed from his command of AP3 in 2010, but his men are now members of the ALP.

* * *

The ALP is touted as a sensible response to the immediate security needs in conflict areas. However, many Afghans interviewed by Human Rights Watch fear that the ALP could be a destabilizing force if it strengthens local strongmen who act with impunity; our research suggests that this is already happening in some areas. Avoiding incorporating abusive forces into the ALP requires a commitment and strategic vision to tackle impunity, corruption, and factionalism within the government.

Yet this vision has been in short supply. Almost 10 years after the fall of the Taliban government, it is striking how little has been accomplished in building effective state institutions, particularly those that deliver justice and rule of law. The Karzai government has shown little appetite for confrontations with corrupt officials or those who protect abusive forces. The US and other governments have not chosen to spend their political capital on demanding and then following through on reforms. The US government has obligations under the "Leahy Law" to ensure that no military unit receiving US assistance is involved in gross human rights abuses for which it is not held accountable. The US Department of Defense is largely funding the Afghan Local Police program, so needs to be fully apprised of US obligations under the Leahy Law.

Instead of taking serious actions against abuses, short-term fixes have been the norm, as standards have been watered down. Consistent pressure to reduce US troop levels and concerns about the costs of US engagement in Afghanistan are encouraging resort to a quick fix. This thinking is to the detriment of long-term needs in Afghanistan. As the US prepares for transition of security to the Afghan government, it should be giving priority to ensuring a sustainable security strategy that will best secure the human rights of all Afghans.

The concerns General McNeil expressed in the quotation at the start of this report that local paramilitary forces could end up empowering local strongmen and warlords should be at the forefront of evaluations of the ALP and the Afghan government's strategy of promoting militias. The ALP should be judged on whether it can bring security without violating the rights of the local communities it has been tasked to defend. If it becomes just another abusive militia, it will not only cause immense harm to local communities, but risks undermining support for the central government and inflaming ethnic and political fault lines. Or, as one elder from Shindand suggested, it "will drive us to the Taliban."

Despite past failures and the entreaties of many Afghans, the strategy of creating new local forces, with all their inherent risks, persists. How the Afghan government and its international backers deal with the ALP and other armed groups will be a major test. Sadly, it is still not clear that either has the patience to implement sustainable policies that will protect local communities from both insurgents and government-backed predatory forces, no matter which side commits the abuses.

Key Recommendations

To provide for the short- and long-term security of the population, and promote and protect human rights in Afghanistan, the Afghan government and its international allies should sever all ties with irregular armed groups and abusive commanders, and take immediate steps to create well-trained, properly vetted security forces that operate within the rule of law and are held accountable for their actions.

To the Government of Afghanistan

- Disband irregular armed groups, investigate them for abuses, and hold accountable individuals implicated in criminal offenses.
- Ensure that all allegations of abuses by ALP personnel or violations of operational rules, including unauthorized arrest, detention, or use of firearms, are seriously investigated. Suspend ALP personnel against whom there are credible allegations of abuse, improper use of force or unauthorized raids until the allegations are properly investigated and appropriate disciplinary action or criminal prosecutions are carried out.
- Create an external complaints body to allow members of the public to report abuses by the ALP and other police forces. This body should have dedicated provincial staff to proactively monitor the ALP and pay particular attention to areas where the national police cannot provide effective oversight or in remote areas where oversight is otherwise challenging.
- Amend the June 2011 Ministry of Interior ALP directive to strengthen provisions on recruitment, vetting, and rules of engagement. In particular, ensure that all recruits are

individually vetted, even if they have previously been members of a similar local defense forces, and that there are no exceptions to the rules, including those who have been through the reintegration program.

- Ensure that vetting of new recruits for the ALP, including those that were former combatants and have reintegrated, includes checks for past allegations of human rights abuses. If there are credible allegations of serious human rights abuses, ensure that those individuals are refused admission into the ALP until the allegations have been criminally investigated and the individuals held accountable as appropriate.
- Create an independent panel to carry out an assessment of the adequacy of ALP recruitment and vetting, including whether individuals responsible for human rights abuses have been recruited as members of the ALP; whether the ALP has adhered to its operational rules in areas including law enforcement, arrest and detention, interrogations, and involvement in military or paramilitary operations; and whether the ALP is empowering regional warlords and local strongmen. This panel should include a wide range of government officials, the Afghanistan Independent Human Rights Commission (AIHRC), representatives of civil society, and UNAMA observers.
- Prevent reintegrees who go through the Afghan Peace and Reintegration Program (APRP), from joining the ALP for a minimum of one year after they have reintegrated in order to discourage the ALP recruitment safeguards being undermined by the political imperatives of reintegration, and to persuade communities that those reintegrating are committed to their renunciations of violence. Ensure that no ALP recruitment rules are bypassed in order to have them accepted. Ensure that Afghan officials who play a role in APRP, including governors and other local officials, do not promise or provide jobs in the ALP to combatants without going through the official recruitment and vetting process.

To the United States and the International Security Assistance Force

- Ensure that pressure for the ALP to show "results" and legitimate concerns about governance challenges do not lead to shortcuts in recruitment, vetting, and adherence to operational rules. Focus on long-term solutions to local policing and protection of civilians that adhere to the rule of law and international best practices.
- Develop or clarify internal guidelines to receive complaints when allegations of abuse by armed groups, including the ALP, are received by US troops. Ensure that all allegations of abuses by armed groups are fully investigated or are passed to the appropriate Afghan government authorities for appropriate action. Be transparent with local government officials regarding actions being taken and follow-up on the status of investigations by US or Afghan officials.

- Work with the Afghan government to put in place adequate oversight mechanisms, including designated personnel in every district where the ALP is created and trained by the US forces, to prevent, monitor, and respond to human rights violations by ALP units.
- Ensure increased and adequate training for the ALP to ensure a full understanding and commitment to the ALP rules of engagement, including that the ALP does not have powers to detain, arrest, or interrogate individuals, as well as limitations on the permissible use of firearms.
- Ensure that adequate mechanisms are in place to prevent, monitor, and respond to human rights violations by the ALP or other armed groups funded and trained by US forces. Fully implement the Leahy Law, which prohibits the provision of military assistance to any unit of foreign security forces where there is credible evidence that such unit has committed gross violations of human rights, such as torture or cruel, inhuman, or degrading treatment or punishment, and "flagrant denial of the right to life, liberty or the security of the person" and that no "effective measures" are being taken to bring those responsible to justice.

Methodology

This report is based on research in Afghanistan primarily between October 2010 and June 2011 by a Human Rights Watch researcher, a consultant, and two research assistants. As noted above, detailed interviews were carried out in Baghlan, Herat, Kabul, Kunduz, and Wardak, with additional interviews in Kandahar, Uruzgan, and Washington DC. Although most ALP sites are in the southern provinces of Afghanistan, due to security concerns Human Rights Watch conducted only limited research in those provinces.

Many of the interviews were conducted in Dari or Pashto, while others were conducted through the use of interpreters. In total, over 120 interviews were carried out with victims of abuses and family members, village elders, witnesses to abuses, nongovernmental organization workers, Afghan security, human rights and government officials, foreign military officials and diplomats, journalists, and Afghanistan analysts.

Because many of the interviewees fear reprisals, we often use pseudonyms, making it clear in the text or footnotes when we do so. In some cases certain other identifying information has been withheld to protect privacy or safety. Some Afghans working in an official capacity requested that they not be named in the report. Many foreign military officials and diplomats did not wish to be named and gave off-the record interviews.

Verifying allegations of abuse was challenging in remote areas, where security officials and human rights investigators have limited access and interviewees feared reprisals. Some serious allegations were omitted from this report because the information could not be verified.

One of the challenges in our research involved the difficulties many Afghans faced in distinguishing between the various armed groups operating in their areas. Afghans often cannot be sure whether the people they described were common criminal or insurgent groups, official or unofficial *arbaki,* employees of private security companies, members of the ALP, or members of other official or unofficial armed groups. Interviewees at times interchangeably referred to *arbakai* and the ALP. Human Rights Watch cross-checked allegations with local security officials to help differentiate acts attributed to *arbakai*, the ALP, and others as well as to corroborate allegations. Some local officials, however, would not speak with Human Rights Watch. Some international officials declined to assist with distinguishing ALP from other *arbakai* on the grounds that this might put ALP members in danger because they are targeted by the Taliban.

A Note on Terminology: Militia and Arbaki

The Merriam-Webster English dictionary defines a militia simply as "a body of citizens organized for military service." In Afghanistan the word has come to be applied to a wide range of armed groups, from lightly armed village defense forces to powerful private armies of warlords. This report uses "militia" in this broad Afghan sense of the term.

The Afghan word "*arbaki*" generally has fewer of the negative connotations of lawlessness and abusive conduct than the word "militia" usually carries in Afghanistan, though this varies throughout the country. The most positive association the word *arbaki* carries is the traditional ideal of a small, village-based group that can be raised when required to defend the community. One analyst describes the responsibilities of the *arbakai* (plural for *arbaki*) as being the implementation of a jirga's decisions, maintaining law and order, and defending the borders and boundaries of the tribe or community.[2] This interpretation is primarily associated with the country's southeast.

In other parts of Afghanistan, the term *arbaki* has a far less positive connotation, in part because of the erosion of the tribal system and other conflict-related changes to the social fabric in recent decades. Many interviewees referred to "Najibullah's *arbakai*," referring to the armed groups that operated in the last years of the Najibullah regime in

[2] Mohammed Osman Tariq, "The Tribal Security System (Arbakai) in Southeast Afghanistan," *Crisis States Research Centre* (December 2008), p. 3, http://www2.lse.ac.uk/internationalDevelopment/research/crisisStates/download/op/OP7Tariq.pdf (accessed May 17, 2011).

1995-96. His forces were implicated in numerous war crimes and other serious human rights abuses, particularly in Wardak, Logar, and Paghman, primarily aimed at Hezb-i-Islami supporters or fighters.[3]

Foreign government and international officials tend to reject the suggestion that ALP units or other community defense forces created since 2001 are "militias," largely because of the pejorative connotations of the word in Afghanistan.[4] US officials note that "militia" is "a term often used in Afghanistan to refer to large offensive forces under the command of individual warlords," rather than small village-based forces whose leaders are nominated by village elders.[5]

Recognizing that a direct translation of *arbaki* to militia may cast a more negative light than an interviewee intended, we have used the word *arbaki* when repeating what we were told in Pashto or Dari as well as outside verbatim quotations when referring generically to local irregular forces.

"Community defense programs" is sometimes used to describe the collection of past programs aimed at raising citizen armed groups in local areas with a defensive mandate. This is generous: many would be far better described, in the Afghan sense of the term, as government-backed militias.

This report distinguishes between "warlords" and "strongmen." Warlord is used to refer to a military commander who controls a significant part of the country and has a private army or militia. Strongman is used to refer to someone who wields considerable political or economic influence in a geographic area, but which may be far smaller than that of a warlord. A strongman's power is generally backed by a force—which could be a private security company or a militia—which has the ability to directly or indirectly influence local government.

[3] Afghanistan Justice Project, "Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001," 2005, p. 53. http://www.afghanistanjusticeproject.org/warcrimesandcrimesagainsthumanity19782001.pdf (accessed January 9, 2010).

[4] Human Rights Watch interview with General Phil Jones, Head of the Force Reintegration Cell, ISAF, Kabul, September 25, 2010.

[5] Department of Defense, "Report on Progress Toward Security and Stability in Afghanistan - Report to Congress In accordance with section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended," November 2010, p. 67, http://www.defense.gov/pubs/November_1230_Report_FINAL.pdf (accessed February 9, 2011).

I. Background: The Ghosts of Militias Past

> *Our tolerance of or support for un-regulated forces would encourage some of the worst Afghan traditional tendencies and undermine popular and international support for further ANSF [Afghan National Security Forces] development. It would also raise suspicions of our intentions among Afghans who perceived themselves as victims of various militias.*
> —US embassy cable from Kabul to Washington, D.C., November 2009[6]

The history of tribal militias and community defense forces in Afghanistan involves a bewildering array of acronyms, conflicting definitions, and mutating policy. Despite multiple policy failures, the enthusiasm of the Afghan government and the US military for local defense forces appears undiminished. Since it came to power in 2001 the Afghan government has been using and paying militias, with an increase in their deployment for elections in both 2004 and 2005. The active involvement of the international military—ISAF and US forces, particularly US special operations forces—in using militias also dates back to 2001.[7]

While new programs are often defined by their differences with past programs, there are usually striking similarities. Looking at past efforts is vital to adequately assess the prospects of and pitfalls facing the latest variant, the Afghan Local Police. This section provides a brief overview of some recent initiatives by the government and international forces to create and support irregular Afghan forces, often of a tribal or ethnic nature.

A Maze of Militias

Over the past decade, militia forces in Afghanistan have ebbed and flowed in size, number, and degree of government support and resistance. There have been some efforts to disarm some militias and former warlords, though these have been half-hearted and undermined by allowing or supporting other militia and warlords to continue to operate. Meanwhile recurring local defense initiatives have re-empowered the same "commander networks."

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[6] US Embassy Cable (09KABUL3661 "Irregular Forces – What's out there"), November 2009, Cable Released, January 24, 2011, http://wikileaks.enet.gr/cable/2009/11/09KABUL3661.html

[7] See generally, Thomas Ruttig, "How tribal are the Taleban - Afghanistan's largest insurgent movement between its tribal roots and Islamist ideology," *Afghanistan Analysts Network,* April 2010, p. 10, http://aan-afghanistan.com/uploads/20100624-TR-ExecSumHowTribalAretheTaleban.pdf; Ron Holt, "Afghan Village Militia: A People-Centric Strategy to Win," September 2, 2009, *Small Wars Journal,* p. 9, http://smallwarsjournal.com/blog/journal/docs-temp/289-holt.pdf (accessed February 8, 2011); Mattieu Lefevre, "Local Defence in Afghanistan – A Review of Government Backed Initiatives," *Afghanistan Analysts Network*, May 2010, http://aan-afghanistan.com/index.asp?id=763.

Following the collapse of the Taliban government in late 2001, many anti-Taliban militias were integrated into the Afghan Military Force (AMF) under the new Karzai government's Ministry of Defense. It was these forces that were later the target of the first wave of demobilization under the internationally organized Disarmament, Demobilization and Reintegration (DDR) program.

From 2001 onwards, US-led coalition forces hired primarily Pashtun militias known variously as Afghan Guard Forces (AGF), Afghan Security Guards (ASG), or Afghan Security Forces (ASF).[8] In 2004, the declared policy was that the US would recruit a total of up to 2,000 men as a temporary measure to deal with the Taliban insurgency in the south and east. These militias would be used until the Afghan National Army was ready to take over.[9] That number was greatly exceeded, with some phased out in 2004-2005. Others became private security contractors (PSCs) or convoy security providers, who were paid by various foreign governments, most commonly the US.

Other ad hoc forces were the small private militias of the provincial governors, who sometimes received government support for up to 500 security or bodyguards.[10] In the southeast, village militias have been both tolerated and actively supported since 2002. Policymakers have tried to replicate this in other parts of the country.[11]

The UK government has for many years advocated the use *arbaki* in Afghanistan. British army and special operations forces supported initiatives in Helmand province, where the UK was in command of international forces from 2006.[12] In late 2007, Prime Minister Gordon Brown called for "community defense initiatives, where local volunteers are

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[8] Michael Bhatia, Kevin Lanigan& Philip Wilkinson, "Minimal Investments, Minimal Results:The Failure of Security Policy in Afghanistan," June 2004, *Afghanistan Research and Evaluation Unit*, p. 16, http://www.cmi.no/afghanistan/themes/docs/AREU-Brief-2004-June-security.pdf (accessed March 27, 2011). Antonio Giustozzi, "Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan" (London: Hurst, 2007), p. 166.

[9] "Afghan, U.S. Officials Agree on New Force," *The Associated Press*, March 5, 2004, http://www.e-ariana.com/ariana/eariana.nsf/allDocs/F5938F6D524312F987256E8900536A97?OpenDocument (accessed December 27, 2010).

[10] "Afghan Militia Force Launched To Guard Border," *RFERL,* January 15 2006, http://www.rferl.org/content/article/1064717.html (accessed March 10, 2011). Ron Synovitz, "Afghanistan: Kabul Raises Concerns With Plan To Use Militia Fighters As Police," *RFERL,* June 15, 2006, http://www.rferl.org/content/article/1069190.html (accessed March 10, 2011).

[11] Antonio Giustozzi, *Koran, Kalashnikov and Laptop: The Neo-Taliban Insurgency in Afghanistan* (London: Hurst, 2007), pp. 171-2.

[12] Ann Scott Tyson "Military Weighs Recruiting Afghan Tribes to Fight Taliban," *Washington Post,* December 4, 2007,http://www.washingtonpost.com/wp-dyn/content/article/2007/12/03/AR2007120301406.html (accessed March 10, 2011).

recruited to defend homes and families modeled on traditional Afghan 'arbakai.'"[13] The British proposal to extend these local militias was rejected by the American commander of ISAF, Gen. Dan McNeil, who argued that the *arbaki* model was appropriate in the southeast, but that in the south the tribes had disintegrated too much for it to work.[14]

Token Disarmament

The Disarmament, Demobilization and Reintegration program and the Disbandment of Illegal Armed Groups (DIAG) program have been widely recognized as weak and ineffective. Authorities have lacked the political will to overcome the vested interests of many influential Afghan actors in the continued existence of irregular armed groups.[15] The disarmament process that did take place was often tokenistic, with major arms kept in reserve.

The Karzai government may have started with earnest ambitions, but soon slid into compromising with numerous power factions in order to maintain its grip on power. Key international donors and organizations, particularly the US, either actively undermined efforts at disarmament and demobilization by providing support to particular groups and individuals, or by choosing not to expend political capital to press for a genuine challenge to the armed groups.[16] Instead, they supported programs that created the impression of serious commitment. On all sides short-term thinking and deal-making has prevailed, despite the clear risks for long-term security.

DDR, which ran from 2002-2005, focused exclusively on the Afghan Military Force. According to the Ministry of Interior, approximately 62,000 former combatants were demobilized by 2005.[17] This number is assumed to be inflated, because monetary incentives for demobilization created "ghost fighters."[18] In any case, DDR excluded the large numbers of other irregular forces or private militias.[19]

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[13] Statement by UK Prime Minister Gordon Brown to the House of Commons: "Statement on Afghanistan," December 12, 2007. http://webarchive.nationalarchives.gov.uk/+/http://www.number10.gov.uk/Page14050 (accessed March 10, 2011).

[14] Jon Boone, "US General warns on Afghan Defence Plan," *The Financial Times,* January 2, 2008. http://www.ft.com/cms/s/0/f31af380-b95e-11dc-bb66-0000779fd2ac.html#axzz1G88voviX (accessed March 10, 2011).

[15] Numerous Human Rights Watch interviews with Afghan and international officials, Kabul, 2008-2011.

[16] Human Rights Watch interview with Antonio Giustozzi, analyst, London February 2, 2011; Barbara Stapleton, *Disarming the Militias—DDR and DIAG and the Implications for Peace Building*, 2010 (paper on file with Human Rights Watch).

[17] Caroline A. Hartzell, *Missed Opportunities: The Impact of DDR on SSR in Afghanistan*, US Institute of Peace, April 2011, p. 5, http://www.usip.org/files/resources/SR270-Missed_Opportunities.pdf (accessed April 10, 2011).

[18] International Crisis Group, *A Force in Fragments – Reconstituting the Afghan National Army*, May 12, 2010, p. 6, http://www.crisisgroup.org/en/regions/asia/south-asia/afghanistan/190-a-force-in-fragments-reconstituting-the-afghan-national-army.aspx.

[19] Stapleton, *Disarming the Militias—DDR and DIAG and the Implications for Peace Building*, 2010.

DIAG, the successor to DDR, was introduced in 2005. In its first phase, from 2005–2007, DIAG identified 1,800 irregular armed groups. The compilation of the list of "illegal armed groups" was a highly political one, drawing heavily on the involvement of provincial and district governors, who were themselves often linked to these forces.[20] The list was used to disqualify candidates for elections who failed to voluntarily disband their militias.[21] Militias that were employed as private security companies by the coalition, ISAF, and others were largely excluded from the DIAG process.[22] Many of the most powerful candidates known to have private militias were not touched.[23] In the 2005 parliamentary election, only 11 out of approximately 6000 candidates were disqualified for having links to illegal armed groups.[24] The Afghanistan Independent Human Rights Commission (AIHRC), a governmental human rights body, estimated that more than 80 percent of winning candidates in the 2005 parliamentary election and more than 60 percent in the capital, Kabul, were linked to armed groups.[25]

Afghan National Auxiliary Police (ANAP)

The Afghan National Auxiliary Police (ANAP) is a case study in what can go wrong with community defense schemes.[26] It was created primarily in response to security demands in conflict areas, which increased significantly in late 2005.[27]

The Afghan government and the US military launched the program in 2006, despite considerable skepticism from international advisors providing police training. A report

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[20] Human Rights Watch interview with Antonio Giustozzi, analyst, London February 2, 2011.

[21] Barnett Rubin and Humayun Hamidzada, "From Bonn to London: Governance Challenge and the Future of State Building in Afghanistan," *International Peacekeeping*, Vol. 14, No. 1 (January 2007), pp. 9-25; International Crisis Group, *Getting Disarmament Back on Track*, February 2005.

[22] Michael Bhatia, "The Future of Mujahideen: Legitimacy, Legacy and Demobilization in Post-Bonn Agreement," *International Peacekeeping*, Vol. 14, No. 1 (January 2007), pp. 102-03.

[23] Stapleton, *Disarming the Militias—DDR and DIAG and the Implications for Peace Building*, 2010 (paper on file with Human Rights Watch); Michael Bhatta, *The Future of Mujahideen: Legitimacy, Legacy and Demobilization in Post-Bonn Agreement,* pp. 90-107. See generally also, Antonio Giustozzi, *Shadow Ownership and SSR in Afghanistan*, in Donais, Timothy, (ed.) Local ownership and security sector reform. Geneva Centre for the Democratic Control of Armed Forces (DCAF), Geneva, Switzerland, pp. 215-232 (2008).

[24] Bhatia, *The Future of Mujahideen: Legitimacy, Legacy and Demobilization in Post-Bonn Agreement,* pp. 102-03.National Democratic Institute (NDI): *The September Parliamentary and Provincial Elections in 2005 in Afghanistan*, April 10, 2006, p. 6,http://www.ndi.org/files/2004_af_report_041006.pdf.

[25] "Rights body warns of warlords' success in elections," *IRIN News,* October 18, 2005. http://www.eariana.com/ariana/eariana.nsf/allDocs/AFD2F0A9B9CD34138725709E0071173D?OpenDocument (accessed April 25, 2011).

[26] Human Rights Watch interviews with a wide range of policy analysts, advisors, and government officials, Kabul, 2007-2011.

[27] There are no reliable records of civilian casualties between 2001 and 2005. In 2006, Human Rights Watch estimated that a minimum of 929 civilians had been killed in the armed conflict that year. Human Rights Watch, *Troops in Contact: Airstrikes and Civilian Deaths in Afghanistan*, September 8, 2008, p. 13, http://www.hrw.org/en/node/75157/section/3.

from the Second International Police Conference on Afghanistan in October 2006 noted that:

> After much debate and comment, the overwhelming majority of the international police representatives present stated that they did not agree with the establishment of the Auxiliary Police within ANP. However, the Afghan Government ordered its establishment. It was agreed that the international community would have to agree with this decision and make the best out of it.[28]

In theory, ANAP was meant to carry out community policing functions. In reality, ANAP was an ill-equipped and poorly trained paramilitary force. The program was devised in haste, with poorly defined rules of engagement, minimal vetting and training, and high levels of insurgent infiltration, defection, and corruption.[29] While these defects have been detailed in several authoritative assessments,[30] the key flaws can be briefly outlined. New recruits were deployed into six southern provinces after just 10 days of training.[31] They were given an AK-47 assault rifle, uniforms distinguishable from those of regular police only by a "distinctive patch," and approximately the same rate of pay as an Afghan National Police patrol officer.[32] One former deputy minister told Human Rights Watch that they were ill-prepared for the duties they were expected to carry out: "Most disappeared, many were killed because they were not protected. If they don't have skills or equipment or support, they are just like shields of meat."[33]

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[28] Royal United Services Institute for Defense and Security Studies (RUSI) and the Foreign Policy Research Institute (FPI), *Reforming the Afghan National Police*, November 2009, p. 93, http://www.fpri.org/research/nationalsecurity/afghanpolice/ReformingAfghanNationalPolice.pdf.

[29] See Wilder, *Cops or Robbers – The Struggle to Reform the Afghan National Police*, pp. 13-17; International Crisis Group, *Reforming Afghanistan's Police*, pp. 13-14; Mathieu Lefevre, *Local Defense in Afghanistan: A Review of Government Backed Initiatives*," pp. 5-8; Royal United Services Institute for Defense and Security Studies, *Reforming the Afghan National Police*, pp. 14, 102.

[30] Royal United Services Institute for Defense and Security Studies (RUSI) and the Foreign Policy Research Institute (FPI), *Reforming the Afghan National Police*, November 2009, http://www.fpri.org/research/nationalsecurity/afghanpolice/ReformingAfghanNationalPolice.pdf; Andrew Wilder, "Cops or Robbers: The Struggle to Reform the Afghan National Police," *Afghanistan Research and Evaluation Unit*, 2007, pp. 13-17; International Crisis Group, *Reforming Afghanistan's Police*, August 30, 2007, http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/138_reforming_afghanistan_s_police.ashx.

[31] Andrew Wilder, Cops or Robbers: The Struggle to Reform the Afghan National Police, p. 14. The ANAP was deployed in Helmand, Kandahar, Farah, Uruzghan, Ghazni, and Zabul.

[32] Ibid., and Human Rights Watch interview with Tonita Murray, Kabul, October 29, 2010.

[33] Human Rights Watch interview with Abdul Hadi Khalid, former Deputy Minister of Interior, Kabul, October 26, 2010.

The National Directorate of Security (NDS) and the Ministry of Interior were responsible for vetting the recruits, though little vetting took place in practice.[34] Analysts concluded that there were high levels of insurgent infiltration of the force.[35] ANAP was used to absorb pre-existing *jihadi* militias or armed groups, without excluding abusive commanders or individuals whose loyalties, unlike their uniforms, had not changed.[36] It also undermined the DIAG process as commanders and groups disarmed by DIAG were effectively reactivated under ANAP.[37]

As one senior official in the Ministry of Interior, Maj. Gen. Esmatullah Dawlatzai, told Human Rights Watch: "It was made for the warlords. They were given uniforms and salaries, but they were the same people, committing the same crimes, with more power."[38]

In some areas the force had a destabilizing tribal or ethnic dimension. In Badghis, ANAP has been blamed for having fueled the insurgency after a largely Tajik force harassed Pashtun communities, which ultimately sought defense from the Taliban.[39]

By April 2008, ANAP was discontinued. US Army Brig. Gen. Robert Cone, who was then in charge of the US-led Combined Security Transition Command Afghanistan (CSTC-A), told reporters that the program had been abandoned: "What we saw was that the effect of paying people to support us when we needed them, despite the positive impact over time, also had the effect of arming people who were not necessarily in line with the government."[40]

One former official concluded that the ANAP was "outside any control mechanism and functioned basically on personal loyalty. When they were disbanded only (a roughly

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[34] Human Rights Watch interview with security sector advisor, Kabul, September 14, 2009. See also Mathieu Lefevre, *Local Defense in Afghanistan: A Review of Government Backed Initiatives*, p. 6.

[35] A Voice of America reporter quotes "American trainers" estimating that as many as one in ten ANAP could be "Taliban agents." Benjamin Sand, "Afghan Government Recruiting Thousands of Auxiliary Police to Battle Insurgents," *Voice of America*, January 10, 2007, http://www.globalsecurity.org/military/library/news/2007/01/mil-070110-voa03.htm (accessed February 9, 2011).

[36] Human Rights Watch interview with Abdul Hadi Khalid, Kabul, October 26, 2010. Graeme Smith, "Can new Afghan police resist temptation?," *The Globe and Mail,* November 8, 2006, http://web.e-ariana.com/ariana/eariana.nsf/allDocs/74AC3637EFB93B508725722000414AF6?OpenDocument (accessed February 9, 2011).

[37] Wilder, *Cop and Robbers*, p. 15.

[38] Human Rights Watch interview with Maj. Gen. Esmatullah Dawlatzai, Kabul, October 26, 2010.

[39] Human Rights Watch interview with Antonio Giustozzi, analyst, London, February 2, 2011.

[40] David Axe, "NATO Cancels Afghan Cop Program," *Wired,* April 10, 2008. http://www.wired.com/dangerroom/2008/04/nato-cancels-af/ (accessed February 9, 2010).

estimated) forty percent of them were included into the ANP…. Where the rest (and their weapons) went is still unclear."[41]

Community Defense Forces (CDF)

The Community Defense Forces, also sometimes known as "election militia," were created to improve security at polling stations two months before the presidential election in August 2009. CDF aimed to recruit 10,000 men to allow voting to take place in insecure areas where Afghan security forces had little presence.[42]

In charge of the force was Mohammad Arif Noorzai, who was previously head of the newly created Independent Directorate for the Protection of Public Properties and Highways by Tribal Support.[43] He was seen as a Karzai ally and a member of a powerful family that is notorious for its involvement in the narcotics trade.[44]

The CDF plan was hastily thrown together and appeared to many to be aimed at securing polling stations where Karzai could expect support or providing additional salaries and other resources to those in the president's network of supporters who were recruited.[45]

Many Afghan and international officials interviewed by Human Rights Watch were dismayed by the idea.[46] One Afghan electoral official said the plan was "Disastrous. It gives legitimacy to warlords."[47] The Electoral Commission objected to the new force,

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[41]Barbara Stapleton, *The role of DDR and DIAG and its impact on peace building*, 2010 (paper on file with Human Rights Watch).

[42] Human Rights Watch interviews with UN, EU, and Afghan election officials, Kabul, June, July, and August 2009. Human Rights Watch, "Human Rights Concerns in Run-Up to Elections," News Release, August 17, 2009,http://www.hrw.org/en/news/2009/08/17/afghanistan-human-rights-concerns-run-elections.

[43] The directorate was created by Presidential decree in April 2009. Thomas Ruttig, "The Sorcerer's Apprentice's Genies – (2) – A Look Forward," Afghanistan Analysts Network, November 20, 2009, http://aan-afghanistan.com/index.asp?id=467 (accessed February 8, 2011).

[44] Human Rights Watch interviews with analysts, Kabul, August 15 and 16, 2009. Arif Noorzai's relatives include his cousin Haji Bashir Noorzai, who was found guilty of taking part in international narcotics smuggling at a trial in New York in September 2008. Benjamin Weiser, "Manhattan Jury Convicts Man Linked to Taliban Leader in Drug Smuggling Case," *New York Times*, September 23, 2008, http://www.nytimes.com/2008/09/24/nyregion/24noorzai.html?ref=hajibashirnoorzai, (accessed February 8, 2011). Arif Noorzai's father, Haji Musa Jan Noorzai, was allegedly a key narcotics smuggler in the 1960s. Human Rights Watch interview with analyst, August 16, 2009; see also Jonathan Goodhand and David Mansfield, "Drugs and (Dis)order, A Study of the Opium Trade, Political Settlements and State-making in Afghanistan," Crisis States Research Paper, p. 22, http://www.dfid.gov.uk/R4D/PDF/Outputs/CrisisStates/WP83.2.pdf.

[45] Human Rights Watch interviews and email exchanges with senior UN and EU officials, Afghan and international analysts, Kabul, June-August 2009. For instance, militias were deployed in the northern province of Balkh, which had security challenges, but more importantly is the heartland of Mohammad Atta, one of the most powerful backers of the president's rival in the election, Abdullah Abdullah. Human Rights Watch interview with analyst, London, April 22, 2011.

[46]Human Rights Watch interview officials involved in election management and monitoring, Kabul, August 2009.

[47]Human Rights Watch interview with electoral official, Kabul, August 13, 2009.

stating that only official Afghan security forces and police were legally empowered to provide security at polling stations.[48] But others were supportive or silent. At a meeting to discuss election security, one senior UN official reportedly said: "As long as they're not called militias then we're ok with it."[49]

One Karzai ally who was asked to create a community defense force in Shah Wali Kot district of Kandahar province told Human Rights Watch:

> We made an *arbaki* for the presidential election.... The US and the government said it is not possible to open polling stations in Shah Wali Kot, but I guaranteed that I could open them, and I secured with my militia 32,000 votes for President Karzai.[50]

Implementation of CDF was last minute and haphazard. It is not clear how many "Community Defense Forces" were formed in time for the election, though some were reported in a few provinces.[51] Amid conflicting promises from various officials about the longevity of these forces, some lingered after the election, eventually fading away or being absorbed into subsequent community defense initiatives. There was almost no assessment of the success of the CDF in terms of electoral security, and no transparency about the large sums of money issued to finance the scheme.[52]

Community Defense Initiative (CDI)/Local Defense Initiative (LDI)

By 2009, community defense forces had become a growth industry, spawning a bewildering array of acronyms to describe them. AP3, CDF, CDI, LDI, and LDF were all loosely applied to different groups, even by government and military officials.[53] Names

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[48] Ibid.

[49] Human Rights Watch interview with senior international official (who had been present at the meeting), Kabul, August 16, 2009.

[50] Human Rights Watch interview with elder, Kabul, October 6, 2010.

[51] There were reports of what may have been community defense forces in Faryab, Uruzgan, and several other provinces, though the presence of armed groups at polling stations was a common feature in many parts of the country during elections in 2004, 2005, 2009, and 2010. Human Rights Watch telephone interviews with regional election monitors and political officials, in Faryab, Khost, Ghazni, Uruzgan, August 2009. Thomas Ruttig, "The Sorcerer's Apprentice's Genies – (2) – A Look Forward," Afghanistan Analysts Network, November 20, 2009, http://aan-afghanistan.com/index.asp?id=467 (accessed February 8, 2011).

[52] One international official present in security meetings discussing the force said that the Ministry of Interior had provided US$1.5 million for the force. Human Rights Watch interview with senior international official present at the meeting, Kabul, August 16, 2009.

[53] Human Rights Watch interviews in Kabul, 2009-2010.

changed rapidly, with one official admitting that there had been eight name-changes for one force under discussion within the space of one week.[54]

The Community Defense Initiative (CDI) was launched in July 2009 by the US Combined Forces Special Operations Command Afghanistan (CFSOCC-A) around the same time as the CDF, but was soon renamed the Local Defense Initiative (LDI).[55] CDI/LDI were described by a US official as a way "to assist the local population to provide their own security with defensive 'neighborhood watch' type programs."[56] CFSOCC-A described the Community Defense Initiative as a program to "assist Afghan civilians in stabilizing their own villages against malign influences."[57] By 2010, CDI/LDI came under the umbrella of Village Stability Operations (VSOs), which is described by the US Department of Defense as "a bottom-up strategy to provide local security, enable development, and foster governance at the village level."[58]

According to US military documents, CDI and LDI sites were initiated by CFSOCC-A in areas that were militarily strategic, where there were little or no formal Afghan security or conventional ISAF forces, and where the local community had asked for help or resisted the insurgents.[59] Special operations forces were embedded in these communities to train the "local guardians of VSOs"—as CFSOCC-A refers to them—and help provide security. The CDI/LDI model "in most cases" comprised approximately 30 men per village, vouched for by village elders, biometrically registered, and trained in defensive tactics such as checkpoint manning, marksmanship, and Improvised Explosive Devise (IED) detection.[60]

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[54] Human Rights Watch interview with international official, Kabul, July 14, 2010.

[55] US Department of Defense Progress reports to Congress separately cite CDI and LDI as beginning in July 2009. Department of Defense, "Report on Progress Toward Security and Stability in Afghanistan - Report to Congress In accordance with section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended," p. 68, November 2010, http://www.defense.gov/pubs/November_1230_Report_FINAL.pdf (accessed February 9, 2011) ("DoD Afghanistan Progress Report 2010"); CFSOCC-A, "If You've Seen One VSP, You've Seen One VSP": Understanding Best Practices in Village Stability Operations, September 2010 (on file with Human Rights Watch) ("Understanding Best Practices in VSOs").

[56] Jim Michaels, "Security plan looks to Afghan villages in fight against Taliban," *USA Today,* December 12, 2009. http://www.usatoday.com/news/world/2009-11-11-afghan-tribes_N.htm (accessed February 8, 2011).

[57] CFSOCC-A, Understanding Best Practices in VSOs, p. 6.

[58] DoD 1230 Afghanistan Progress Report November 2010, p. 68. According to the Department of Defense, the VSO initiative follows four phases: shape, hold, build, and transition. The shape phase begins with an assessment of the village and establishment of SOF VSO site in the village where SOF build relationships with elders in the village. During the hold phase, VSO personnel focus on protecting the population and lay foundation for governance and development efforts. The build phase links villages to district and provincial governments through shuras and development project using Commander Emergency Response Program (CERP) funds. Department of Defense, Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces, April 2011, p. 63 ("DoD 1230 Afghanistan Progress Report April 2011"), http://www.defense.gov/news/1230_1231Report.pdf (accessed May 2, 2011).

[59] CFSOCC-A, Understanding Best Practices in VSOs, p. 8.

[60] DoD 1230 Afghanistan Progress Report November 2010, p. 68; CFSOCC-A, Understanding Best Practices in VSOs, p. 8.

The Afghan government was initially resistant to LDI as it appeared to be a unilateral initiative by US special operations forces.[61] But by late 2009, the Ministry of Interior, with assistance from the Independent Directorate of Local Governance, was working with the US on LDI.[62] In August 2010, the LDI units were subsumed into the Afghan Local Police.

Interim Security for Critical Infrastructure

In addition to Local Defense Initiative units, which are trained and mentored by special operations forces, the US military in 2010 set up another local defense force known as Interim Security for Critical Infrastructure (ISCI), in Marjah, Helmand province. ISCI members are trained by US marines—conventional forces not special operations forces—for 18 days in basic policing and ethics, paid US$150 a month, report to the district chief of police, and wear a brown uniform with a yellow star patch.[63] According to the US military, some ISCI members will eventually be absorbed into the Afghan Local Police or the national police.[64] According to one media report, local residents in Marjah have complained that ISCI forces are using their official status to resolve petty disputes, have engaged in illegal taxation, have confiscated mobile phones, and demanded money.[65]

A Magnet for Insurgent Attacks

For insurgent forces, the police and militias are relatively soft targets, as they are less well armed and are often in more exposed locations like checkpoints or local stations. Under international humanitarian law (the laws of war), police have the protected status of civilians in a conflict unless they have been subsumed into the armed forces or are taking a direct part in hostilities.[66] However, this distinction has become increasingly blurred in

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[61] Human Rights Watch interview with Ministry of Interior official, Kabul, May 12, 2010. Extract from US Embassy Cable 09KABUL3661, released by by Wikileaks, "Irregular Forces – What's out there," Cable date, November 12, 2009, Cable Released, January 24, 2011, http://wikileaks.enet.gr/cable/2009/11/09KABUL3661.html; Alissa Rubin and Richard A. Oppel, "U.S. and Afghanistan Debate More Village Forces," *New York Times*, July 12, 2010, http://www.nytimes.com/2010/07/13/world/asia/13afghan.html?_r=2&ref=world (accessed May 17, 2011).

[62] Human Rights Watch interview with US military official, Kabul, February 12, 2010. US officials at one time considered working with Arif Noorzai's directorate (see CDF, above).

[63] Claire Truscott, "Fears Surface Over US-Trained Local Afghan Forces,"*Agence France Press*, June 19, 2011, http://www.google.com/hostednews/afp/article/ALeqM5jXFWpO8H46ocjiUBzVrFSjWUniGg?docId=CNG.69ead26989f7f2ebf65544104f3b136c.201 (accessed June 19, 2011).

[64] Jon Boone, "Afghans Fear Return of the Warlords as Anti-Taliban Militias Clash," *The Guardian*, February 16, 2011, http://www.guardian.co.uk/world/2011/feb/16/afghans-fear-return-of-warlords,(accessed June 22, 2011).

[65] Claire Truscott, "Fears Surface Over US-Trained Local Afghan Forces,"*Agence France Press*, June 19, 2011.

[66] Under international humanitarian law, police normally have the status of civilians. However, police units that take part in military operations or otherwise engage in military functions may be targeted as combatants. Individual police may only be targeted during such time that they take a direct part in the hostilities. While Human Rights Watch recognizes that there has been some blurring of the boundaries of police and military functions during counterinsurgency operations in Afghanistan, there remains a duty on combatants to distinguish civilians from military targets. For a comprehensive legal analysis see Human Rights Watch, *The Human Cost: The Consequences of Insurgent Attacks in Afghanistan*," Section VI, p. 84 (April 2007).

Afghanistan, particularly as the US has taken a greater role in police training, which has led to a heavy emphasis on paramilitary rather than law enforcement functions. Greater distinction between the form and function of civilian police units, paramilitary units, and the army would help to ensure that civilian police forces are less of a target of attack.

The police are already paying a heavy toll for this blurring of lines and Taliban failure to respect the laws of war. The Ministry of Interior estimates that 1292 policemen were killed and 2447 other police forces wounded between March 2010 and March 2011.[67] The ALP will be even more at risk than the national police, since they are based in the most insecure areas, have limited training, and already appear to be singled out by some insurgent forces.

Fearing targeting by the Taliban, some communities are reluctant to support the ALP. By mid-2011, according to the UN Assistance Mission of Afghanistan, insurgents were responsible for 80 percent of civilian deaths from the conflict, up 28 percent from the same period in 2010.[68] The targeting of civilians is a war crime under international humanitarian law, but Taliban spokesman, Zabiullah Mujahid, has sought to describe the assassination campaign as legitimate:

> Assassinations of government officials is part of the military strategy of the Taliban…. Our fight was with the foreigners, but unfortunately there are lots of government officials who are willing to be used by the foreigners so we have increased our assassinations of them.[69]

The assassination campaign has included the targeting of police personnel, with the ALP appearing to be a prime target. A statement said to be from the Taliban was published in July 2010, condemning "local militias" and effectively declaring them legitimate targets:

> General David Petraeus, the chief of invading forces in Afghanistan, has taken on a task, by the order of White House and Pentagon rulers, to increase notorious militia under the name "Local Force" against Mujahideen … every individual Afghan, by fulfilling their nation-state's duty, is bound to preserve their Islamic and national solidarity so as to foil this

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[67] "2010 Claims Lives of 1292 Afghan Police," *Tolo News,* January 2, 2011, http://www.tolonews.com/en/afghanistan/1489-2010-claims-lives-of-1292-afghan-police (accessed March 22, 2011).

[68] UN Assistance Mission in Afghanistan, Mid Year Report 2011 Protection of Civilians in Armed Conflict, July 2011, p. 2, http://unama.unmissions.org/Portals/UNAMA/Documents/2011%20Midyear%20POC.pdf (accessed July 25, 2011).

[69] Solomon Moore, "Taliban Assassination Campaign Impedes Governance," *Associated Press*, March 22, 2011, http://news.yahoo.com/s/ap/20110322/ap_on_re_as/as_afghanistan_assassinations (accessed March 22, 2011).

> conspiracy…. Mujahideen of the Islamic Emirate … have to use every asset in their power to foil this plot and punish and keep a close eye on those [who] support this program and join it.[70]

The Taliban have already launched attacks against the ALP, including a major suicide attack on a government building in Kunduz province in February 2011 that killed approximately 30 civilians.[71] Local officials told reporters that many of the dead were present for a gathering of *arbaki* at the time.[72] It is not known whether these were "official" ALP, but few local residents distinguish between ALP and other government-backed militias. Some of the victims were parents and children registering for school.[73]

Villagers from Shindand told Human Rights Watch of reports that men described as ALP were targeted in Zerkow valley in February 2011.[74] This attack followed a raid by ALP forces (as described in section V below). The Afghan National Security Office (ANSO) reported the attack, noting that three ALP men were shot and wounded by suspected insurgents riding on motorcycles.[75]

The threat is well understood by communities. Several villagers told us that fear of being targeted is a reason for their reluctance to join the ALP or see their relatives join. One elder in Khas Uruzgan in Uruzgan province told Human Rights Watch that, "Last year one boy was beheaded who joined ALP. Another boy from my village was also executed."[76]

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[70] "Statement of the Islamic Emirate regarding the US setup of new "Local Militia," published on *Al Qimmah Media,* described as an "Islamic network," http://www.alqimmah.net/archive/index.php/t-19026.html (accessed March 22, 2011).

[71] Mohammad Hamed, "Suicide bomber kills 30 as Afghan violence spreads," *Reuters,* February 21, 2011, http://www.reuters.com/article/2011/02/21/us-afghanistan-bomb-idUSTRE71K19220110221 (accessed April 6, 2011).

[72] Jonathan Boone, "Taliban bomber kills 30 civilians at Afghan militia meeting - Suicide attack thought to be aimed at US-backed informal police force kills locals queuing outside," *The Guardian,* February 19, 2011, http://www.guardian.co.uk/world/2011/feb/21/taliban-bomber-kills-30-civilians (accessed March 22, 2011).

[73] Human Rights Watch interview with government official, Kabul, February 28, 2011.

[74] Human Rights Watch group interview with villagers from Masiyan village, Herat, February 23, 2011.

[75] ANSO Bi-Weekly Report, Issue No. 28, February 16-28, 2011, http://www.afgnso.org/2011/The%20ANSO%20Report%20(16-28%20February%202011)%20(Read-Only).pdf (accessed March 10, 2011).

[76] Human Rights Watch interview with village elder, Kabul, February 18, 2011.

II. The Growth of Abusive Militias in the North

The northern provinces of Afghanistan have been beset for decades by armed groups associated with rival political and ethnic factions. Jamiat-i-Islami, Junbish-i-Mili, Ittihad-i-Islami, and Hezb-i-Islami have all been implicated in egregious laws-of-war violations, particularly during the civil war in the 1990s.[77] Security in the northeast has deteriorated rapidly since 2008, with a pronounced increase in insurgent attacks in Kunduz, Baghlan, and Takhar provinces in 2010.[78] Civilians pay a heavy price, caught between indiscriminate Taliban attacks, abusive militias, and increased operations by the Afghan and international armed forces.

As the threat by insurgent forces in the north increased in 2009, the NDS and other authorities, such as governors, began reactivating some of the militia networks that were powerful during the anti-Soviet resistance and civil war in a number of provinces, including Kunduz, Baghlan, and Takhar.[79] This re-armament was most strongly associated with Tajiks, and with the Jamiat-i-Islami networks. The NDS still has links with former Shura-e Nazar ("Supervisory Council," formerly led by Ahmed Shah Massoud) networks and has primarily reactivated militias from these groups. Clearly this partisan development could be potentially destabilizing (and may be connected to the revival of a number of Junbish militia in ethnic Uzbek areas during the same time period).[80] But the most problematic aspect of the rearmament by the NDS was that it involved providing military weaponry and

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[77] Junbish-e Milli-yi Islami-yi Afghanistan ("Junbish"), a predominately Uzbek and Turkmen militia, based in northern Afghanistan, formerly led by Abdul Rashid Dostum and comprised of forces from the former Soviet-backed Afghan army and various mujahideen armed groups from the north of the country. Ittihad-i-Islami Bara-yi Azadi Afghanistan (hereafter "Ittihad") is a predominately Pashtun faction headed by Abdul Rabb al-Rasul Sayyaf (the former governor of Kunduz). Hezb-i-Islami (Gulbuddin) is a predominately Pashtun faction under the command of Gulbuddin Hekmatyar. See generally, Human Rights Watch, *Blood Stained Hands - Past Atrocities in Kabul and Afghanistan's Legacy of Impunity*, July 2005, (multiple references; for culpability of Jamiat and Junbish see pp. 119-122). See also, The Afghanistan Justice Project, *Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001,*2005 (multiple references, including Jamiat abuses, pp. 65-70; Junbish abuses, pp. 100 – 110), http://www.afghanistanjusticeproject.org/warcrimesandcrimesagainsthumanity19782001.pdf (accessed January 9, 2011).

[78] In recent years a number of districts have moved from a low risk categorization to medium or high risk by organizations like the UN and the Afghanistan NGO Security office (ANSO). Unpublished UN security assessment, on file with Human Rights Watch. Afghanistan NGO Safety Office (ANSO), "ANSO Quarterly Data Report Q.2 2010," July 2010, p.7, http://www.afgnso.org/2010Q/ANSO%20Quarterly%20Data%20Report%20(Q2%202010).pdf; "ANSO Quarterly Data Report Q.4 2010," January 2011, http://www.afgnso.org/2011Q/ANSO%20Quarterly%20Data%20Report%20(Q4%202011).pdf.

[79] Human Rights Watch interview with UN official, Kabul, August 19, 2009, Human Rights Watch interview with Nic Lee, director, Afghanistan NGO Safety Office, Kabul, September 28, 2010, and with local journalist, Kunduz, October 19, 2010.

[80] The influence of Junbish has waned in recent years, and overt links with senior government officials are less clear. Human Rights Watch interview with Antonio Giustozzi, researcher and author, London, February 1, 2011. Individual Uzbek commanders in Kunduz and Takhar have reactivated militias to fight recent Taliban infiltration. The degree of government support is unclear. Human Rights Watch interview with Cristoph Reuter, journalist and writer, Kabul, September 22, 2010.

funds without sufficient oversight, command, or control.[81] For example, a US State Department cable released by Wikileaks stated that, "[W]arlord Mir Alam Khan's Kunduz militia … is reportedly connected to the National Directorate of Security (NDS) but seems to operate without government guidance, command or control."[82]

Some communities welcome additional security forces to compensate for the weakness of the police or army.[83] However, most of those interviewed by Human Rights Watch expressed concern that the reactivation of militias was increasing abuses and ethnic rivalries, thereby undermining the goal of political stability.

The northeast is riven by ethnic and political tensions. Consequently, there is a risk that if one group perceives a rival group to be rearming it can have a domino effect, with other groups taking up arms to counter their rivals' increased strength. This lends a political and ethnic dimension to the proliferation of armed groups that is distinct from the response to the increased insurgent threat.

When one community sees a rival community rearm, they may also turn to a rival network for assistance. For example, in January 2011, a group of around 100 elders from Kunduz visited Vice President Mohammad Qasim Fahim in Kabul to raise concerns about security. Fahim reportedly told them that he had instructed the former NDS head, Amrullah Saleh, and a regional strongman, Mir Alam (see below), to provide weapons to militias in order to "prevent a Taliban takeover."[84] In this environment it becomes harder to distinguish whether increasing levels in violence are a product of heightened insurgent activity, additional international forces, or government-backed militia, or turf wars between irregular armed groups.

The Afghanistan NGO Security Office (ANSO) has charted the rise in activity by irregular armed groups in the northeast. The graph below illustrates how the increase in activity by irregular armed groups is far greater than activity in areas where official ALP sites exist.

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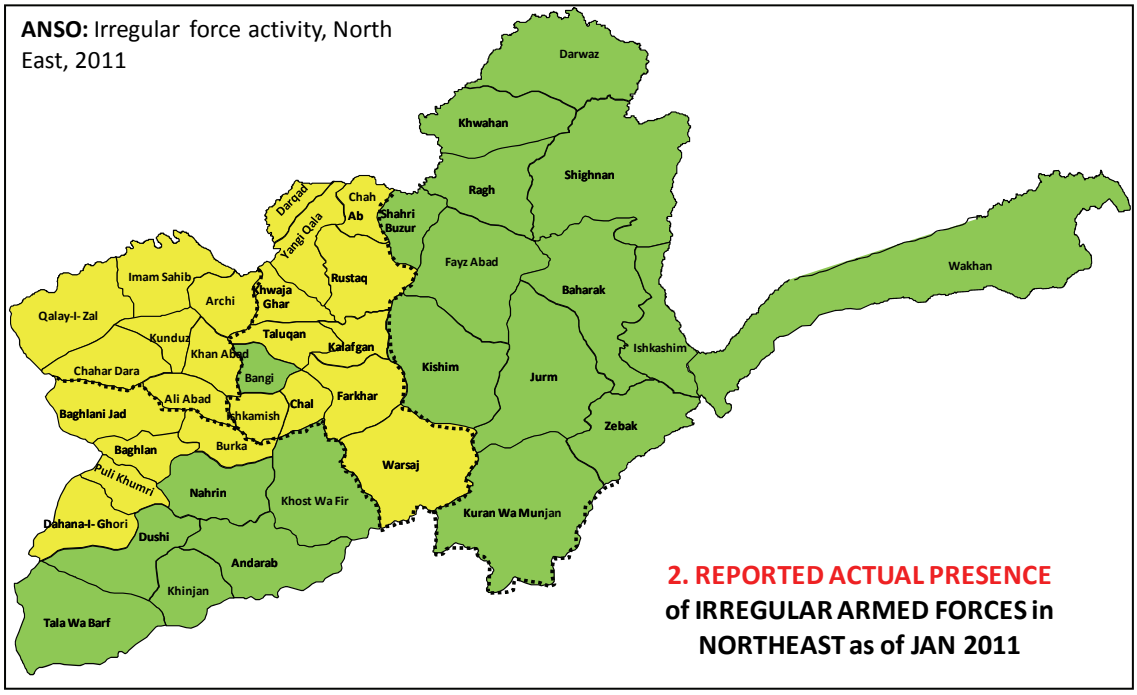
[81] Human Rights Watch interviews with security analyst, Kabul, February 15, 2011.

[82] Extract from a US Embassy cable 09 KABUL3661, released by Wikileaks, Extract from: "Unconventional Security Forces – What's Out There?" Cable Date: November 12, 2009. Released by Wikileaks, January 24, 2011, http://wikileaks.enet.gr/cable/2009/11/09KABUL3661.html (accessed March 24, 2011).

[83] For instance, observers suggest that a militia of a Turkmen commander called NabiGichi operating in Qala-e Zal district in the north of the province was responsible for holding back Taliban incursions, generating popular support among some fellow Turkmens.

[84] Human Rights Watch telephone interview with local journalist, February 23, 2011.



Militias in Kunduz

Kunduz province is ethnically diverse, with a mixture of ethnic Tajik, Uzbek, Pashtun, Arab, Baluch, Hazara and Turkmen communities.[85] The two most significant ethnicities are the Tajiks and Uzbeks, with two political parties, Jamiat-i Islami, primarily associated with Tajiks, and the predominantly Uzbek party, Junbish-i Mili, wielding considerable influence. Among Pashtuns, both Ittihad-i-Islami and Hezb-i-Islami have influence.

Kunduz was the focus of the most sustained insurgent campaign in the northeast in 2010, with the Taliban making inroads into every district of the province.[86] Insurgent forces conducted an assassination campaign against government officials. On October 8, 2010, the governor of Kunduz, Muhammad Omar, was killed when the mosque he was attending in neighboring Takhar province was bombed. No claim of responsibility was made.[87] The

[85] Kunduz is predominantly a Tajik/Uzbek dominated province, but significant "Pashtunization" took place as a deliberate government policy in several waves from the 1920s. See Conrad Schetter, Rainer Glassner, and Masood Karokhai, "Beyond Warlordism – the Local Security Architecture in Afghanistan,' InternationalePolitik und Gesellschaft, September 2007, p. 144, http://www.fes.de/IPG/inhalt_d/pdf/10_Schetter_US.pdf (accessed December 24, 2010). Antonio Giustozzi and Christoph Reuter, "The Northern Front – The Afghan Insurgency Spreading Beyond the Pashtuns," May 2010, Afghanistan Analysts Network, p. 2, http://www.aan-afghanistan.org/uploads/20100629AGCR-TheNorthernFront1.pdf (accessed January 6, 2011).

[86] Char Dara, Dasht-i-Archi, and Imam Sahib. Human Rights Watch interview with local journalist, Kunduz, October 19, 2010, and with local government official, Kunduz, October 21, 2010. In early 2011, there were signs that some government control had been restored in several districts. Human Rights Watch telephone interview with local journalist, Kunduz, February 23, 2011.

[87] "Head of Afghanistan's Kunduz province killed in bombing," BBC News, October 8, 2010, http://www.bbc.co.uk/news/world-south-asia-11499588 (accessed December 23, 2010).

police chief of Kunduz, Abdul Rahman Sayedkhili, was killed on March 10, 2011, in a suicide attack claimed by the Taliban.[88] On May 28, 2011, the police commander of the northern region, Gen. Daud Daud, was killed in a suicide bomb attack. Daud was a well known national figure, and one of the most senior government officials to have been killed by the Taliban. The blast, in the governor's compound in Takhar province, also killed three other Afghan officials and two German soldiers.[89] Daud was a prominent Northern Alliance commander during the 1990s.

The impunity with which militias associated with Mir Alam operate demonstrates the role that political connections play. Alam is a powerful Tajik commander associated with Jamiat[90]and reportedly has close connections with national officials, including Vice-President Mohammed Qasim Fahim.[91] Like other commanders in the area, Alam went through the flawed Demobilization, Disarmament and Reintegration process in the first years of the post-Taliban government, but is believed to have retained considerable weaponry.[92] Alam is related by marriage to the former regional commander of the NDS in the north, Gen. Mohammed Daoud Ibrahimi, a former Jamiat-i-Islami commander connected to militias in Kunduz, Takhar, and Baghlan, who was removed from his position in late 2010 or early 2011 but retains considerable influence.[93]

Alam is described in US embassy cables released by WikiLeaks as a "destabilizing" influence, closely connected to narcotics smuggling and armed groups:

> The situation in Baghlan started to deteriorate after the June 2005 appointment of General Mir Alam as Provincial Chief of Police. Mir Alam is a

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[88] "Afghan suicide blast kills Kunduz police chief," BBC News, March 10, 2011, http://www.bbc.co.uk/news/world-south-asia-12706081 (accessed April 24, 2011). "Taliban claim killing of Afghan police chief," *Daily Times online,* March 12, 2011, http://www.dailytimes.com.pk/default.asp?page=2011%5C03%5C12%5Cstory_12-3-2011_pg14_3 (accessed April 24, 2011).

[89] Ben Farmer, "General Daud Daud and at least two German soldiers killed by suicide bomb," *The Telegraph,* May 28, 2011, http://www.telegraph.co.uk/news/worldnews/asia/afghanistan/8543955/General-Daud-Daud-and-at-least-two-German-soldiers-killed-by-suicide-bomb.html (accessed May 30, 2011).

[90] Susanne Koelbl, "'Every Man for Himself' - Afghan Militias Take on Taliban," *Der Spiegel*, February 3, 2010 http://www.spiegel.de/international/world/0,1518,680965-2,99.html (accessed December 24, 2010).

[91] Human Rights Watch interviews with several residents of Khanabad district, Kunduz, October 20-21, 2010, and with the district governor, Nesamudin Nasher, Kunduz, October 22, 2010.

[92] Alam relinquished some weapons in June 2005,when he was appointed police chief of Baghlan province. Human Rights Watch interview with human rights official, Kunduz, October 20, 2010. See also, "Three former Jihadi Commanders Surrender Arms," Pajhwok Afghan News, June 25, 2005, http://www.pajhwok.com/en/2005/06/25/three-former-jihadi-commanders-surrender-arms (accessed January 6, 2011).

[93] Koelbl, "'Every Man for Himself' - Afghan Militias Take on Taliban," *Der Spiegel*, February 3, 2010., Human Rights Watch interview with international official, Kabul, February 24, 2011, and regional journalist, Kunduz, October 19, 2010.

> Tajik, former Jihadi and former commander of 54th Division, affiliated to HNA [Hezbi-Naween Afghanistan] and still linked to various armed groups.[94]

Another US embassy cable concludes:

> Mir Alam's Kunduz militia—ethnically divisive, controlled by one man, grounded in contempt for DIAG [disarmament] and the rule of law—exemplifies a quick fix with dangerous implications: tactical gains at strategic cost.[95]

While government backing for militias seems to be primarily of former Jamiat networks, there has also been a resurgence of militias associated with non-Tajik ethnic groups.[96]

Several interviewees complained that the resurgence of the militias has legitimized the predatory behavior that used to characterize the *mujahideen* forces. Many cited routine extortion as a major problem. One government official said:

> We've had these *arbakis* for 30 years. Who were Gulbuddin, Massood, Dostum? All *arbakis*... But this is their way of making money, this is their habit, they are *mujahideen*. Their pockets were never filled. The problem is that most of these people are uneducated, and they have weapons in their hands, so they can do what they want.[97]

A resident of Kunduz told Human Rights Watch: "The government officials, the *arbakis*, they are all from same club, and they have drunk the blood of Afghan people for the past 30 years."[98]

On August 1, 2011, the government issued an order for members of local militias in Khanabad district to surrender their weapons or face a military crackdown. Ten days after

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[94] Extract from "Kunduz Politics Of Corruption In The Baghlan Police Forces," US Embassy Cable, Reference 05KABUL5181, Dated December 20, 2005, released by Wikileaks, January 27, 2011, http://www.cablegatesearch.net/cable.php?id=05KABUL5181 (accessed February 2, 2011).

[95] Extract from US Embassy Cable 09KABUL3661, released by Wikileaks: "Unconventional Forces – What's out there," Cable date, November 12, 2009, Cable Released, January 24, 2011. http://wikileaks.enet.gr/cable/2009/11/09KABUL3661.html (accessed March 24, 2011).

[96] Human Rights Watch interview with Nic Lee, director, Afghanistan NGO Safety Office, Kabul, September 28, 2010, and Human Rights Watch interview with human rights official, Kunduz, October 20, 2010.

[97] Human Rights Watch interview with government official, Kunduz, October 2010.

[98] Human Rights Watch interview with Fakir Mohammad, Kunduz, October 20, 2010.

the order, 13 heavy weapons, such as rockets and missiles, had been surrendered.[99] Residents in Khandabad district expressed concern that the militias have been looting property, forcibly collecting taxes, and would not voluntarily surrender their weapons.[100] According to the district chief of police in Khanabad, some militia members who "have helped the government for the past two years and not committed crimes" will be allowed to join the Afghan Local Police.[101]

Khanabad District: Multiple Killings

Khanabad district lies to the east of Kunduz province, bordering Takhar. While the Taliban increased its infiltration into the area in 2009-10, it has less insurgent activity than many other parts of the province. The district is ethnically diverse, with a complex web of power and a myriad of small militias.[102] Fakir Mohammed, a local farmer, told Human Rights Watch that the area is lawless:

> The police are very weak, they can't do anything there. It's mainly the local strongmen and warlords, they control everything there; the district police, the district security bosses. If they want to do anything they can.[103]

The district governor, Nesamudin Nasher, says that there are hundreds of *arbakis* in Khandabad district:

> People come to me and complain about these *arbakis*, but I can do nothing about this. They collect *ushr* [informal tax], take the daughters of the people, they do things against the wives of the people, they take their horses, sheep, anything.[104]

A cable from US embassy staff in the north, released by Wikileaks, quotes an NDS official noting that Khanabad militias are particularly out of control, where "some groupings were cooperating with both insurgents and GIRoA [the Government of the Islamic Republic of

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[99] Human Rights Watch interview with District Chief of Police, Khanabad district, August 9, 2011.

[100] Human Rights Watch interviews with three residents who wished to remain anonymous, Khanabad district, August 9, 2011.

[101] Human Rights Watch interview with Sufi Habib, District Chief of Police, Khanabad district, August 9, 2011.

[102] The district governor of Khanabad, Nesamudin Nasher, told Human Rights Watch that there are 700-800 militia members in Khanabad district. Human Rights Watch could not independently confirm this figure. Human Rights Watch interview with Nesamudin Nasher, District Governor of Khanabad, Kunduz, October 22, 2010.

[103] Human Rights Watch interview with Fakir Mohammad, Kunduz, October 20, 2010.

[104] Human Rights Watch interview with Nesamudin Nasher, District Governor of Khanabad, Kunduz, October 22, 2010. *Ushr* in Islam is a form of *zakat* (charity giving obligatory on Muslims), generally on agricultural produce.

Afghanistan], changing their behavior opportunistically depending on their own interests."[105]

The cases below are examples of militia-related abuses in Khanabad district.

Killings to Intimidate

"Commander" Nawid heads a militia with approximately 20 men in the town of Khanabad. His militia has been accused of several killings, widespread theft, and intimidation. According to local residents and government officials, Nawid has powerful connections to former police chief Mir Alam.[106]

In his three years as governor of the district, Nesahudin Nasher says that Nawid's group has been responsible for most of the abuses: "There is a group led by person called Nawid, he's doing everything. During my term he's killed five people. His men are also robbing and stealing and taking money."[107]

Mirwais Jan, 31, was allegedly killed by Nawid and several armed men on August 14, 2010.[108] Mirwais was working as a guard for a Provincial Reconstruction Team (PRT) in the neighboring province of Takhar. He was engaged to be married. His brother, Agha Padar, told Human Rights Watch that Jan had just returned home and was washing in the river outside his house:

> Five people came with weapons. Two of them, Nawid and Rakim, shot him. When my brother saw them he knew that they were there to kill them and he tried to escape. But one of them blocked the way and they shot at him from two directions. Lots of villagers saw them kill him, but they don't care.[109]

Agha Padar says that he believes his brother was killed because he had been refusing the demands of Nawid and his men to join them. When he refused to join the militia, "They were putting pressure on my brother. They said that because he had a good salary, he should buy them machineguns and rockets."[110]

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[105] US Embassy cable "Militias in Kunduz: A tale of two districts," released by Wikileaks. Document ID: 10KABUL12. Document date: January 3, 2010. Release date, January 24, 2011, http://wikileaks.ch/cable/2010/01/10KABUL12.html (accessed April 24, 2011).

[106] Human Rights Watch interviews with Kunduz residents, and a local journalist, Kunduz, February 23, 2010.

[107] Human Rights Watch interview with Nesamudin Nasher, District Governor of Khanabad, Kunduz, October 22, 2010.

[108] Human Rights Watch interview with Agha Padar, brother of Mirwais, Kunduz city, October 21, 2010.

[109] Ibid.

[110] Ibid.

Padar, who is a farmer, says that Nawid's men also tried to take money from him and other local people: "It's not just me that they steal from, they take money from shoemakers, from tailors, from everyone."[111]

Nawid is reportedly backed by Mir Alam. District Governor Nasher said Alam intervened to prevent Nawid's arrest:

> A few months ago Nawid killed the brother of Agha Padar, who came and complained to me. I ordered the chief of police to arrest him [Nawid]. But when he tried to arrest him, Mir Alam called him to stop him. So I went to see the governor and asked him, "Who is district governor, me or Mir Alam?"[112]

Agha Padar also blames Alam for the failure to arrest Nawid. Padar says that because of his attempts to ensure that the perpetrators are prosecuted, he has come under attack:

> Right after the murder of my brother, when the government didn't do anything, he [Nawid] started this. Almost every night he came with his men, firing 50 rounds of bullets. It's harassment to send me away from the area, to show that he has won…. They are more confident now.[113]

The threats against the family of Agha Padar have continued, but Human Rights Watch is not aware of any action by authorities in the case.[114] Agha Padar requested assistance from the local NDS office in Khanabad district and was told that they would soon have a solution. When Human Rights Watch asked the local NDS chief, General Nemat, what this solution might be, he said that he hoped to soon bring these militias under the control of the Afghan Local Police. He said it would be up to the community to decide whether Nawid would be included in the ALP, but that Ministry of Interior guidelines were clear about people who have questionable backgrounds.[115]

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[111] Ibid.

[112] Human Rights Watch interview with Nesamudin Nasher, District Governor of Khanabad, Kunduz, October 22, 2010.

[113] Human Rights Watch interview with Agha Padar, brother of Mirwais, Kunduz city, October 21, 2010.

[114] Ibid.

[115] Human Rights Watch telephone interview with General Nemat, Khanabad district NDS chief, January 23, 2011, and April 25, 2011.

Killing in Khanabad Bazaar

On August 22, 2009, four men were killed and another wounded by Nawid's militia.[116] Ahmadullah and his cousin Naimatullah, who were both around 20 years old, were at a barber shop in Khanabad city. According to Ahmadullah's father, Munir Noor Alam, a group of six armed men arrived at the barber shop. According to a family member interviewed by Human Rights Watch, three men, Nawid, Pervez, and Hasibullah, went into the barber shop and opened fire, while the three others stood guard.[117] Niamatullah and Ahmatullah were killed, as was a shopkeeper, Kamaluddin, son of Serajuddin. One of Nawid's men, Hasibullah, was killed, allegedly in error, and a bystander, Abdul Haq, was wounded.

There were many witnesses to the killings. One resident, Fakir Mohammad, told Human Rights Watch:

> This happened in the day in Khanabad bazaar, 500 meters from the office of the police chief. The police didn't bother to go and see what happened, but there was loud gunfire. Everyone saw. Everyone knew the killers.[118]

Munir Noor Alam told Human Rights Watch that he believes a family with whom he had a longstanding dispute had hired a local militia to carry out the killings:

> The main job of this group is to take money from other people, and they kill people. I assume that they got money from my rivals. We have personal animosity in the area.… They took money from my rivals and they came and killed my son and his cousin.[119]

Munir Noor Alam said that there is an arrest warrant out for the people who carried out the killings, but no action has been taken. He complained to the local chief of police, but said he was told, "They are arbakis, so we can't do anything against them. If we did there would be an armed clash." Munir Noor Alam is a prosecutor in Kunduz: "No one has helped me, and I work for the government, so what about the other people? Who will listen to them?"[120]

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[116] Human Rights Watch interview with Munir Noor Alam, Kunduz, October 21, 2010, and Nesamudin Nasher, District Governor of Khanabad, Kunduz, October 22, 2010.

[117] Those who stood guard were named by Munirnoor Alam as Nasi, son of Karim, Mir Agha, son of Haji Yasouf, and Lange Yamar. Human Rights Watch interview with Munir Noor Alam, Kunduz, October 21, 2010.

[118] Human Rights Watch interview with Fakir Mohammad, Kunduz, October 20, 2010.

[119] Human Rights Watch interview with Munir Noor Alam, Kunduz, October 21, 2010.

[120] Ibid.

Khanabad District Governor Nasher told Human Rights Watch, "There was no reason for these killings, no reason." He said that his request to the local security authorities to arrest those responsible was ignored.[121]

When interviewed in January 2011, the NDS chief in Khanabad, General Nemat, confirmed that Nawid had not been arrested because of his close relations with the provincial police chief, Abdul Rahman Sayyedkhili. He said that Nawid and his 20-30 men had been used in operations against the Taliban in Char Dara district in 2010. Nawid was called the "Char Dara conqueror" by the chief of police.[122] Sayyedkhili was killed in March 2011.

When Human Rights Watch raised concerns about the militia abuses in an interview with Mir Alam, he said he had no involvement with militias:

> Whoever says that I have *arbakis* and supporting them is completely wrong. I am not denying that I was not a jihadi commander, but all people under my command have been disarmed through the DDR and DAIG process.[123]

The introduction of the Afghan Local Police in Kunduz was particularly sensitive because of concerns among some government and international military officials about the strength of Shura-e Nazar in the security forces that might undermine efforts to balance the program.[124] International military officials told Human Rights Watch that the late police chief of Kunduz was a "thorn in their side" because he was trying to turn ALP into "something it shouldn't be." "He's also connected to Khan Mohammad Khan, [the former head of the Afghan Local Police]. It's a serious problem."[125]

Khan Mohammad Khan was removed as the head of the Afghan Local Police in March 2011.[126]

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[121] Human Rights Watch interview with Nesamudin Nasher, District Governor of Khanabad, Kunduz, October 22, 2010.

[122] Human Rights Watch telephone interview with General Nemat, Khanabad district NDS chief, January 23, 2011.

[123] Human Rights Watch telephone interview with Mir Alam, March 31, 2011.

[124] Human Rights Watch interview with international officials, Kabul, February 22, 2011. (It was noteworthy that both the president and the minister of interior paid visits to the province in January and February 2011, to make promises about bringing militias under control. Human Rights Watch interview with local journalist, February 23, 2011).

[125] Human Rights Watch interview with international officials, Kabul, February 22, 2011.

[126] Khan Mohammad Khan was made an advisor in the counter-narcotics department. He was replaced by Ali Shah Ahmadzai. Human Rights Watch telephone interview with senior police official, April 23, 2011.

Imam Sahib District

Imam Sahib district in the northern part of Kunduz province shares a border with Tajikistan, and is an important cross-border smuggling route for narcotics, alcohol, and weapons.[127]

The ethnic Uzbek Ibrahimi family dominates the district. Abdul Latif Ibrahimi, a former governor of Faryab and Takhar, was governor of Kunduz from 2002-2004. His brother, Haji Raouf Ibrahimi, was elected speaker of the lower house of parliament in February 2011, having previously been a member of parliament until the 2010 elections and before that a well-known Hezb-i-Islami commander who fought Soviet occupation.[128] Another brother, Qayyum Ibrahimi, is the district police chief of Imam Sahib.[129]

A number of powerful militias operate in the district, most of whom are assumed to be connected to the Ibrahimis.[130] They operate with impunity, as the case below illustrates.

On January 24, 2010, the local mullah, Rahmatullah, along with sub-commander Zulmai (a relative of Commander Sarbaz who controls militias in several villages), and three other armed men, went to the home of two sisters-in-law in the village of Baika. The men gang raped the two women at gunpoint, having tied up their husbands.[131] Habibullah S. [pseudonym], husband of one of the women, told Human Rights Watch:

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[127] Gul Ramin, "Insurgents Taking Charge in Kunduz - Once one of the most stable provinces, parts of Kunduz are falling under Taleban control," Institute of War and Peace Reporting (IWPR), October 20, 2009, http://iwpr.net/report-news/insurgents-taking-charge-kunduz (accessed January 7, 2011).

[128] Hamid Shalizi, "Afghan parliament elects ex-warlord as speaker," *Reuters,* February 27, 2011. http://uk.reuters.com/article/2011/02/27/uk-afghanistan-parliament-idUKTRE71Q1LR20110227 (accessed April 24, 2011).

[129] There is also a powerful Ibrahimi in Kabul as Deputy Minister of Haj, and another relative is said to exercise control over water supply. Politically the Ibrahimis have divided their loyalties to strategic effect, with association at various times to Hezb-i-Islami, JunbishiMilli, and Jamiat-iIslami (in particular Ahmed Shah Massoud). Human Rights Watch interviews with a local journalist and human rights officials, Kunduz, October 2010. For more on the power of the Ibrahimis, see Conrad Schetter, Rainer Glassner, and Masood Karokhail, "Beyond Warlordism – the Local Security Architecture in Afghanistan," InternationalePolitik und Gesellschaft, September 2007, p.144. http://www.fes.de/IPG/inhalt_d/pdf/10_Schetter_US.pdf (accessed December 24, 2010).

[130] There are also a number of militias associated with Sufi Manan, the mayor of Imam Sahib, who has associations with Hezb-i-Islami, Junbish, and Jamiat. Human Rights Watch with local journalist, Kunduz, October 19, 2010 and January 23, 2011. Human Rights Watch interview with Christoph Reuter, journalist and writer, Kabul, September 22, 2010. *See also* Conrad Schetter and Rainer Glassner in "From Fragile State to Functioning State: Pathways to Democratic Transformation in Georgia, Kosovo, Moldova, and Afghanistan." Transaction Publisher, Berlin, 2009, pp. 146-7. Chapter "Neither Functioning, Nor Failing of the State – Seeing Violence in Afghanistan from Local Perspectives" available here:," http://www.ag-afghanistan.de/files/schetter-glassner-2009b.pdf (accessed January 5, 2011).

[131] Human Rights Watch interviews with the husband of one of the rape victims, Kunduz, October 21, 2010, and with officials from the Afghanistan Independent Human Rights Commission (AIHRC), and the United Nations Assistance Mission in Afghanistan (UNAMA), Kunduz, October 20, 2010.

> There were five people, all armed. They came to my house and they tied my hands and my brother's hands. Then they raped my wife and my brother's wife. I was with my brother, but we had no firearms. So we could not do anything. If I had been armed I could have fought them, I could have fought them to the end of my life. They would have killed me but it would have been worth it.[132]

Habibullah S. said their wives had been harassed by Rahmatullah in the weeks before the gang rapes. He explained:

> The mullah was behind it. Before this three times the mullah came to my house, with bad intentions, to do something to our wives. Our wives said, "We don't want any men here, why are you coming?" After the last time, my wife went to the mosque, took hold of his clothes with other people there, and told him not to come again. After that he became so angry with us that he sent these men to us.[133]

A local human rights investigator confirmed the account. He told Human Rights Watch that the mullah had reportedly told the man and his brother that they should "control their wives."[134]

On January 25, 2010, the authorities arrested Rahmatullah and charged him only with illegal entry.[135] He was found guilty by a primary court on March 10, 2010, and sentenced to six months, of which he served three.[136]

The other four assailants were never arrested. Habibullah S., says that they are untouchable:

> They have powerful connections, that's why they are still walking freely in the district.... They are part of the *arbaki*. There are lots of *arbakis* in the villages, and they are all thieves. They are involved in robbery, in stealing,

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[132] Human Rights Watch interview with Habibullah S. (pseudonym) Kunduz, October 21, 2010.

[133] Ibid.

[134] Human Rights Watch interview with local human rights investigator, Kunduz, October 19, 2010.

[135] Wahidullah, "A Mullah Imam Arrested for Raping Two Women" Pajhwok Afghan News, January 27, 2010, http://www.rawa.org/temp/runews/2010/01/30/a-mullah-imam-arrested-for-raping-two-women.html (accessed December 23, 2010).

[136] Human Rights Watch telephone call to prosecutor Abdul Farid Baqi, Kunduz provincial prosecutor's office. December 13, 2010.

> sometimes they take money from your pocket, and say if you complain I will kill you…. There are no laws, no rules. They have weapons, they can kill people, they can go into houses and do anything to you.[137]

Kunduz District

Numerous militias operate in Kunduz district, many with NDS support. One elder, Commander Gul Afghan, explained the genesis of NDS involvement:

> The entire district was under the control of a Taliban commander Mawlawi Zahir. The head of the NDS [Gen. Daud Ibrahimi] said you have to ask him [Zahir] to leave. We said okay but you need to provide security for us, otherwise the Taliban gives us security. The NDS chief said, I promise. After that we, the elders, we appointed 10 people in every district, they were armed. Then we asked Mawlawi Zahir to leave. He knew that although he had 200 armed men, he knew that the community didn't support him, so he left.[138]

Gul Afghan says that soon after, "The NDS sent *arbakis* to us. They started to collect *ushr* from us."[139] Haji Akbar, an elder and former teacher from Kanam village, told Human Rights Watch that most of the arbakis are supported by Mir Alam and the NDS, and that the rival groups frequently clash.[140] He said:

> They came yesterday. It is harvest time. They took from us by force. This is the main problem with the *arbakis*. They are collecting *ushr* [informal tax] from us. We have complained to the government, but nothing happens. *Arbakis* should not collect *ushr*. When they come to collect *ushr* they do it with force, with guns. They are so brutal. We have cases where they have broken the heads and legs of people. These are the people of Mir Alam.[141]

Akbar expressed frustration with Mir Alam's strength and reach:

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[137] Human Rights Watch interview with Habibullah, Kunduz, October 21, 2010.

[138] Human Rights Watch interview with Commander Mohammad Gul Afghan, Kunduz, October 20, 2010.

[139] Ibid.

[140] According to Haji Akbar: "Around me Mir Allam's people are powerful. There's also a small group established by the NDS and the governor, but they are small compared to Mir Allam. Even chief of police can't do anything against them. In Aktash there's militia with Mohammad Omar, who is supported by the NDS. There is every day fighting between Mohammad Omar and Mir Allam. In Sayed Hussein there is commander Shukur, who is also with Mir Allam."Human Rights Watch interview with Haji Akbar, Kunduz, October 20, 2010.

[141] Human Rights Watch interview with Haji Akbar, Kunduz, October 20, 2010.

> Around me Mir Alam's people are powerful. There's also a small group established by the NDS and the governor, but they are small compared to Mir Alam. Even the chief of police can't do anything against them.

Haji Akbar along with others from several districts raised the harassment of taxi drivers by the militia:

> One of the biggest problems is for taxi drivers when they take people from the city to the village. [The militia] tell the drivers to leave their passengers here and take them [the militia] to another village. When they refuse, they are beaten.[142]

The practice of militias demanding *ushr* was common in the 1990s when the powerful warlords and mujahideen commanders ruled pockets of the country in a semi-feudalistic manner. Militia commanders have often attempted to present themselves as protectors of the community, thus deserving this compensation. Interviews carried out by Human Rights Watch suggest that communities often see this practice by militias as criminal, enriching the militia and their patron or commander. Haji Akbar said:

> Taking one tenth of the people's incomes is a religious thing, it goes to the poor people. We know who the poor people in our community are. We could help them with this. But they [*arbakis*] collect one tenth for themselves, not the poor, and they take extra that they say is for being soldiers. But they are bad people.[143]

Commander Gul Afghan, who initially welcomed NDS support, told Human Rights Watch that he was so frustrated with extortion by arbakis that he wanted to set up his own defense force to protect the community from them, rather than the Taliban:

> I went one week ago to appoint a community commander from two villages to control 50 villages [with *arbakis*]. We are firm in our decision. If the *arbakis* disturb us again, it is my personal order to resist, to fire on the *arbakis*.[144]

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[142] Human Rights Watch interview with an unnamed taxi driver from Chardara district, and with Haji Akbar and Commander Mohammad Gul Afghan, Kunduz, October 20, 2010.

[143] Human Rights Watch interview, Haji Akbar, Kunduz, October 20, 2010.

[144] Human Rights Watch interview with Commander Mohammad Gul Afghan, Kunduz, October 20, 2010. Human Rights Watch learned that Gul Afghan was recruited as an ALP commander in February 2011.List of ALP commanders on file with Human Rights Watch.

Militias and Sexual Predation

Rape as a weapon of war has been strongly associated with militias, particularly during the civil war in the 1990s.[145] Militias have continued to be implicated in sexual violence, particularly gang rape. They have also have used threats to forcibly obtain women and girls, which can be hard for powerless families to resist. An elder told Human Rights Watch:

> The most powerful ones will sometimes select a girl and tell the family that they want to marry her. For families there are only two choices: give the girl, or leave the area and go to Pakistan or Iran.[146]

In 2011, a 12-year-old girl was raped in her home by men wearing Afghan army uniforms in Qulbars area, near the capital Taluqan, Takhar province. According to a local government official, who wished to remain anonymous, residents in Taluqan believe that "arbakis" dressed in uniforms were involved in the incident.[147] At this writing, no arrests have been made.[148]

Militia members have also been responsible for the sexual abuse of boys, including commanders "employing" boys in order to use them for sex.[149] During Human Rights Watch interviews about militia abuses, few interviewees volunteered information unprompted about sexual abuse, though when asked all acknowledged that it was happening. A UN official told Human Rights Watch, "In the south and southeast most boys recruited under the age of 18 are recruited for sexual purposes, whether it's by the police or by *arbaki*. Pederasty is everywhere."[150]

There is a separate but related type of abuse known as *bachabazi* (literally, "boy play"). *Bachabazi* involves wealthy or powerful "commanders" keeping boys to be dressed up as

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[145] See, e.g., UNAMA, *Silence if Violence: End the Abuse of Violence against Women*, July 8, 2009, http://unama.unmissions.org/Portals/UNAMA/vaw-english.pdf; Zarghuna Kargar, "Facing Up to Rape in Afghanistan," *Washington Post*, September 11, 2008 (accessed June 15, 2011), http://newsweek.washingtonpost.com/postglobal/islamsadvance/2008/09/facing_up_to_rape_in_afghanist.html (accessed June 15, 2011).

[146] Human Rights Watch interview with Haji Akbar, Kunduz, October 20, 2010.

[147] Human Rights Watch has not confirmed that the men were members of the Afghan National Army. Sometimes *arbaki* members wear uniforms of the security forces, either because they are former members, or because they have purchased the uniforms, which are easily available on the black market.

[148] Human Rights Watch telephone interview with local government official from Takhar province, June 5, 2011. Human Rights Watch interview with Sorraya Sobhrang, Commissioner, Afghan Independent Human Rights Commission, Kabul, June 20, 2011.

[149] Human Rights Watch interviews with elders, Kunduz, October 20-21, 2010, and telephone interview with UN official, March 8, 2011.

[150] Human Rights Watch telephone interview with UN official, March 8, 2011.

girls and to dance, which may often entail sexual abuse.[151] This practice is most prevalent in the north, where it is strongly associated with militias and the state security forces.[152]

Haji Akbar from Kunduz said:

> Almost everyone creates this problem for boys…. Out of 100, 80 percent of them are doing *bachabazi*, maybe 20 percent don't. Because the commanders do this, the rest do it.[153]

Commander Mohammad Gul Aghan, also from Kunduz district, said:

> Sometimes it [*bachabazi*] is voluntary, sometimes not. Sometimes they give money to the family or to the boy, and they give clothing or weapons. Today it's not as big as in the past, in the jihad time. Now it is only half of the bad people who are doing this.[154]

Perpetrators of sexual abuse of boys are rarely prosecuted, perhaps in part because of taboos around the issue, but primarily because the perpetrators are often members of powerful militias or have the protection of the state security forces.

The Afghan government is on the UN's blacklist for child recruitment into the armed forces. In January 2011, it agreed to an action plan with the UN to monitor and report on children associated with the national security forces, with a view to getting delisted. Under the plan it has agreed to take steps to prevent child recruitment and sexual abuse by all government security forces, and other combatants. It also has agreed to abide by UN Security Council resolutions condemning the recruitment and use of children, and rape and other sexual violence against children and killing and maiming of children in situations of conflict.[155]

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[151] Human Rights Watch interviews with various human rights officials and analysts, 2008-2010. See "UN envoy urges protection of children in armed conflict," United Nations Radio, March 2, 2010, http://www.unmultimedia.org/radio/english/detail/91597.html (accessed January 13, 2011).

[152] Yaqub Ibrahimi, "The Dancing Boys of the North," Institute of War and Peace Reporting (IWPR), October 10, 2007, http://iwpr.net/report-news/dancing-boys-north(accessed January 10, 2011).

[153] Human Rights Watch interview with Haji Akbar, Kunduz, October 20, 2010.

[154] Human Rights Watch interview with Commander Mohammad Gul Afghan, Kunduz, October 20, 2010.

[155] "Action Plan between The Government of the Islamic Republic of Afghanistan and the United Nations Country Task Force on Monitoring and Reporting regarding Children associated with National Security Forces in Afghanistan," Signed January 9, 2011 (on file with Human Rights Watch). Security Council resolutions 1261 (1999), 1539 (2004), 1612 (2005), 1882 (2009), as noted in the Action Plan.

III. The Wardak Experiment: The Afghan Public Protection Program

The Afghan Public Protection Program (AP3) in Wardak province is the most recent attempt to create a community defense force. The program was only used in Wardak, and is regarded by many international military officials in Afghanistan as a success story, largely because it is credited with reducing insurgent attacks and improving road security in the province.[156]

As shown below, AP3 also highlights the risks of such forces being hijacked by local strongmen, particularly when formation of such a force is combined with an attempt at stabilization through the co-option of commanders with ties to the insurgency. The touted security dividend came at a high cost for some communities.

Creation of AP3 in Wardak

Wardak province in central Afghanistan saw a dramatic deterioration in the security situation in 2007-2008 as Taliban insurgents increased their presence across the province. The Afghanistan NGO Safety Office reported 11 to 30 insurgent attacks per day in Wardak province in the first quarter of 2009.[157]

In February 2009, it was announced by the government that AP3 would be set up in four districts: Jalrez, Chak, Sayedabad, and Nirkh.[158] AP3 was put under the command of the Ministry of Interior, with the close involvement and supervision of US forces from ISAF.[159]

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[156] Jason Motlagh, "In an Afghan Valley of Death, Good News — for Now," *Time Magazine,* June 16, 2010. http://www.time.com/time/world/article/0,8599,1996973,00.html (accessed March 18, 2011); Jean MacKenzie, "Special report: By paying local police, the US may be funding the Taliban by another name," *Global Post,* June 28, 2010, http://www.globalpost.com/dispatch/afghanistan/100625/us-aid-afghanistan-taliban-3-qaeda (accessed March 18, 2011).

[157] Afghanistan NGO Safety Office, ANSO Quarterly Data Report Q1 2009, p. 6 (on file with Human Rights Watch).

[158] "Progress towards security and stability - Report to Congress in accordance with the2008 National Defense Authorization Act" June 2009, US Department of Defense, pp. 8, 37, http://www.defense.gov/pubs/pdfs/1230_June%C2%AD2009Final.pdf (accessed March 10, 2011).

[159] Christopher Stachura, "Afghan leaders, U.S. Soldiers initiate new security program to empower local residents," US Army news release, May 14, 2009, http://www.army.mil/-news/2009/05/14/21071-afghan-leaders-us-soldiers-initiate-new-security-program-to-empower-local-residents/ (accessed March 14, 2011). This was described as an "Afghan-led" endeavor, but the ability of significant numbers of US forces to access the province was also a factor; the US Department of Defense said that the province was chosen in order to "facilitate partnering and monitoring by U.S. forces." Department of Defense, Progress towards security and stability - Report to Congress in accordance with the 2008 National Defense Authorization Act' June 2009, p. 37, http://www.defense.gov/pubs/pdfs/1230_June%C2%AD2009Final.pdf (accessed March 10, 2011).

AP3 was created to provide civilian protection and discourage insurgent activity. One of its functions was to provide security for critical public infrastructure, so as to free up the police from guard duties. AP3's purpose was described more broadly by the Wardak governor, Mohammad Halim Fidai, as a "comprehensive approach, which is not just fighting the insurgency with the arms and with military means, but also with a creation of employment opportunities for the young people and also bring development to the people."[160] The Afghan and US governments also hoped for an intelligence dividend—greater information about insurgent activity—as the local community came to trust the force.[161]

Several government ministers and senior officials within the Ministry of Interior voiced concerns about the risk that the program could create uncontrollable militias.[162]

Local Disquiet about AP3

While some communities in Wardak welcomed the initiative, others resisted the creation of the AP3. A number of elders from Wardak refused to sign an agreement with the government at a three-day seminar in Kabul.[163] They cited the bitter experience with government-backed militia in the last years of the Najibullah regime in 1995-96 and said that they would prefer an increase in Afghan National Police and Afghan National Army in the province.[164] One elder told Human Rights Watch:

> When we were first asked by the militia commander to give men to their *arbakis*, we did not want to do this, so we came to Kabul, spoke to the Ministry of Defense, the Ministry of Interior, the National Directorate of Security, and told them that we have a bad memory with militias because of Najibullah, and we prefer to give people to the National Police. But the ministers were not convinced.[165]

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[160] "DOD News Briefing with Col. Johnson, Gov. Fidai and Col. Aref." Transcript of a US Department of Defense press briefing, September 15, 2010, http://www.globalsecurity.org/military/library/news/2010/09/mil-100915-dod01.htm (accessed March 17, 2011).

[161] "Unconventional Security Forces – What's Out There?" Cable ID 09KABUL3661, Document Date: November 12, 2009,released by Wikileaks, January 24, 2011, http://wikileaks.enet.gr/cable/2009/11/09KABUL3661.html (accessed March 16, 2011).

[162] Human Rights Watch interview with Ministry of Interior official, Kabul, February 22, 2010.

[163] Mattieu Lefevre, "Local Defence in Afghanistan – A review of government backed initiatives," p. 9.

[164] Telephone interviews with Haji Mukhlis, member of Wardak Provincial Council, and Gul Rahman member of Maidan Shar District Council, July 26, 2009.

[165] Human Rights Watch interview with elder from Jalrez, Kabul, February 24, 2011.

Mohammad Osman Tariq, an Afghan political analyst who spoke to many of the elders involved at the time, said that their eventual acquiescence was far from voluntary:

> The elders were told to sign this agreement, which said that each person will introduce 10 people for the militia group. This was pushed on them. When I talked to some of these elders they said that, "We had no way not to sign it." Although they told the conference organizers that they didn't want to sign it, they were forced to send people.[166]

The program went ahead despite the opposition. According to Human Rights Watch interviews, elders from Sayedabad and Chak districts were particularly slow to offer any volunteers, due to fear of reprisals from the Taliban and skepticism about the program.[167] Two members of Jalrez District Council told Human Rights Watch that Taliban threats had been a major recruitment obstacle.[168] An AP3 commander from Jalrez told Human Rights Watch that the salary for AP3 members would not keep the new recruits in their jobs, particularly when they were expected to deploy in the most insecure areas, at greater risk to their lives, for less money than soldiers or police officers.[169]

Empowering a Notorious Commander

Efforts to create an ethnically mixed force were stymied by problems recruiting sufficient Pashtuns in several districts.[170] This was addressed in December 2009 when a well-known Pashtun commander from Jalrez district, Haji Ghulam Mohammad, was made commander of AP3.[171] Lt. Col. Matthew McFarlane, the 1-503rd Battalion commander of the 173rd Airborne Brigade Combat Team, said in a US forces news release:

> Recruiting slowed for a short time before Haji Ghulam Mohammad volunteered to serve as the program commander. He influenced many more

[166] Human Rights Watch telephone interview with Mohammad Osman Tariq, Afghan political analyst, March 29, 2011.

[167] Human Rights Watch telephone interview with Haji Mukhlis, member of Wardak Provincial Council, July 26, 2009.

[168] Interviews with Jalrez shura member Obaidullah F. (pseudonym) and Commander Esmat, Wardak, June 21, 2009.

[169] Human Rights Interview with Commander Abbas, Commander of Jalrez AP3 Unit, Wardak, June 21, 2009.

[170] For example, as of April 2009, local officials in Jalrez disrict told Human Rights Watch that of 195 recruits, 66 were Sayyeds, 64 Tajiks, 38 Hazaras, and 27 Pashtuns. Human Rights Watch telephone interviews, April 2009.

[171] Human Rights Watch telephone interview with Ghulam Hazarat Ahmadi, Head of Jalrez District Council, March 18, 2010. Mattieu Lefevere, "Local Defence in Afghanistan – A review of government backed initiatives," p. 10.

> recruits to join the program in winter and spring 2010, filling the program to almost 1,200 guardians.[172]

Reports estimated that Ghulam Mohammad brought around 500 Pashtuns from Jalrez district with him, giving Jalrez district a disproportionately high share of the intended district total of 200.[173] The provincial total for AP3 was intended to be around 1,100.[174] A Ministry of Interior official told Human Rights Watch that Ghulam Mohammad saw the force as a means of increasing his power:

> Ghulam Mohammad told us that there are people in Kunduz that have 10,000 men, who take all their expenses from the government, and make their own empire, so why should we not have the same. He was dreaming about having 10,000 people, and having the power to choose and kick out everyone and become like militia leaders in Kunduz.[175]

Ghulam Mohammad and his brother Haji Musa Hotak are significant local figures with strong Jihadi credentials, having previously been involved with the Taliban and the Islamist party Harakat-i-Inqilab-iIslami. Ghulam Mohammad was detained by US Forces in 2004 and spent two years in the US military detention facility at Guantanamo Bay. Haji Musa Hotak was a commander of Harakat-i-Inqilab-iIslami, a deputy minister in the Taliban government, and a member of parliament for Wardak province from 2005-2010.[176] Hotak was delisted from the UN's sanction list in January 2010.[177]

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[172] U.S. Army Staff Sgt. Bruce Cobbeldick, "Wardak Security Improves With AP3," Task Force Bayonet Public Affairs, August 27, 2010, http://www.cjtf82.com/regional-command-east-news-mainmenu-401/3194-wardak-security-improves-with-ap3.html (accessed March 14, 2011).

[173] Mattiue Lefevre, "Local Defence in Afghanistan – A review of government backed initiatives," p. 10. Jean MacKenzie,"Special report: By paying local police, the US may be funding the Taliban by another name," *Global Post,* June 28, 2010,

http://www.globalpost.com/dispatch/afghanistan/100625/us-aid-afghanistan-taliban-3-qaeda (accessed March 18, 2011).

[174] Mattiue Lefevre, "Local Defence in Afghanistan – A review of government backed initiatives," Mattieu Lefevre, May 2010, p. 10.

[175] Human Rights Watch interview with Ministry of Interior official who wished to remain anonymous, Kabul, February 17, 2011.

[176] Musa Hotak was appointed to the High Peace Council on its formation in September 2010. Thomas Ruttig, "The ex-Taliban on the High Peace Council," Afghanistan Analysts Network, April 2010, p. 4, http://aan-afghanistan.com/index.asp?id=1248 (accessed March 10, 2011).

[177] The list is mandated by UN Security Council Resolution 1267 (1999) concerning Al-Qaida and the Taliban and Associated Individuals and Entities, http://www.un.org/sc/committees/1267/docs/Delisted.pdf (accessed February 13, 2011). Many members of the early Taliban movement had roots in two political parties, Harakat-iInqilab-iIslami, and Hezb-iIslami (Khalis). In recent years Harakat has been revived and is seen by some as having the potential to be a "political party" for the Taliban. For more see Thomas Ruttig, "Dimensions of the Afghan Insurgency: Causes, Actors and Approaches to 'Talks,'" Afghanistan Analysts Network, January 2009, p. 16. Musa Hotak was appointed to the High Peace Council on its formation in September 2010. Thomas Ruttig, "The ex-Taliban on the High Peace Council," Afghanistan Analysts Network, April 2010, p. 4, http://aan-afghanistan.com/index.asp?id=1248 (accessed March 10, 2011).

One shura member from Jalrez district, Obaidullah F., said that he was concerned about Mohammad's appointment because of his strong links with the Taliban and his history of shifting allegiances.[178] An Interior Ministry official who was closely involved in the process said that he had voiced strong concerns about the choice of Ghulam Mohammad:

> He was appointed as head of APPP because of the support of the governor of Wardak. He was arguing he was a good person with a strong social base. I rejected him from the beginning.... He was illiterate, he wanted to misuse APPP.... One of his brothers was in parliament, he's also powerful. These kinds of people always try to pursue their own tribal agenda.[179]

The official said that Ghulam Mohammad was seen as a useful intelligence asset:

> The National Security Directorate in Wardak wanted to use him for their own intelligence purposes. This was something we didn't like. If the governor or NDS want him they should hire him, he shouldn't be paid by us.[180]

Weak Vetting

Several elders from Jalrez district told Human Rights Watch that vetting was negligible for the several hundred men seen as being associated with Ghulam Mohammad. Azim M. from Jalrez said that, "All these men are his men. These men were his men during the Taliban time, and during the jihad, and they are still with him as *arbakis*."[181]

Shura member Obaidullah F. told Human Rights Watch that vetting was negligible, with most of the recruits automatically accepted by the NDS, with the exception of a small number who were disabled or elderly.[182] He recalled that shura members "were sent documents and told to sign [but] from our perspective they [referring to the AP3 men] aren't from us."[183] He told Human Rights Watch that the power of Ghulam Mohammad was the reason why vetting was so weak:

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[178] Human Rights Watch telephone interview with Obaidullah F. (pseudonym), March 18, 2011.

[179] Human Rights Watch interview with Ministry of Interior official who wished to remain anonymous, Kabul, February 17, 2011.

[180] Ibid.

[181] Human Rights Watch interview with Azim M. (pseudonym), Kabul, February 24, 2011.

[182] Human Rights Watch interview with Obaidullah F. (pseudonym), Wardak, June 21, 2009.

[183] Human Rights Watch interview with Obaidullah F. (pseudonym), Kabul, February 24, 2011.

> Ghulam Mohammad wanted his own influence in the area, for himself. So they got lots of people who were not certified by the elders, or by the shura, they were his men. Out of 540 people, only 50 were acceptable, the rest had bad backgrounds, were criminals or Taliban or bad people.[184]

Emal S., an elder from Jalrez district said: "They did not take up weapons for the government, they are not there for the people."[185]

Allegations of Abuse

Emal S. told Human Rights Watch that he suffered threats, beatings, and intimidation after a checkpoint was set up beside his house by Ghulam Mohammad men working as AP3:

> They are right next to my house, threatening me and threatening my family. Ten days ago they warned me not to participate in the local shura, otherwise they would do something to me. I am an old man, I am not afraid of losing my life, I am afraid only for the good people in my neighborhood. They beat me with guns, and they beat my son and brother.[186]

Another Wardak resident who lives close to Emal S. told Human Rights Watch that many members of Emal S.'s family had fled the area and that others were so afraid that they felt confined to their homes.[187]

Elders interviewed from Wardak had made a number of complaints, which they said had little impact. Ajmal B., described the activities of three commanders in his village, which included theft of money, clothing, and mobile phones at checkpoints:

> We went to complain to the government. We went to the chief of police. We told them they were looting. But they said bring us evidence. I told them I didn't have any way to film this. Ten or fifteen elders went to see them. We said this is the evidence, you should trust us.[188]

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[184] Ibid.

[185] Human Rights Watch interview with Emal S. (pseudonym), Kabul, February 24, 2011.

[186] Ibid.

[187] Human Rights Watch interview with Ajmal B. (pseudonym), Kabul, February 24, 2011.

[188] Ibid.

Ajmal B. said that the reason no action was taken to stop the robberies was that the local police were receiving kickbacks. He said: "They have links with each other [the government and the *arbakis*]. From the money they steal everyone takes a share, even the chief of police."[189]

A local shura member said that complaints to the local police about harassment and beatings by the men at this checkpoint have been made, but that nothing had been done.[190]

A Ministry of Interior official told Human Rights Watch that the ministry received numerous allegations of abuses by Ghulam Mohammad's men:

> We got reports that he had grabbed land, and there was corruption. He went beyond his authority and he was taking rent from NGOs, providing security for convoys and taking money for that. He was not happy with his government salary.[191]

Converting AP3 to ALP

In mid-2010, Ghulam Mohammad was removed from the AP3 program and a new commander was appointed to lead AP3.[192] Despite this, several elders interviewed by Human Rights Watch said that they were not satisfied, since they felt he was still very influential in the area, was acting as an advisor to the governor of Wardak province, and acted with impunity.[193] A local official told Human Rights Watch that Mohammad was acting as an advisor on counter-narcotics to the Ministry of Interior.[194]

At a meeting between elders and the provincial government in January 2011, hosted by the governor in Wardak, it was announced that AP3 would be converted into an ALP force.[195]

Lt. Colonel John Dorrian, press spokesperson for ISAF, told Human Rights Watch that many of the AP3 members did "transition to the ALP" after being "selected and sponsored by the

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[189] Ibid. Human Rights Watch was told of similar allegations in an interview with a local shura member, Wardak, June 21, 2009.

[190] Human Rights Watch interview with Obaidullah F. (pseudonym), Kabul, February 24, 2011.

[191] Human Rights Watch interview with Ministry of Interior official, Kabul, February 17, 2011.

[192] Human Rights Watch email exchange with ISAF official, April 13, 2011.

[193] Human Rights Watch interview with Obaidullah F. (pseudonym), Kabul, February 24, 2011.

[194] Human Rights Watch telephone interview with Jalrez District Police chief, Haq Nawoz, May 7, 2011.

[195] Human Rights Watch interview with Obaidullah F. (pseudonym), Kabul, February 24, 2011.

district shura and subjected to Ministry of Interior and National Directorate of Secutity vetting."[196] He added:

> Abuse by the ALP is not tolerated. Any abuse allegation is taken very seriously and investigated. If specific abuse charges of situations are brought forward, they will be handled seriously and according to the law. We encourage anyone with information of wrongdoing to bring it to the proper authorities for proper adjudication. Currently, there are no pending investigations in Wardak.[197]

Corporate Warlords and the APPF

In May 2010, there were an estimated 26,000 Private Security Contractor (PSC) personnel in Afghanistan, 90 percent of whom were employed or subcontracted by the US government.[198] Defenders of the contractor system say that there was little option but to turn to the private sector as the insurgency grew quickly and the capacity of the army and police remained limited.[199] However, while some PSC presence was unavoidable, both the Afghan government and the US government bear a heavy responsibility for the corruption and impunity of these forces, many of which have become so intertwined with the war economy they are now hard to dismantle.

Private security companies have provided a vehicle for many former warlords and some entrepreneurial newcomers to establish a lucrative hold on armed men and territory. Many of these companies, particularly in conflict areas, are allegedly responsible for serious human rights abuses, including extrajudicial killings, arbitrary detentions, beatings, rapes, extortion, and smuggling.[200] Often this may be little more than the

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[196] Human Rights Watch email exchange with Lt. Col John Dorrian, International Security Assistance Force (ISAF) press spokesman, April 13, 2011.

[197] Ibid.

[198] "Inquiry into the Role and Oversight of Private Security Contractors in Afghanistan," September 28, 2010, p. i, http://levin.senate.gov/newsroom/release.cfm?id=328188 (accessed March 25, 2011).

[199] For example, *Additional Views of Senators McCain, Inhofe, Sessions, Chamblissh, Graham, Thune, Wicker, LeMieux, Burr, Vitter, Collins and Brown*, Inquiry into the Role and Oversight of Private Security Contractors in Afghanistan," September 28, 2010, p. 88, http://levin.senate.gov/newsroom/release.cfm?id=328188 (accessed March 25, 2011).

[200] There have been serious allegations made against the commander of a PSC employed by US special forces in Paktia province. The allegations are of abuses against pashtun civilians by forces loyal to an ethnic Tajik commander named Azizullah, who leads an "Afghan Security Guard" (ASG) in Barmal district of Paktia province. Human Rights Watch has not investigated the allegations, but the UN raised concerns with US special forces in February 2010, and again in January 2011, when they 'strongly recommended' that Azizullah be removed from his position. In a confidential report, seen by Human Rights Watch, they document incidences of extrajudicial executions, mutilation of corpses, arbitrary arrests, questionable engagement in house raids, shootings, and allegations of the abduction and rape of boys. United Nations Assistance Mission Afghanistan, "Evidence on Azizullah," January 2011, confidential, on file with Human Rights Watch*; see also* Julius Cavendish, "Revealed: Afghan chief accused of campaign of terror is on US payroll - Witnesses back leaked UN reports detailing claims of rape and murder against feared Tajik warlord," *The Independent,* March 18, 2011,

abuse of their power to settle scores and attack local rivals, or to protect their illicit business interests. On September 28, 2010, the US Senate Armed Services Committee released a report highly critical of the role and oversight of PSCs in Afghanistan. The committee found "evidence of private security contractors funneling US taxpayers dollars to Afghan warlords and strongmen linked to murder, kidnapping, bribery as well as Taliban and other anti-Coalition activities."[201]

For these and other reasons, in August 2010, President Karzai announced that the PSCs would be disbanded within four months. The tight timetable was met with a critical response from the international community in Afghanistan, particularly the military. Karzai backed down on the deadline. In March 2011, a Bridging Strategy was announced that would allow a more gradual phasing out of registered PSCs: international military and development organizations will be able to use PSCs for convoy and area security until March 2012, after which the Afghan Protection Public Force (APPF), a Ministry of Interior-run security force tasked to protect government buildings, infrastructure projects, embassies, and international organizations, will take over. In the meantime, the capacity of the APPF is being developed by NATO and USAID.

The most well-connected or powerful PSCs, however, will be absorbed into the APPF. For example, a deal appears to have been struck with Uruzgan warlord Matiullah Khan to absorb his private militia, which allegedly earns millions of dollars guarding the highway running through Uruzgan for NATO supply convoys, into the APPF.[202] The APPF is allowed to charge fees for its services, which go to the government and could create opportunities for corruption at the Ministry of Interior. Moreover, by bringing such militias under the APPF rather than disbanding them may allow them to hold onto their weapons and continue to wield considerable political and economic influence. It also leaves open the possibility of such groups to continue to profit, unofficially, from highway security and other contracts.

The deal that the government appears to have struck with Matiullah illustrates how hard

http://www.independent.co.uk/news/world/asia/revealed-afghan-chief-accused-of-campaign-of-terror-is-on-us-payroll-2245369.html (accessed April 2, 2011).

[201] US Senate Armed Services Committee, "Inquiry into the Role and Oversight of Private Security Contractors in Afghanistan," September 28, 2010, p. 2, http://levin.senate.gov/newsroom/release.cfm?id=328188 (accessed March 25, 2011). Another congressional inquiry found that logistics contractors used by the US were paying insurgents for safe passage of US convoys and supplies. Majority Staff, Subcommittee on National Security and Foreign Affairs, Committee on Oversight and Government Reform, *Warlord, Inc. - Extortion and Corruption Along the U.S. Supply Chain in Afghanistan*," June 2010, http://tierney.house.gov/images/stories/hnt_report.pdf (accessed March 25, 2011); Karen DeYoung, "US Trucking Funds Reach Taliban, Military-Led Investigation Concludes," *Washington Post*, July 25, 2011, http://www.washingtonpost.com/world/national-security/us-trucking-funds-reach-taliban-military-led-investigation-concludes/2011/07/22/gIQAmMDUXI_story.html (accessed July 25, 2011).

[202] Dexter Filkins, "With US Aid, Warlord Builds Afghan Empire," *New York Times*, July 5, 2010, http://www.nytimes.com/2010/06/06/world/asia/06warlords.html (accessed June 6, 2011).

it is to dismantle well-entrenched militias. Matiullah's deal was said to have been negotiated just before the August 2010 presidential decree on private security companies was issued, which is suggestive of the power that he wields and his importance to US and ISAF forces. One government official told Human Rights Watch that there has been some infighting about who gets to control Matiullah's men, with the force initially being absorbed into the department of counterterrorism, but expected to be transferred to APPF.[203]

Government officials interviewed by Human Rights Watch acknowledged that this was something of a compromise, because a force like Matiullah's was just "too big" to dismantle. According to a senior government official, "[H]e is next to the president…. As you know he's a powerful person so no one can touch him. So he's been living in that irregular way for many years. It's hard to bring him under government control.[204] In August 2011, Matiullah was made the chief of police of Uruzgan province.

A senior official in the Ministry of Interior told Human Rights Watch that tougher regulation of PSCs and logistics providers would have been preferable to a government takeover: "We don't have the capacity to take over the responsibly for all the PSCs. We should just stop the illegal ones."[205] An international civilian official concluded that nationalization of PSCs is being done "clumsily … [the law] is full of loopholes. It keeps everyone happy, but doesn't reform anything."[206]

[203] Human Rights Watch interview with two senior government officials, Kabul, February 2011. As of June 2011 there was still some debate about where to place Matiullah's men within the Ministry of Interior, with some discussion about them being used in the ALP. Human Rights Watch interview with international official, Kabul, June 3, 2011.

[204] Human Rights Watch interview with senior government official, Kabul, February 2011.

[205] Human Rights Watch interview with senior Ministry of Interior official, Kabul, February 27, 2011.

[206] Human Rights Watch interview with international civilian official, Kabul, June 4, 2011.

IV. The Afghan Local Police: "Community Watch with AK-47s"

These remote villages, where the Taliban has had unimpeded freedom of maneuver for the past few months, and up to a year, it's imperative that you get some type of security force in there. If we can effect change at our level and reinforce the trust of these people at a local level, even if that includes empowering former criminals in the short term to stabilize village in the long term then that needs to be our primary focus.

—Lt. Kyle Brown, platoon leader, US Army, interviewed in August 2010 in Stars and Stripes, referring to militias recruited to work with ISAF in Baghlan

[The ALP] are not police. They are a militia called police to make their introduction more palatable to the members of the international community who have misgivings.

—Tonita Murray, advisor to Ministry of Interior official, July 23, 2011

On August 16, 2010, President Karzai signed a decree establishing the Afghan Local Police (ALP).[207] The ALP is officially designed to "secure local communities and prevent rural areas from infiltration of insurgent groups."[208] The ALP is supposed to supplement national security forces by providing community defense, but without law enforcement powers. It is seen by the US military as a way to deal with the immense time pressures of trying to improve stability and transition control of security to the Afghan government in 2014.[209]

The ALP is already a year old and was conceived in 2010 as a two to five year program that will provide time for Afghan national military and police forces to be built up, after which the ALP will be disbanded or transitioned into the national police.[210] An international military official described the ALP "as a way to free up the national army from defensive

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[207] Ministry of Interior-Afghan Local Police, current as of June, 2011 ("ALP MOI Directive 2011").

[208] President Karzai gave his approval for the ALP on July 14, 2010. Sayed Salahuddin, "Karzai approves plan for new Afghan police force," *Reuters*, July 15, 2010,http://www.reuters.com/article/2010/07/15/us-afghanistan-force-idUSTRE66E18X20100715 (accessed February 7, 2011).

[209] DoD 1230 Afghanistan Progress Report April 2011, p. 63.

[210] According to the US Department of Defense, as of March 2011 there were over 125,589 Afghan National Police (ANP) and over 150,000 Afghan National Army (ANA) personnel. The goal is to increase ANP numbers to 134,000 and ANA to 171,600 by October 2011. It is currently projected that by October 2011, total ANSF numbers will reach 315,000. Department of Defense, Report on Progress Toward Security and Stability in Afghanistan and United States Plan for Sustaining the Afghanistan National Security Forces, April 2011, pp. 22 and 33 ("DoD 1230 Afghanistan Progress Report April 2011"), http://www.defense.gov/news/1230_1231Report.pdf (accessed May 2, 2011).

forces and focus on offensive operations."[211] It is also hoped that the ALP will be a way to recruit more southern Pashtuns into the national security forces in order to add greater ethnic balance to the army and police.[212]

Prior to the announcement of the ALP, there was considerable debate in government and among key donors about the wisdom of creating another community defense force, just as there was about the creation of AP3 in Wardak.[213] A European official told Human Rights Watch:

> The palace was pressured. The MOI [Ministry of the Interior] was initially confused about what control they will have. It's hard to say whether ALP will be a success or failure, but it's not good for the long-term stability of Afghanistan when the internationals and Afghans are already struggling with the quality of army and police training, and now you throw in an extra 10,000 ALP who have to be trained, supervised, and paid for.[214]

The revival of community defense forces by the US, despite all the previous failures discussed above, is not surprising given the weakness of the Afghan national army and police and lack of Afghan security forces in some conflict areas. An advisor to the commanding general of US special operations forces, explained:

> Local defense forces can be a bottom-up strategy in rural areas, and if kept small, defensive, and under the control of legitimate elders, can complement top down efforts from the central government. The military and Afghan government began seeing pockets of local resistance to the Taliban in the south and southeast. ISAF and district Afghan government officials went to talk to the people. They were not always supportive of the central government and generally opposed to the Taliban. But these areas had no sustained security presence. They did not necessarily want or trust the police, who they see as corrupt, to play a permanent role. A local defense

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[211] Human Rights Watch interview with international military official, Kabul, June 4, 2011.

[212] Three percent of Afghan army soldiers are southern Pashtuns. The NATO Rapporteur on Afghanistan concluded that "more needs to be done to ensure ethnic balance… of the ANSF [Afghan National Security Forces] [which has] serious implications not only for its credibility across the whole of Afghanistan, but also in determining where its loyalty lies." Sven Mikser, *Draft Report, Transition in Afghanistan: Assessing the Security Report,* Spring 2011, http://www.nato-pa.int/default.asp?SHORTCUT=2434#_ftn49 (accessed June 1, 2011).

[213] Numerous Human Rights Watch interviews with Afghan government officials, diplomats, military and police trainers, and UN officials in Kabul, 2009-10.

[214] Human Rights Watch telephone interview with European official, March 23, 2011.

> force was part of the answer, along with improving basic informal and governance and development.[215]

The Afghan government had been resistant to what it perceived as unilateral efforts by US special operations forces to create "local defense initiatives" not under the control of the central government. ALP represented a compromise that allowed the creation of thousands of "local police" under Ministry of Interior command, with training and mentoring from US special operations forces.[216] The ALP program was designed to "consolidate all known coalition and Afghan local self-defense force programs."[217]

The US military is funding the ALP through the Afghan government.[218] Recruitment for the ALP began in August 2010.[219] According to the official directive creating the ALP, an ALP candidate must be between 18 to 45 years old, nominated by the local community *shuras*, vetted by MOI via a government in-processing team and the NDS, and biometrically registered. ALP recruits receive 21 days of training predominantly by US forces on search and detention, Improvised Explosive Device (IED) detection, marksmanship, communications, battle drills and movement techniques, driver training, drug interdiction, vehicle check point procedures, "as well as Afghan society-specific topics," such as the Afghan constitution, rule of law, human rights and use of force, police policy, ethics, morals and values. ALP units are "restricted to [operate] only in their own district."[220]

ALP units receive military small arms, ammunition, vehicles, radios, and uniforms from the MOI, which is supposed to keep a register of all weapons and ammunition. ALP members sign yearly contracts. Upon termination of their contract or of the ALP program, qualified

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[215] Human Rights Watch telephone interview with advisor to the commanding general of US special operations forces, June 2, 2011.

[216] To this end, General Petraeus has requested an extra infantry battalion to help special operations forces with the ALP. Statement of General David H. Petraeus, Commander ISAF, Before the Senate Armed Services Committee, March 15, 2011, http://armed-services.senate.gov/statemnt/2011/03%20March/Petraeus%2003-15-11.pdf (accessed March 15, 2011).

[217] Catherine Dale, "War in Afghanistan: Strategy, Operations, and Issues for Congress," *Congressional Research Service*, March 9, 2011, http://opencrs.com/document/R40156/.

[218] The ALP is financed through the Department of Defense's Afghan Security Forces Fund. DoD 1230 Afghanistan Progress Report April 2011, p. 62. Human Rights Watch interview with Khan Mohammad Khan, former head of ALP, Kabul, February 22, 2011.

[219] The announcement was made by the Deputy Minister of Interior, Munir Mangal, at a press conference in Kabul. "Afghan Local Police" approved for Village Protection," NATO Training Mission Afghanistan News Release, August 18, 2010, http://ntm-a.com/wordpress2/?p=1163 (accessed April 25, 2011).

[220] ALP MOI Directive 2011. Since January 2011 UK conventional forces have also trained and mentored ALP units in Helmand. According to the Foreign Commonwealth Office, around 150 men have been trained by the UK military. Human Rights Watch has not assessed the ALP in Helmand. Human Rights Watch interview with Robert Collett, UK Foreign Commonwealth Office, London, August 11, 2011.

members will be eligible for integration into the ANA, ANP, or Afghan Border Police (ABP). Salaries are approximately 60 percent of basic ANP pay.[221]

At the district level, the ALP report to the district chief of police. Nationally, ALP units report to the Ministry of Interior. US special operations forces have a mentoring role and are tasked to train and work with ALP units for a period of time before handing them over to conventional forces for further mentoring.[222]

The Afghan government has set an initial target of hiring 10,000 men for the ALP in 77 districts.[223] US military commanders hope to exceed that number, and the US Congress has approved funding for 30,000 men.[224]

The initial roll-out was rapid. In February 2011 the number of "validated," or MOI approved, ALP districts was 17.[225] A month later this had increased to 34, with another 29 "pending validation" and 14 "pending MOI approval for ALP elements."[226] New members were on patrol beginning in September 2010, but did not begin to receive uniforms until February or March 2011, which added to local difficulties in distinguishing ALP from other *arbakis*.[227] According to ISAF, as of August 2011, 7,000 men have been trained as ALP in 43 districts.[228]

The rules of engagement for the ALP are vague. Under the ALP directive, the ALP is a "defensive, community-oriented unit" and "not equipped for offensive operations."[229] According to the former head of the ALP, Gen. Khan Mohammad Khan, the force has "no law enforcement mandate, but if the official bodies ask them, then they can make an arrest and send to the prosecution office. They can't investigate. They cannot detain. But they

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[221] ALP MOI Directive 2011.

[222] Ibid.

[223] ALP MOI Directive dated June 26, 2011. The February 2011 ALP directive noted 68 approved districts.

[224] To this end, the commander of ISAF General Petraeus in December 2010 placed a US infantry battalion under the CFSOC-A "to expand the ALP program rapidly." DoD 2011 Afghanistan Progress Report, p. 62. US generals have spoken to reporters about the possibility of increasing the force to 50,000. Adam Entous, Julian E. Barnes, and Matthew Rosenberg, "U.S. Builds Afghan Village Force," The Wall Street Journal, January 22, 2011, http://online.wsj.com/article/SB10001424052748704115404576096352753324090.html (accessed January 31, 2011); Matthew Green, "Petraeus aims to triple security scheme to arm Afghan recruits," *The Financial Times*, February 8, 2011, http://www.ft.com/cms/s/0/6295e620-32e7-11e0-9a61-00144feabdco.html?ftcamp=rss (accessed February 8, 2011). An ALP force, tashkil, is typically 30 per village and 300 per district.

[225] ALP MOI Directive dated February 10, 2011.

[226] DoD 2011 Afghanistan Progress Report, p. 62; see also Statement of General David H. Petraeus, Commander ISAF, Before the Senate Armed Services Committee, March 15, 2011, http://armed-services.senate.gov/statemnt/2011/03%20March/Petraeus%2003-15-11.pdf (accessed March 15, 2011).

[227] Human Rights Watch interview with international officials, Kabul, February 23, 2011.

[228] Email exchange with Human Rights Watch from Capt. Justin Brockhoff, ISAF Joint Command, August 4, 2011.

[229] ALP MOI Directive 2011.

can hand over the suspects."[230] An international official said that they "have detention but no arrest authority, [and] can conduct investigations under direct supervision of the Deputy District Chief of Police."[231]

The ALP directive, however, does not spell out the parameters of the ALP's investigative powers. Although the ALP can detain suspected members of insurgent forces, the directive provides no guidance on issues such as where individuals can be detained, the length and conditions of detention, and the handover process to law enforcement authorities. As some of the cases discussed below illustrate, there are already instances where the ALP appears to be stepping into law enforcement or quasi-military functions.

The current ALP plan also lacks clarity about how the ALP will be disbanded once the ANA and ANP are fully staffed and operational. It is not clear what will happen to those who cannot or do not want to transition to the ANP upon termination of the ALP program. An advisor to the Ministry of Interior expressed some of these concerns to Human Rights Watch:

> It's a great opportunity for growing *arbaki* and illegal groups. If you give these people weapons and equipment it's difficult for the future of Afghanistan. In the future we wouldn't be able to implement DIAG and DDR again, who would believe us? No one will give us money again if we say we will disband and disarm them.... Where is the guarantee that they won't turn out to be the enemy of the Afghan government.[232]

Given the history of *arbaki* and other armed groups in Afghanistan, many Afghans interviewed expressed concerns that the ALP will operate as "another militia," empowering local strongmen or criminal groups, and able to act with impunity beyond the control of the national security institutions.

The Afghan government and its international allies have tried to address some of these concerns by instituting national Ministry of Interior command and control systems, as well as training and mentoring by US special operations forces. However, it is unclear whether national authorities are either able or willing to provide adequate oversight. The track record is not good. The Ministry of Interior has limited capacity to provide effective oversight of additional forces, which are operating in areas where by definition the

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[230] Human Rights Watch interview with Gen. Khan Mohammad Khan, Kabul, October 27, 2010.

[231] ALP MOI Directive 2011.

[232] Human Rights Watch interview with advisor to the Ministry of Interior, Kabul, February 22, 2011.

ministry has minimum presence, and at a time when it is struggling to provide adequate command and control of the 125,000 Afghan National Police force. And there is little history of national authorities prosecuting perpetrators of even serious crimes by such forces, except in cases that receive high-profile media attention.

Human Rights Watch research in areas where the ALP has begun to operate provides grounds for concern. In Pul-e-Khumri district of Baghlan and Shindand district of Herat there have been allegations of serious abuse. The crimes attributable to ALP members include cases of sexual abuse, unauthorized raids, land grabbing, extrajudicial killings, and an enforced disappearance.[233]

Development of the ALP in Pul-e-Khumri, Baghlan

> *What I get from them [referring to former Hezb-i-Islami fighters working with US troops], it's [comparable] ... to hiring a gang to help you out.... My personal opinion, I'm not sure about them yet. They're definitely motivated. Whether it's for the good of their country or for personal reasons, I don't know.*
>
> — Spc. Chad Cunningham, squad leader with Company B, 1st Battalion, 87th Infantry Regiment, stationed in Baghlan province in 2010 and interviewed in August 2010 in *Stars and Stripes*

Civilians in Baghlan province, located in the northeast of Afghanistan, face criminal activities by militias, a growing insurgency, and increased international and Afghan military operations. The Afghanistan NGO Safety Office (ANSO) observed a 120 percent increase in insurgent-initiated attacks in Baghlan in 2010 compared to 2009.[234]

In August 2010, the Afghan Local Police was formally introduced in Baghlan. According to local officials, the initial recruits to the ALP in the greater Pul-e-Khumri area included former former Hezb-i-Islami (Gulbuddin) members, including a commander called Nur-ul Haq and a group of men who joined the government in March 2010 and began working with

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[233] The US military claims some success with the ALP and its forerunner, the Local Defense Initiative, most commonly citing Gizab in Uruzgan province and Arghandab in Kandahar province. Human Rights Watch interview with US military official, Kabul, September 27, 2010. Human Rights Watch has not investigated the ALP in Gizab or Arghandab in depth. One journalist reported that locals in Arghandab alleged that some members of the ALP have been involved in beatings, robbery, and even the murder of a livestock trader. Ben Farmer, "US-Funded Afghan Militias Beat, Rob and Kill with Impunity," *The Telegraph*, June 20, 2011.

[234] Afghanistan NGO Safety Office, "ANSO Quarterly Data Report Q.4, January 1-December 21, 2010," p. 12, http://www.afgnso.org/2010Q/ANSO%20Quarterly%20Data%20Report%20(Q4%202010).pdf (accessed March 25, 2011).

US troops in August 2010.[235] According to the joint UNAMA and AIHRC report on the protection of civilians, the ALP in the Pul-e-Khumri area was reportedly given weapons by US forces rather than the Ministry of Interior.[236]

Two members of the Baghlan provincial council told Human Rights Watch that they had been pressured to accept men that US troops had already been working with. Jahangir Jawan, the secretary of the Baghlan provincial council, told Human Rights Watch that a commission, composed of the governor, police, NDS, and provincial council, was established to look into the establishment of ALP in Baghlan in November 2010. According to Jawan, someone from US Special Forces attended the commission and brought a letter with the names of ALP recruits for approval, "but I did not sign the list, as I don't know these people."[237] Nur-ul Haq's men were reportedly already working with US special operations forces before the list was created.

Mohammed Rasoul Mohsini, the chief of Baghlan provincial council, told Human Rights Watch that, "The establishment of ALP did not happen in accordance with the MOI directive. Instead the Special Forces went to the thieves and brought in *arbakis*."[238]

Mohsini recalls that at a meeting with US Special Forces in the governor's house in November 2010, he told them:

> We should not go for these *arkabis*. They [US special operations forces] did not listen … and recruited 150 people. I spoke with Captain Andy from Special Forces. I told him that you are here to support Afghan people, not give them guns, they are criminals…. Captain Andy responded that they are not criminals. I was surprised that Special Forces are backing these people. We know our people and know what is happening. I made an argument that if you don't listen to us then there is no need for the provincial council, police, the governor … you are doing our job. I left the meeting. I am a representative of the people and they should listen to me.[239]

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[235] "Hezb Fighters to Support Govt Against Taliban," *The Frontier Post*, March 9, 2010, http://www.thefrontierpost.com/News.aspx?ncat=ts&nid=726&ad=09-03-2010(In March 2010, Afghan officials announced that 70 fighters, including 11 commanders, with Hezb-e-Islami Gulbuddin would support Afghan security forces against the Taliban in Baghlan); see also Michael Glick, "Plan to Convert Talib, Create Defense Force has Peril and Promise," *Stars and Stripes*, September 29, 2010.

[236] UNAMA and AIHRC, Afghanistan Annual Report 2010 Protection of Civilians in Armed Conflict, p. 42, March 2011.

[237] Human Rights Watch interview with Jahangir Jawan, Secretary of Baghlan Provincial Council, Pul-e-Khumri, March 14, 2011.

[238] Human Rights Watch interview with Mohammed Rasul Mohsini, Chief of Provincial Council of Baghlan, Kabul, February 20, 2011.

[239] Ibid.

Mohsini told us that following these meetings, Brig. Gen. Scott Miller and Gen. Daud Daud, commander of the police in the north who was killed in an insurgent attack in May 2011, came to see him about the ALP. Mohsini said that he told General Miller that he was against the ALP "because there was no consultation with us. These ALP need to be vetted and recommended by the community, but this was not done."[240]

Mohsini alleges that Nur-ul Haq and his men are affiliated with Hezb-i-Islami and involved in criminal activities. They are "collecting *ushr*, kidnapping, extorting, breaking into people's houses, doing revenge killings."[241]

Nur-ul Haq has told reporters that the allegations against him are untrue: "Those who told these things to you, they have spoken from the tongue of the Taliban…. All these people in the government are supporting the Taliban. The head of the provincial council himself is a Talib."[242]

ALP Abuses in Pul-e-Khumri

Villagers in Pul-e-Khumri district in Baghlan told Human Rights Watch that men affiliated with the ALP have been involved in sexual abuse, a night raid that resulted in the death of a boy, an extrajudicial killing, and an enforced disappearance, and have used their status as ALP to force resolutions to land disputes. Afghan analysts who have recently examined the ALP in Baghlan have also reported cases of kidnapping, enforced disappearance, arbitrary detention, and the forcible collection of *ushr*, allegedly by ALP members in the Pul-e-Khumri area.[243] The chief of police of Pul-e-Khumri told Human Rights Watch that the police has been unable to investigate ALP suspects due to their relationship with special operations forces.

Sexual Violence

On April 2, 2011, Zia J. (a pseudonym), a 13-year-old boy, was allegedly raped by ALP sub-commander Abdur Rehman and four other men. Abdur Rehman runs an ALP checkpost in

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[240] Human Rights Watch interview with Mohammed Rasul Mohsini, Chief of Provincial Council of Baghlan, Kabul, February 20, 2011.

[241] Ibid.

[242] Joshua Paltrow, "US Efforts to Arm Afghan Villagers Carries Some Risk," *The Washington Post,* February 7, 2011, http://www.washingtonpost.com/wp-dyn/content/article/2011/02/06/AR2011020603565_2.html (accessed February 18, 2011).

[243] Gran Hewad, "When the Police Goes Local: More on the Baghlan ALP," Afghanistan Analysts Network, http://aan-afghanistan.com/index.asp?id=1539 (accessed March 24, 2011).

Omer Khel village.[244] Human Rights Watch spoke with Zia J.'s brother, Sher Jan (a pseudonym), who said:

> On the way to our sister's house, near the main bazaar of Omer Khel, [my brother] faced four armed men connected to ALP commander, Abdur Rehman, who took him to Abdur Rehman's house…. It was after the evening prayer that they reached Rehman's house. Then Abdur Rehman and four of his bodyguards [names unknown] raped Zia. Two of Abdur Rehman's men tried to stop them abusing Zia, but did not succeed. The next morning, the two men who tried to mediate the night before facilitated Zia's escape from Abdurrahman's house. When he escaped, he left his shoes and jacket behind.[245]

Sher Jan told Human Rights Watch that he took his brother to the Police District 3 station and spoke with the chief of police, Qudratullah, and the provincial chief of police, General Rahimi. "The chief of provincial police ordered Abdur Rehman's arrest and asked the head of security, Sayed Imamudin Zuhur, to go and arrest him," said Sher Jan.[246]

Human Rights Watch spoke with Qudratullah. He said he was aware of this case and had been ordered by the provincial chief of police to arrest Abdur Rehman, "but was unable to do so because of local challenges." He would not explain to Human Rights Watch what these challenges were.[247] Human Rights Watch spoke with General Gulab, the overall head of the ALP in Baghlan, who said, "I don't know the details of the case and how many people were involved since no investigation has been done. Both the provincial chief of police and I have requested US Special Forces to summon Abdur Rehman for investigation, but they have not sent him yet."[248]

The ALP directive states that the ALP will be trained and mentored by SOF, but report to the district chief of police. But in practice, local officials said they would need permission from US special operations forces to question an ALP sub-commander. This calls into serious question the ability of the ANP to supervise ALP members and to investigate allegations of

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[244] Human Rights Watch telephone interview with local security officials, April 14, 2011, and with local residents, Pul-e-Khumri, March 14, 2011.

[245] Human Rights Watch telephone interview with Sher Jan (pseudonym), May 2, 2011.

[246] Ibid.

[247] Human Rights Watch telephone interview with Qudratullah, Chief of Police District 3, April 14, 2011.

[248] Human Rights Watch telephone interview with Gen. Gulab, head of ALP Baghlan, April 14, 2011.

abuse. It also highlights the consequences of how armed groups aligned to international military forces are perceived as, or are, untouchable.

Human Rights Watch requested information from US forces regarding this case, in particular whether US special operations forces in Baghlan were aware of the allegations and the request from the police to make Abdur Rehman available for questioning. A response is pending.

Raid and Killing of a Boy

During a joint patrol by Nur-ul Haq and his men with US forces in the Shahabudeen area, a raid was conducted on the house of Lal Mohammed in August 2010 during which his nine-year-old son Ajmal was killed.[249] The incident, involving inappropriate and perhaps unlawful use of force, highlights the dangers of using ill-trained irregular armed groups beyond the scope of their mandate, even if alongside US special operations forces.[250] Lal Mohammed described what happened:

> Nur-ul Haq, Faz-ul Haq, and their men were involved in killing my son and the attack on my house. I was with my family watching the nightly news on the TV when there was knocking on the door and my son Ajmal went to open the door. Then one of the *arbakis* caught Ajmal and put his hand on Ajmal's mouth to mute him and took him outside and they stabbed Ajmal.

Lal Mohammed was detained and accused of being an insurgent:

> People rushed inside the house and start firing guns at our TV and in the air and shot my cousin Khan in his feet … from outside through the window. After the gunfire they took me out with another two men who were guests at my home, too. When they were taking us outside the house they blindfolded us and walked us for about 1.5 kilometers, where we finally reached the Americans, Nur-ul Haq told the interpreter that I am one of the Taliban.

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[249] Human Rights Watch interview with Lal Mohammed, Pul-e-Khumri, March 14, 2011.See also, Joshua Paltrow, "US Efforts to Arm Afghan Villagers Carries Some Risk," *The Washington Post,* February 7, 2011, http://www.washingtonpost.com/wp-dyn/content/article/2011/02/06/AR2011020603565_2.html (accessed February 18, 2011).

[250] It is unclear what kind or how much training this particular unit received.

Local human rights officials and security officials in Baghlan confirmed that Ajmal was killed during the raid.[251] The US military newspaper Stars and Stripes reported: "With barely a word to the U.S. troops, the fighters [which the article refers to as former Hezb-i-Islami men working with US troops] pushed their way into the house and began shooting into the ceiling — they later explained that they were trying to calm the screaming women and children inside."[252]

According to Lal Mohammed, "Villagers and family members who saw my son's body said that he had stab and bullet wounds."[253] Human Rights Watch spoke to Amir Mohammed, a neighbor of Lal Mohammed, who said:

> During the washing of the body I saw one knife hole on his right chest and two more holes on the back left side of his body and one bullet wound on his head, front right corner.[254]

Lal Mohammed is angry about his son's death:

> I have not been given any compensation or anything else by Americans or the Afghan government. No one has told me sorry or expressed their condolence about my only nine-year-old son, and for these reasons I hate them. I want to fight against them till the end of my life.[255]

Lal Mohammed says that when he was detained he was initially held by US forces in their vehicle and then handed over to the ANP the same day. He was then held in the central Pul-e-Khumri jail for three months before being released. No charges were filed against him.[256]

A September 29, 2010, article in the *Stars and Stripes* said that the raid and killing prompted a local riot, "with several hundred residents burning tires in the street — and a sharp rebuke from the provincial governor and other officials who blamed the US for acting rashly and giving the militiamen too long a leash."[257]

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[251] Human Rights Watch interview with local human rights official, Pul-e-Khumri, March 13, 2011, and telephone interview with security official, March 27, 2011.

[252] Michael Glick, "Plan to Convert Talib, Create Defense Force has Peril and Promise," *Stars and Stripes*, September 29, 2010.

[253] Human Rights Watch interview with Lal Mohammed Jan, Pul-e-Khumri, March 14, 2011. *See also* Michael Glick, "Plan to Convert Talib, Create Defense Force has Peril and Promise," *Stars and Stripes*, September 29, 2010.

[254] Human Rights Watch telephone interview with Amir Mohammed, April 29, 2011.

[255] Human Rights Watch telephone interview with Lal Mohammed Jan, March 30, 2011.

[256] Human Rights Watch interview with Lal Mohammed Jan, Pul-e-Khumri, March 14, 2011.

[257] Michael Glick, "Plan to Convert Talib, Create Defense Force has Peril and Promise," *Stars and Stripes*, September 29, 2010.

The conduct of the raid raises concerns about the unlawful use of force by Nur-ul Haq's men. Even if he were killed during a lawful attack on a suspected Taliban position, Lal Mohammed's son was not a valid military target.[258] Parties to a conflict must take "all feasible precautions" to ensure that a target of attack is a military objective and not a civilian, and to call off an attack if it is determined that the target is civilian.[259] It is unclear why Haq and his men were doing a joint raid with US forces when "local defense initiatives" either in their VSO/LDI form or officially as ALP are not supposed to engage in offensive operations. Human Rights Watch is unaware of an Afghan government or US military investigation into this raid and the circumstances that resulted in the death of a nine-year-old boy.

Threats and the Killing of Ghulam Jan

On February 13, 2011, Ghulam Jan was shot and killed in his home.[260] Jan was a director of the National Solidarity Program (NSP) in Baghlan, which plans and monitors development projects in rural communities. According to a relative of Ghulam Jan, who wished to remain anonymous, Jan's appointment was contested by Mohammed Gul, a former Hezb-i-Islami-Gulbuddin (HiG) commander, who became Jan's main rival.[261] Tension between the two men was temporarily resolved with the assistance of another HiG commander named Mirwais. In 2010, following the defeat of Hezb-e-Islami by the Taliban and the creation of "arbakis" under Nur-ul Haq, the rivalry between Jan and Gul reignited as Gul tried to remove Jan from his position with Haq's assistance.[262] According to a witness who wishes to remain anonymous, Haq threatened Jan four times and told Jan to leave his position and let Gul become the head of NSP.[263] A village elder facilitated a meeting between Haq and

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[258] The applicable body of law depends on whether this was an armed conflict situation, in which case international humanitarian law (the laws of war) is applicable, or the government had effective control of the areas, in which case it may have been a law enforcement situation governed by international human rights law. The laws of war only permit attacks on military objectives. Civilian deaths that result from an attack on a military objective are not unlawful so long as the attack is not indiscriminate or causes disproportionate loss of civilian life or property that exceeds the expected military gain of the attack. See International Committee of the Red Cross (CRC), *Customary International Humanitarian Law* (Cambridge, Cambridge Univ. Press, 2005), chapters 3 and 4. Common article 3 which is applicable during both international and non-international armed conflict prohibits "at any time and in any place whatsoever … violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture."In a law enforcement context, lethal force may be used only when there is an imminent threat of death or serious injury and its use is strictly unavoidable to protect life. See United Nations, Basic Principles on the Use of Force and Firearms by Law Enforcement Officials, principle 9, Eighth U.N. Congress on the Prevention of Crime and the Treatment of Offenders, Havana, August 27 to September 7 1990, U.N. Doc. A/CONF.144/28/Rev.1 at 112 (1990), United Nations Code of Conduct for Law Enforcement Officials, art. 3, adopted December 17, 1979, G.A. res. 34/169, annex, 34 U.N. GAOR Supp. (No. 46) at 186, U.N. Doc. A/34/46 (1979).

[259] See ICRC, Customary International Humanitarian Law, ch. 5.

[260] Human Rights Watch interview with Mohammed Rasul Mohsini, Chief of Provincial Council of Baghlan, Kabul, February 20, 2011.

[261] Human Rights Watch telephone interview with Farid H. (pseudonym), a relative of Ghulam Jan, June 22, 2011.

[262] Ibid.

[263] Ibid.

Jan and Haq "promised not to cause problems for Jan."[264] Ten days after the meeting Ghulam Jan was killed.[265]

The Baghlan Criminal Investigation Division told Human Rights Watch that Mohammed Gul and Nur-ul Haq are suspects and an investigation is underway, but no arrests had been made as of this writing.[266]

Arbitrary Detention and Enforced Disappearance

Gharib Shah, 25, went missing on January 14, 2011. For a month he had been working as a laborer with Faz-ul Haq—Nur-ul Haq's brother—in the Shahabudeen area.[267] According to Shah's relative, Amir S. (pseudonym), on the day he went missing, Shah was told by Faz-ul Haq to "go to Commander Abdur Rahman's house." Abdur Rahman heads an ALP checkpoint in Omer Khel. Shah was allegedly then detained in a room in Abdur Rehman's house, which is at the Omer Khel checkpoint, but managed to make a phone call to his friend Sher Agha to let him know that he was being detained.

Amir S. told Human Rights Watch that soon after the call Shah could no longer be reached on the mobile phone.[268] Three days later, Amir S. went to elders in the village to discuss Gharib's detention.[269] The village elders went to see Faz-ul Haq and his brother Nur-ul Haq and were told that Gharib's detention was a mistake and that he would be released in a day or two. But Gharib was not released.

Mullah Sayed Nur, one of the village elders who went to see Nur-ul Haq, told Human Rights Watch:

> The first time Nur-ul Haq told us that it was a mistake that Gharib Shah was detained and promised to release him soon…. The second time he said the same. This time, I also took a Holy Quran with me. I showed the Quran to him and asked him to release Gharib Shah because of the Quran. We met Nur-ul Haq for the third time and this time he told us that Gharib Shah is not with him. He said that Gharib Shah is with foreigners. After the last

[264] Ibid.

[265] Ibid.

[266] Human Rights Watch interview with official (who did not wished to be named) with the Criminal Investigation Division, Pul-e-Khumri, March 15, 2011.

[267] Human Rights Watch interview with Amir S. (pseudonym), Pul-e-Khumri, March 14, 2011.

[268] Ibid.

[269] Ibid.

> meeting, he sent one of his bodyguards to us to tell us that we should not see him for this purpose. In the other two meetings that we had with him, he did not deny that Gharib Shah was with him.[270]

Under international human rights law, an enforced disappearance occurs when authorities detain an individual outside the protection of the law and by refusing to acknowledge the person is being held or provide information on their fate or whereabouts.[271]

Shah's relatives went to the US base at Bagram in early March to inquire whether Shah was there, but were told he was not.[272] The family has written petitions to the NDS in Pul-e-Khumri, the Baghlan CID, the Baghlan governor, the Ministry of Interior in Kabul, and the Baghlan provincial council. Amir S. wants to know what happened to Gharib Shah:

> It is now three months that my brother has disappeared. I don't know whether he is alive or dead. Some people told me that Faz-ul Haq killed him, while others say that he is still alive. If I had known about his death, I would have organized a mourning ceremony for him. I do not have a personal problem with Faz-ul Haq or his brother Nur-ul Haq. I don't know what has happened to him.[273]

At this writing, the Baghlan CID told Human Rights Watch that they are investigating this case and that they believe that Abdur Rehman is responsible for the enforced disappearance of Gharib Shah, but that the motive is unclear.[274]

Unlawful Interference in a Home and Threats

Forty-year-old Mir W. (pseudonym), who works with the National Solidarity Program, told Human Rights Watch about a raid on his house in March 2011 led by ALP commander Abdur Rehman who has a checkpoint in Omer Khel village.[275] According to Mir W.:

> It was about 11:00 in the morning. My house was surrounded by about 30 armed *arbakis*. They had RPGs [rocket-propelled grenades] … and AK-47s

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[270] Human Rights Watch telephone interview with Mullah Sayed Nur, April 20, 2011.

[271] Declaration on the Protection of All Persons from Enforced Disappearances, G.A. res. 47/133, 47 U.N. GAOR Sup8p. (No. 49) at 207, U.N. Doc.A/47/49 (1992).

[272] Human Rights Watch interview with Amir S., Pul-e-Khumri, March 14, 2011.

[273] Ibid.

[274] Human Rights Watch telephone interview with official from Baglan CID who did not wished to be named, May 22, 2011.

[275] Human Rights Watch interview with Mir W. (pseudonym), Pul-e-Khumri, March 15, 2011.

> with them pointing at my house. I went out and started talking to Abdur Rehman, who was the commander of these men, and I asked him what is going on. "Why you are pointing all these weapons at my house?" He replied, "We are here to search these two houses." One was mine and the other that of my 30-year-old nephew who is a farmer.[276]

According to Mir W., Abdur Rehman "insulted and abused" him when he tried to ask him questions about the purpose of the search. The search took an hour and a half and his house was left a "mess."[277]

Mir W. recalled that after the search, "Abdur Rehman came to me and said, 'Okay now tell me what you were trying to tell me, then I will smash your teeth.' I told him, 'No, I don't have anything to say.' I was scared and I knew if I said anything he would start beating me." Mir W. told ALP commander Nur-ul Haq about the raid by Abdur Rehman's men.[278] According to Mir W., Nur-ul Haq said that he "was unaware of the search and apologized for the insults by Abdur Rehman."[279]

The chief of the Fourth Police District of Baghlan, Akram Khan, told Human Rights Watch that Mir W. reported the case to the police. "Most of the time they [ALP] are going on operations and searches like this without informing us or the chief of the police in Pul-e-Khumri."[280]

The terms of reference for the ALP state that ALP units do not engage in offensive operations such as search or detention operations without authorization from the police. In this incident the ALP conducted an apparently illegal search and carried rocket-propelled grenades, which violates ALP guidelines that the ALP are to be armed only with "small arms (AK-47s)."[281]

Forcible Land Grab

Militias are frequently involved in land disputes, one of the most common sources of conflict in Afghanistan. Jummah Gul from Omer Khel village alleges that his family had a longstanding dispute with Abdur Rehman, which Abdur Rehman is trying to resolve using

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[276] Ibid.

[277] Ibid.

[278] Ibid.

[279] Ibid.

[280] Human Rights Watch telephone interview with Akram Khan, chief, Fourth Police District of Baghlan, May 18, 2011.

[281] MOI ALP Directive 2011.

the threat of his militia.[282] At the time of Human Rights Watch's interview with Gul in mid-March 2011, Gul still had possession over the property. But a month later Abdur Rehman and his men were in control of the land and Gul and his family were forced to leave and are living in Pul-e-Khumri city.[283]

Jummah Gul told Human Rights Watch that his father had bought 10 acres of land from Abdur Rahman's father 60 years ago, but Abdur Rehman claims that no payment for the land has been made. Gul told Human Rights Watch that Nur-ul Haq, who is the main commander of the ALP in the Shahubudeen area, mediated a meeting between Abdur Rehman and Jummah Gul in late February 2011.[284] According to Jummah Gul, at that meeting Abdur Rehman refused to have the courts resolve the issue and insisted that he wanted a village *jirga* to resolve the issue. Jummah Gul says he fears a jirga would be weighted against him. He said:

> Rehman threatened me with death if I don't accept the *jirga* to solve the case.... I can't accept a *jirga* since it will be partial because *jirga* members are afraid of Abdur Rehman and Nur-ul Haq…. He said he will take the land soon if I don't sit with him in a *jirga*.[285]

At this writing, Abdur Rehman is in possession of the land. Jummah Gul has written complaints to the Baghlan police, the Baghlan provincial council, and to the head of the ALP in Kabul, Gen. Ali Shah Ahmadzai, alleging that his house has been looted and property seized by Abdur Rehman and his men.[286] A prosecutor in Baghlan who is assigned to the case, told Human Rights Watch that Nur-ul Haq, Abdur Rehman, and their men were in possession of the land and house:

> We were allowed to enter the house, but Nur-ul Haq's men did not allow us to film the house and trees. Everything was looted from the house except a destroyed radio that we found in the house. More than 100 trees had been cut. If they have a dispute over the land, why should they cut the trees? If Abdur Rehman and Nur-ul Haq win the case legally, they can have the trees too. We wrote a report and stated that Abdur Rehman with the support of Nur-ul Haq misused his power and violated the property rights of Jummah

[282] Human Rights Watch interview with Jummah Gul, Pul-e-Khumri, March 15, 2011.

[283] Human Rights Watch interview with Jummah Gul, Kabul, June 21, 2011.

[284] Human Rights Watch interview with Jummah Gul, Pul-e-Khumri, March 15, 2011.

[285] Ibid.

[286] Human Rights Watch interview with Jummah Gul, Kabul, June 21, 2011.

> Gul. In the report, we have demanded his and Nur-ul Haq's arrest. Since, they are *arbakis* and have connection with the Americans, no one has arrested them.[287]

At this writing, the case is being investigated by the Baghlan Criminal Investigation Division.[288]

Raid, Injury, and Theft

On June 13, 2011, businessman Rafiq M.'s (pseudonym) house was raided by Nur-ul Haq and his men. Rafiq M. told Human Rights Watch:

> It was 10:30 p.m. My house was surrounded by Nur-ul Haq, Commander Qari Qahar, and their men. Four people without uniforms entered my house. Others were outside. They opened fire and wounded my cousin Ghafur A. [pseudonym] who is 13 years old. I took Ghafur M. to Panjshir hospital. One bullet hit him in the mouth.[289]

According to Rafiq M., his uncle and son were taken by Haq and his men to their base in Shahbudeen as they suspected them of being Taliban. The men were detained for four days and released.[290]

On June 16, Rafiq M. met with the head of the ALP and Minister of Interior Gen. Ahmad Shah Ahmadzai to complain about the raid. Following the meeting, Gen. Ahmadzai instructed the Baghlan chief of police to investigate the allegations. In his letter to the chief of police, Gen. Ahmadzai wrote: "According to the procedure set out for Afghan Local Police, they [the ALP] have no law enforcement responsibility unless accompanied by uniformed police. I hope you will take serious measures to follow and resolve the problem through legal channels."[291]

Despite the letter from Ministry of Interior, at this writing the Baghlan police had not yet investigated the allegations.

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[287] Human Rights Watch telephone interview with Mohammad Ashraf, Baghlan Prosecutor's Office, June 21, 2011.

[288] Ibid.

[289] Human Rights Watch interview with Rafiq M. (pseudonym), Kabul, June 25, 2011.

[290] Ibid.

[291] Petition from Rafiq M. to Gen. Ahmadzai, June 16, 2011, copy on file with Human Rights Watch.

Development of ALP in Shindand, Herat

The southern district of Shindand is the most insecure in Afghanistan's western Herat province. Insurgent and criminal activity is particularly focused in the Zerkoh area of the district.[292] Armed groups affiliated with local power brokers in Shindand have been accused of involvement in kidnappings, murder, extortion, and theft.[293]

Because of the level of insecurity, Shindand was selected to be one of the districts where the ALP would be established, with a budget to recruit 325 men.[294] But in an echo of the reaction in Baghlan, the local government opposed the creation of the ALP in Shindand, fearing it would be yet another militia that would cause security problems.

According to the ALP directive, the ANP district chief of police has operational control over the ALP and the local ALP will be accountable to the local shuras that sponsored them. Village elders and government officials from Shindand expressed concern about the capability of the ANP to supervise the ALP, in part because in Shindand the ANP is just half the size of the ALP.[295] One government official suggested to Human Rights Watch that, "This imbalance could result in an armed clash between the ANP and ALP."[296]

General Eftikhari of the Afghan National Civil Order Police, a paramilitary unit of the national police, told Human Rights Watch:

> Shindand district is one of the most problematic districts where tribal tensions are very high…. Arbakis are not the right solution for Shindand. In Shindand, people of one tribe kill people of another tribe and there is a lot of personal enmity.... The directive talks about vetting and effective monitoring but these ideas exist only on paper. It would be good to implement these but in reality it will hard to do so [because] they will be operational in areas where the police is not effective. It will be hard to get them punished or prosecuted."[297]

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[292] "The ANSO Report," Afghanistan NGO Safety Office, Issue 61, November 1-15, 2010, p. 12. http://www.afgnso.org/2010/The%20ANSO%20Report%20(1-15%20November%202010).pdf (accessed February 6, 2011).

[293] Human Rights Watch interviews with village elders, Herat, December 4, 2010, and January 18, 2011.

[294] Human Rights Watch telephone interview with Sayed Omar Agha, Director of the Recruitment Department, Herat Ansar Police Zone 606, December 6, 2010.

[295] Human Rights Watch telephone interview with Chief of Police, Col. Mohammed Daoud, March 26, 2011.

[296] Human Rights Watch interview with District Governor Lal Mohammad Omerzai, Herat, February 24, 2011.

[297] Human Rights Watch interview with Gen. Said Eftikhari, Commander of ANCOP, 606 Ansar Police Zone, Herat, December 6, 2010.

The acting chief of police in Shindand, General Delawari, similarly said:

> The national police are still weak [in Shindand] and have so far been unable to be very effective, particularly in areas where insurgent and organized mafia groups are active. We have also problems with local power brokers, and it is often not easy to arrest and prosecute people connected to these local power brokers.[298]

General Delawari further noted that the relationship of armed groups with US special operations forces also "interferes with [police] work."[299] This relationship could cause problems when investigating allegations of abuses by the ALP, as special operations forces may, as discussed below, attempt to protect individuals or groups with whom they have close relationships.

US special operations forces have been present in Shindand district for several years, with a significant airbase located in the district. They have worked closely with abusive armed factions in the area. A 2010 report by the US Congress described the Afghan armed factions employed by US special operations forces in Herat province as "warlords" known for "murder, kidnapping, bribery, and anti-Coalition activities."[300]

Special operations forces and local armed groups are also associated with some significant civilian casualty incidents, the worst of which took place in Azizabad, Shindand district, on August 21-22, 2008. A special operations forces raid based on false intelligence about an insurgent gathering in Azizabad village resulted in airstrikes that killed more than 80 civilians, in an operation that may have been based on misinformation from Mohammad Nader, the leader of a local armed faction working with US special operations forces.[301] In February 2009, a Herat primary court sentenced Nader to death for

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[298] Human Rights Watch interview with General Delawar Shah Delawari, former Provincial Police Chief of Herat Police, Herat, December 6, 2010.

[299] Ibid.

[300] Senate Armed Services Committee, "Inquiry into the Role and Oversight of Private Security Contractors in Afghanistan – Report," September 28, 2010, p.2, http://info.publicintelligence.net/SASC-PSC-Report.pdf (accessed June 1, 2011).

[301] For more on the Azizabad bombing and the role of US Special Operations forces and local armed groups see Letter from Human Rights Watch to Secretary of Defense Robert Gates on "US Airstrikes in Azizabad, Afghanistan," http://www.hrw.org/en/news/2009/01/14/letter-secretary-defense-robert-gates-us-airstrikes-azizabad-afghanistan. See also Human Rights Watch, "Afghanistan: US Should Cooperate With Afghan Investigation Into Apparent Death at Base," news release, June 22, 2009 (section entitled Background on US ties to Local Armed Factions). http://www.hrw.org/en/news/2009/06/22/afghanistan-us-should-cooperate-afghan-investigation-apparent-death-base. See also Senate Armed Services Committee, "Inquiry into the Role and Oversight of Private Security Contractors in Afghanistan – Report," September 28, 2010, pp. 6-36, http://levin.senate.gov/newsroom/supporting/2010/SASC.PSCReport.100710.pdf.

"spying" and providing "bad information" to US forces relating to the airstrikes, a verdict upheld by the court of appeal on May 25, 2009.[302]

In a similar case involving militias working with US special operations forces, Agha Mohammad, who was connected to a gang that rivaled Nader's militia, died in suspicious circumstances in December 2008 at the US airbase in Shindand. He was abducted by Nader's men and taken to the airbase.[303] Photographs of the body received by Human Rights Watch and a government autopsy report suggested that Agha Mohammad could have been tortured.[304] Afghan officials say that the US did not cooperate with their investigations.[305]

These kinds of incidents have fueled local mistrust in some communities towards US special operations forces, suspicions that are shared by some Afghan government officials. A senior Afghan National Army officer in Herat told Human Rights Watch that the poor reputation of US special operations forces hampers their work:

> According to our reports, the *arbakis* in Shindand have close connections with the US military, particularly with the US Special Forces. Since the arrival of the US Special Forces in Shindand, we have tried to stay away from Shindand. Otherwise the general population would have seen us as partnering with US forces.[306]

All of this complicates the establishment of the ALP in Shindand, since the ALP is seen by many as a creation of the US. Even without this history, the creation of a new armed group in Afghanistan with salaries and weapons is likely to be a source of competition and potential conflict.

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[302] Human Rights Watch telephone interviews with local officials, February and March 2009. Nick Meo, "Afghan villager sentenced to death for 'wrong information' which caused bombing tragedy," *The Telegraph,* February 28, 2009. http://www.telegraph.co.uk/news/4886078/Afghan-villager-sentenced-to-death-for-wrong-information-which-caused-bombing-tragedy.html (accessed February 6, 2011). At this writing, Nader is imprisoned in Herat and is awaiting a final adjudication from the courts. Human Rights Watch opposes the death penalty in all circumstances because of its inherent cruelty. According to Qazi Mir Ahmad, Chief Judge of the Shindand Primary Court, two additional suspects involved in the Azizabad incident were arrested by the Herat police in 2011. Human Rights Watch telephone interview with Qazi Mir Ahmad, Chief Judge of Shindand Primary Court, April 10, 2011.

[303] Human Rights Watch interview with Herat Chief of Police, General Esmatullah Alizai, Herat, April 7, 2009. Human Rights Watch interview with Lutful Hadi, head of criminal intelligence, Herat, April 7, 2009, and GulPacha, who was present when Agha Mohammad was detained by the group, Herat city, April 8 2009.

[304] Police photographs and Ministry of Public Health autopsy received from government officials, April 2009, and on file with Human Rights Watch.

[305] Human Rights Watch interview with Herat Chief of Police, Gen. Esmatullah Alizai, Herat, April 7, 2009, and the head of Criminal Intelligence of the Police, Gen. Mirza Mohammad Yarmand, Kabul, May 11, 2009.

[306] Human Rights Watch interview with a senior ANA officer who requested anonymity, Herat, December 5, 2010.

Unsurprisingly, there are already signs that the creation of the ALP has caused friction between the tribal and political factions in Shindand, an area already rife with political complexities. As Mohammed Qasim Stanekzai, head of the High Peace Council and advisor to the president, told Human Rights Watch, "In Shindand there have for many years been tribal issues, warlord issues, [and] special forces issues."[307]

Village elders from Shindand told Human Rights Watch that they fear that the ALP will exacerbate the existing power struggle in the district between District Governor Lal Mohammad Omerzai, a member of the Afghan Mellat party, and Haji Ameer Mohammad, a local Hezb-i-Islami commander who has worked closely with US special operations forces and now heads the ALP in Zerkow valley. Local elders say that Haji Ameer Mohammad brought his men with him to ALP based on his relationship with the US.[308] Local elders explained that Omerzai and Mohammad come from different sub-tribes of the Noorzais and are attempting to assert themselves as leaders of the whole tribe following the death of Toran Amanullah, the chief power broker of the Noorzai tribe in the region.[309]

Shindand rivalries are complex and intertwined, but one factor is tribal rivalry. The ALP in Shindand is perceived to be predominantly comprised of members of the Noorzai tribe, which is causing concerns among the Barakzais, who see the Noorzais as their rivals.[310] A village elder who referred to the ALP and *arbaki* interchangeably said:

> The Zerkow valley is mainly Noorzai; only one village is Barakzai. These *arbakis* are Noorzais and put pressure on Achakzai and Barakzai. The rivalries between the Barakzais and Noorzais are intense. We are at the end of the Zerkow valley and we are surrounded by Noorzais. The ALP accuse us of being affiliated with Taliban. There is so much pressure on us. There is no security for us so we decided to leave the area. There were 800 families, 300 already left. Some have moved to Shindand center, Iran, Herat. For the rest of the 500 families this pressure continues and we cannot live there.[311]

Human Rights Watch interviewed village elders from Mufairkhel village, near Bakhabad village in Zerkow. The elders said they represented over 60 families who had felt

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[307] Human Rights Watch interview with Mohammed Qasim Stanekzai, head of the High Peace Council and advisor to the President, Kabul, February 19, 2011.

[308] Human Rights Watch interview with village elders, Herat, December 4, 2010.

[309] Ibid.

[310] In December 2010 and February 2011 Human Rights Watch interviewed elders from both Noorzais and Barakzais tribes from Zerkow valley who admitted that there was longstanding rivalry between the tribes.

[311] Human Rights Watch interview with village elder who requested anonymity, Herat, February 23, 2011.

compelled to leave their homes in October 2010 out of fear that a local militia that had previously harassed their community had joined the ALP under Haji Ameer Mohammed in Bakhtabad village.[312] One of the elders told Human Rights Watch:

> We did not feel secure. They [referring to the militias] are now ALP and armed. We need arms to protect ourselves and don't trust them. We all left because no one from our families are *arbakis* and we don't trust these *arbakis* and need to arm ourselves. Yesterday, we went to the Americans and asked that nine people be accepted from our tribe.... We told the Americans we don't want guns if you protect us. But they said we cannot provide our own security and that's why we need *arbakis*. We will go back to our village once our people are accepted as *arbakis*. We left our land and property.[313]

Local human rights officials in Herat have similarly found that families are leaving Bakhtabad, Masiyan, and other villages in Zerkow out of fear for their personal safety after the creation of the ALP.[314]

In October 2010, Shindand district council members objected to the creation of the ALP on the grounds that it was creating yet another militia and would lessen security. Writing to the Ministry of Interior on October 23, 2010, the district council said:

> Shindand District Council with the presence of the majority of its members has decided unanimously that the presence of armed men under the name *arbakis* would create more security problems in Shindand district instead of being helpful. Shindand district council requests that more attention should be given to the Afghan National Army and Afghan National Police, to strengthen these two main forces instead of arming more individuals under the name of *arbakis*. All Shindand people disapprove of the presence and establishment of *arbakis*.[315]

However, in November 2010 the provincial governor, Dr. Dawood Saba, visited the district and persuaded the district council to change its position and support the ALP. According to

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[312] Human Rights Watch with village elders Mohammed Wazir and Raheem, Herat, February 24, 2011.

[313] Ibid.

[314] Human Rights Watch interviews with local human rights officials, February and March, 2011.

[315] Letter from Shindand District Council to the Recruitment Department of Ansar Police Zone, October 23, 2010 (on file with Human Rights Watch). The letter is signed by 38 council members.

village elders from Zerkow valley, after Saba's visit, Mullah Amanullah, a member of the district council and supporter of the ALP, was appointed as chairman of the district council.[316]

Controversy over Recruitment

The Ministry of Interior directive creating the ALP states that recruits are to be vetted by the local shura, with the list then approved by the ministry.[317] In practice it appears that some LDI members were enlisted into the ALP by US special operations forces without following the official vetting process. Lal Mohammed Omarzai, the district governor of Shindand, who has been publicly critical about the way ALP was set up in Shindand, told Human Rights Watch that the current ALP members were "not properly vetted according to the MOI directive … as a result, it is difficult to hold anyone accountable when they commit crimes."[318] He explained that according to the directive, "Village elders are supposed to recommend recruits, and two persons from the village should guarantee that they [ALP recruits] are not member of insurgents, not addicted to drugs or criminals. But this did not happen…. Now if they [ALP] are accused of any crime then who from the village will ensure that they are turned over to the police for investigation. But how will you find them if they run away?"[319]

Local residents are concerned that members of the LDI have simply been transferred to the ALP without a proper recruitment and vetting process. Indeed, a July 2010 report by a US "Human Terrain Team" entitled "Afghan Local Police in Zeer-e-Koh Valley," which analyzed the US-led Local Defense Initiative in Zerkow, notes that the "correct term" for LDI individuals is ALP.[320] This suggests a fairly seamless transition from one force to the next, a conclusion shared by government and police officials, as well as some village elders from Zerkow interviewed by Human Rights Watch. The concern expressed by many local residents and Afghan analysts is that the ALP could become another patronage network. This would undermine the spirit of the ALP directive, which seeks to select individuals and not groups for fear that groups are more likely to act out of self-interest rather than loyalty to the state.

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[316] Human Rights Watch interview with village elders, Herat, December 2010. Amanullah was assassinated allegedly by insurgents in December 2010.

[317] ALP MOI Directive 2011.

[318] Human Rights Watch interview with Lal Mohammad Omarzai, District Governor of Shindand, Herat, February 24, 2011.

[319] Ibid.

[320] A Human Terrain Team is a group of anthropologists employed by the US military to assist their awareness of local tribal/political/cultural dynamics. "Afghan Local Police in Zeer-e-Koh Valley: Populace Perspectives and a Linguistic Anthropological Assessment," *Human Terrain Analysis Team-AF15, In Support of Regional Command West and the Zeer-e-Koh Valley, Village Stability Program, Shindand District, Heart Province*, July 24, 2010 ("US Military ALP Assessment July 2010" on file with Human Rights Watch).

Despite claims by the US that the ALP is an Afghan-led process with recruitment done by elders and approved by the Ministry of Interior and other security forces, in practice US special operations forces appear to have been heavily involved in the recruitment of ALP members in Shindand. A police official who did not wished to be named told Human Rights Watch that although lists for ALP membership were drawn up by government officials and villagers, special operations forces were also involved and they appeared to have the final say on who joins the ALP. For instance, the head of recruitment from the Herat police and District Governor Omerzai said that they had recommended around 190-200 people for the ALP,[321] but in interviews in mid-February 2011 we learned that the men had been rejected by special operations forces.[322]

However, in April 2011, ISAF spokesperson Lt. Col. John Dorrian told Human Rights Watch that in Shindand, "The conversion of the LDI members to ALP members was not automatic. ALP members are recruited and sponsored by the local district shura. There is buy-in from the Provincial Governor, Provincial Chief of Police, District Governor, District Chief of Police, and District Shura."[323]

Abuses by the ALP in Shindand District

Credible allegations of a retaliatory raid by the ALP on a village in the Zerkow valley in February 2011 heighten concerns that ALP forces can commit abuses with impunity. Even if the raid were permissible under the ALP's terms of reference, ALP personnel were accused of destruction of property, arbitrary detention, and theft. In a separate case, ALP status appears to be shielding investigation of a person allegedly involved in an extrajudicial killing.

Retaliatory Raid and Looting in the Zerkow Valley

On February 18, 2011, three ALP officers were attacked by unknown men riding on motorcycles in the northern part of Zerkow valley.[324] Later that day, the ALP conducted a raid of several homes in nearby Masiyan village. Mohammed D. (pseudonym) told Human Rights Watch that the raid appeared to be in retaliation for the ambush on the ALP:

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[321] Human Rights Watch interview with Lal Mohammad Omarzai, Deputy District Governor of Shindand, February 24, 2011. Human Rights Watch interview with Sayed Omar Agha, chief of the Recruitment Department, Heart Ansar Police Zone, 606, December 6, 2010, and telephone interview with Ghulam Sarwar, Chief District Police of Shindand, January 6, 2010.

[322] Human Rights Watch interview with Lal Mohammad Omarzai, Deputy District Governor of Shindand, February 24, 2011.

[323] Human Rights Watch email exchange with Lt. Col. John Dorrian, International Security Assistance Force (ISAF) press spokesman, April 13, 2011.

[324] ANSO Report, "In Shindand, tensions regarding the Afghan Local Police (ALP) have continued … on the 18th [of February], two AOG [Armed Opposition Groups] members riding on a motorcycle shot and injured three ALP members in the northern part of Zirko Valley." ANSO Bi-Weekly Report, Issue No. 28, February 16-28, 2011.

> Last Friday, February 18, 2011, around 12:30 p.m. … someone on a motorbike attacked ALP commander Ghani in the bazaar and this commander collected his people and came to my village…. That same day, they came in two Rangers and three to four Corollas to our village and on loudspeaker announced that there was an attack on their commander. I immediately rushed into my house, I told my family members to stay away. I live in a compound with my brothers and family.
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> The ALP men came to my house. They killed my dog, fired in the air, frightening the family, and searched inside my house. There were 70,000 Afghanis[US$1,555] that my brother and I had in the house. My hands were tied up. They took my new shoes, my money. They tied my hands and put me in the back of a white car. I was pushed and beaten and my nose started to bleed. My house is in the beginning of the village, so mine was one of the first that was raided and then the other houses.[325]

Safiullah K. (pseudonym) described the raid on his house:

> I saw armed men coming to the village. They were firing in the air. One person put a machine gun on top of a house and was firing, which created a lot of noise. The women and children were scared. I went to tell my family, but the *arbakis* stopped me from going inside the house by firing in front of me on the ground. They ordered my family, women and children and one of the elders, out of the house. They wanted to search the house and did not let us go in with them. They took our shoes, clothes, coats, new turbans, and meat from the house. They destroyed curtains. There were 4,000 to 5,000 Afghanis [US$88 to 111] under the rug. Wheat that was stored in a jar was thrown on the floor. The fertilizer was scattered…. My children have been frightened because of the firing and wake up at night screaming that the *arbakis* are coming.[326]

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[325] Human Rights Watch interview with Mohammed D. (pseudonym), Herat, February 23, 2011.

[326] Human Rights Watch interview with Safiullah K. (pseudonym), Herat, February 23, 2011. This was the second time that Safiullah K. was taken by for questioning to special operations forces by people he referred to as "*arbakis*." Safiullah K. told us that in January 2011, a month prior to the raid on his house, he was tilling his land when he was captured by people he referred to as *arbakis*. Along with six other men, he was taken by men he said were working under Deen Mohammed and Ameer Mohammed to a special operations forces base. Safiullah K. explained, "They told the Special Forces that we were Taliban and were planting IEDs. The translator asked if they found any evidence to support this claim. The *arbakis* said that they heard a motorbike and a hole was dug where an IED would be planted. At the base, we were separated and the Americans put a scanner on our body and hands. They did not find anything and we were told that we would be released. It was evening time, I told the Americans that we cannot trust the *arbakis* because on the way back to our village we may be

Mohammed D. said that the ALP took six men, including him, his cousin, and Safiullah K. from their village to the gate of the nearest special operations forces base where the "Americans tested our hands for gun residue. But they [Americans] said no gun residue was found."[327]

According to Mohammed D., although none of the six men tested positive for gun residue on their hands, only four were released by the ALP. He and his cousin were taken to the police station:

> We were kept in a cell at the police station for two days. The police chief Daoud said that he knew we were innocent but the ALP is powerful and they suspected that we were involved in the attack. Village elders went to the police to release us. Daoud mediated the talks between the village elders and the ALP commanders and we were finally released.[328]

Mohammed D.'s account was confirmed by a village elder who secured his release,[329] and by the chief of police, Col. Daoud, who confirmed that the ALP searched houses in Masiyan.[330]

Mohammed D. says that the money taken from his house was not returned by the ALP. "I did not tell anyone about the money. Perhaps this is why I was released. If I complain about my money being taken then I will be harassed again."[331]

Cruel Treatment

An elder, Rabbani W. (pseudonym), from the village of Masiyan told Human Rights Watch that he and other elders from the village assisted 17-year-old Agha J. (pseudonym) after he and his brother had been beaten, had nails hammered into Agha J.'s feet, and detained by the ALP in June 2011.[332]

According to Rabbani W., two brothers, Agha J., 17, and Ahmad J., 18 (pseudonyms), were detained by the ALP on suspicion that they were involved in the planting of IEDs that had

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killed. The translator for the Americans warned the *arbakis* to drop us from the same place that we were picked up and if anything happens to anyone of us then they will know who is responsible."

[327] Human Rights Watch interview with Mohammed D. (pseudonym), Herat, February 23, 2011.

[328] Ibid.

[329] Human Rights Watch interview with village elder who wished to remain anonymous, Herat, February 23, 2011.

[330] Human Rights Watch telephone interview with Chief of Police, Shindand, Col. Mohammed Daoud, March 26, 2011.

[331] Human Rights Watch interview with Mohammed D. (pseudonym), Herat, February 23, 2011.

[332] Human Rights Watch telephone interview with Rabbani W. (pseudonym), July 30, 2011.

exploded two days earlier. The brothers were taken to the ALP base. Two days later Agha J. was taken to the police.[333] Rabbani W. said:

> Other elders and I went to the ALP base to collect Agha J. He had been beaten and nails had been hammered into his feet. We took him to the hospital in Herat city for immediate treatment. Later the family took him to Pakistan for more treatment.[334]

Another elder, Qayyum W. (pseudonym), corroborated the story, telling Human Rights Watch that he went with Rabbani W. to retrieve Agha J. from the ALP base and saw that Agha J. had been beaten and had nails hammered in his feet.[335]

According to Rabbani W.:

> Agha J.'s family had a shop near his house and most of the times the ALP armed men were demanding him to give him the goods and pay him later and Agha J. did not do that kind of business with them so they accused him and his brother of planting the landmine. One is with the police and the other had nails put in his feet…. People are worried about all ALP presence in Shindand, and everyone in the villages is trying to obey them as they fear the same thing will happen to them as happened to Agha J."[336]

Human Rights Watch called the Shindand chief of police about the case, but he did not want to discuss the case.[337] At the time of this writing, Human Rights Watch was unable to speak directly with Agha J. as he was getting treatment in Pakistan.

ALP Status and Impunity

Lal Mohammed from Bakhtabad village told Human Rights Watch that his father Rostum Khan, 70, and his brother Nesar Ahmed, 21, were killed while in a car on October 31, 2010, by two men, one affiliated with the Taliban, the other with the ALP.[338]

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[333] Ibid.

[334] Ibid.

[335] Human Rights Watch telephone interview with Qayyum W. (pseudonym), July 12, 2011.

[336] Human Rights Watch telephone interview with Rabbani W. (pseudonym), July 30, 2011.

[337] Human Rights Watch telephone interview with Col. Daud, Chief of Police, Shindand District, July 30, 2011.

[338] Human Rights Watch interview with Lal Mohammed, Herat, February 23, 2011.

Lal Mohammed said that his 18-year-old brother and a nephew were in the car and witnessed the killings, but managed to escape. Human Rights Watch was not able to interview the witnesses. They named one of the perpetrators as an ALP member who manned a checkpoint in Bakhtabad under the control of "Commander" Ameer Mohammed.[339] Lal Mohammed said that, according to his relatives who survived the incident, men fired upon the car which had stopped in Bakhtabad village. Mohammed's younger brother and nephew managed to escape from the car.[340]

Colonel Sarwar, the former provincial police chief of Herat, told Human Rights Watch that in January 2011 the authorities arrested a person who had given shelter to the two suspects and referred the case for prosecution. Sarwar confirmed that one of the suspects is with the ALP, but he is unaware if any action has been taken against him.[341] At this writing, the current chief of police, Col. Daud, was unaware of the status of the investigation.

Lal Mohammed told Human Rights Watch:

> I went to Special Forces and complained that one of the ALP commanders killed my father. They told me that this is not their business and that I should talk to the police. I went to the chief of police in Shindand and was told they cannot do anything because Special Forces are supporting ALP, we cannot go challenge them. I don't know the politics but I personally went to Special Forces and told them about my father. I spoke to a Commander Rick from the Special Forces, but now he has changed. Captain Paul from Special Forces said that it's not his business, go talk to chief of police, but the police say talk to Special Forces.[342]

When Human Rights Watch asked Lal Mohammed why his father was killed, he said: "Killing good people is good. In Shindand one brother can be Taliban and another ALP. The governor told us that ALP will work, but it does not. They are all criminals and promote violence."[343]

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339 Ibid. A local official, who wished to remain anonymous, confirmed that Mirza worked as an ALP in Bakhtabad although he did not know when Mirza joined ALP. Human Rights Watch interview Herat, February 2011 and follow up telephone interview May 2011.

340 Ibid.

341 Human Rights Watch telephone interview with former Shindand Chief of Police Col. Ghulam Sarwar, March 30, 2011.

342 Human Rights Watch interview with Lal Mohammed, Herat, February 23, 2011.

343 Ibid.

The ALP in Uruzgan

Uruzgan province has been plagued by deteriorating security and a resurgence of the Taliban. ANSO reported a 90 percent increase in insurgent attacks in the first quarter of 2011 compared to 2010.[344] The Afghan Local Police has been set up in several districts in Uruzgan—Char China, Chora, Deh Rawud, and Khas Uruzgan.

The US military claims that the ALP (and its precursor LDI) have been successful in Gizab.[345] Human Rights Watch has not examined the performance of the ALP in Gizab in depth so we cannot assess the military's claims. Two Gizab residents interviewed by Human Rights Watch were happy that the Taliban were overthrown and welcomed the assistance of the US military, saying they had been requesting help for some time.[346] But they also expressed concerns about the new local *arbakai* empowered in their place. Abdul M. (pseudonym), an elder, said:

> The *arbaki* have managed to kick out the Taliban and insurgents from most parts of Gizab district. At the same time the *arbaki* also disturb and insult the people in the Gizab. People and the elders are not happy with their attitude.… They are all the kind of people who are involved in many crimes previously, and most of the time they are on drugs and have other bad habits, like keeping young boys.[347]

An international official told Human Rights Watch that recruitment in Gizab was done with acute awareness of local tribal and ethnic sensitivities. The official told us: "One of the main concerns was making it [the ALP] representative. But there are both Pashtuns and Hazaras in the ALP. Both sides want to be free from Taliban control."[348] Uruzgan's largely rural community is primarily Pashtun, with pockets of ethnic Hazaras.[349]

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[344] "ANSO Quarterly Data Report Q.4 2010," January 2011, http://www.afgnso.org/2011Q/ANSO%20Quarterly%20Data%20Report%20(Q4%202011).pdf (accessed June 28, 2011).

[345] Until recently Gizab was in Uruzgan province but now is administratively part of neighboring Dai Kundi province.

[346] Human Rights Watch telephone interviews with two elders from Gizab, March 5, 2011.

[347] Human Rights Watch telephone interview with Abdul M., pseudonym, March 5, 2011.

[348] Human Rights Watch interview with international official, Kabul, February 23, 2011.

[349] Tensions between the two communities are high for a variety of reasons. One factor is that the Afghan National Police in the area is predominantly composed of Hazaras who have assisted ISAF in conducting house searches which are predominantly Pashtun. The Liaison Office, "The Dutch Engagement in Uruzgan: 2006-2010," August 2010, available at http://www.tlo-afghanistan.org/sites/default/files/The%20Dutch%20engagement%20in%20Uruzgan%20–%20TLO%20Report%202010%20WEB.pdf (accessed June 28, 2011). For ethnic makeup, see "Uruzgan Provincial Profile," The Ministry for Rural Rehabilitation and Development (MRRD), p. 2, http://www.mrrd-nabdp.org/Provincial%20Profiles/Uruzgan%20PDP%20Provincial%20profile.pdf.

Human Rights Watch was unable to assess the tribal and ethnic makeup of the new force. However, Ramin F. (pseudonym), an elder and a local farmer in Gizab, complained to Human Rights Watch about the recruitment process:

> Anyone who obeys the commanders' orders, and anyone who is on drugs, these are the people that were recruited.… Many of them have a background in the Taliban or insurgency, and they don't respect the people, and they are rude when talking to the people.[350]

ALP in Khas Uruzgan

Human Rights Watch received complaints about communities coming under pressure to sign up to the ALP in Khas Uruzgan. In Khas Uruzgan the ALP is headed by former Taliban member Mullah Neda Muhammed, who was appointed as ALP commander in September 2010. Neda Muhammed was alleged to have led the forcible recruitment of men into the ALP.[351]

On December 4, 2010, Mullah Nedam Muhammed invited elders from several villages of Khas Uruzgan district to a meeting, at which he requested that the elders either provide a man for an *arbaki*, understood to be the ALP, or give him 15,000 Afghanis (US$330). Some of the elders refused his order, arguing that in 2009 they provided men as *arbakis* but had lost many to the Taliban.[352] Six elders who refused to give men to the ALP were detained by Mullah Neda Muhammed after the meeting, while another was detained five days later. According to interviews with Human Rights Watch, the men were held in a detention facility at the district governor's compound for several days. Two of the men were held for over a month before being released.[353]

A prosecutor in Uruzgan told Human Rights Watch that he has received complaints that some ALP members in Khas Uruzgan are asking money as religious tax from the farmers.

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[350] Human Rights Watch telephone interview with Ramin F., March 5, 2011.

[351] Human Rights Watch telephone interviews with two elders from Khas Uruzgan, January 4 and 6, 2011, and telephone interview with human rights officials, February 13, 2011. UN Assistance Mission in Afghanistan, "Annual Report 2010 Protection of Civilians in Armed Conflict," March 2011, p.69. http://unama.unmissions.org/Portals/UNAMA/human%20rights/March%20PoC%20Annual%20Report%20Final.pdf (accessed March 13, 2011).

[352] Human Rights Watch phone interview with elder from Uruzgan, January 6, 2010.

[353] Human Rights Watch telephone interviews with two elders from Khas Uruzgan, January 4 and 6, 2011, and telephone interview with human rights officials, February 13, 2011. One elder in Khas Uruzgan told Human Rights Watch that the following people were detained on December 4, 2010, Obaidullah, son of Mohammad Sarwar, Abdul Hamid, son of Mohammad Hanif, Abdul Jabbar, son of Haji Hussian, Tur Jan, son of Mohammad Hashim, Abdurraziq, son of Amir Mohammad and Abdul Hadi, son of Mohammad Naem. On December 9Khudai Rahim was arrested.

He explained: "They demand money from businessmen and wealthy people, they are asking money from the vehicles that gets in and out of the Khas Uruzgan, they arrest people and imprison them in their own private jails."[354] When Human Rights Watch asked whether any formal complaint had been filed against any ALP member, the prosecutor replied: "Victims don't want to file official complaints as they are afraid [what will happen] if the ALP members find out about the submission of complaints against them."[355]

A member of the provincial council from Uruzgan, who wished to remain anonymous, told Human Rights Watch about cases received by the council alleging involvement of ALP members in beatings and imprisonment of persons in private jails.[356] He cited one case of abuse of power in which a man was beaten up by an ALP member who demanded money for land sold 15 years ago. He expressed concern that the ALP was stirring up tribal and family rivalries:

> In Khas Uruzgan there are many family and tribal conflicts and if one tribe or a family member have joined the ALP then the opposing tribe or family has to respond, either becoming ALP members or joining the Taliban to protect their family. If not, the ALP commander will use his weapons and power to see vengeance in old family or tribal disputes that could be up 50 years old. [357]

Recent abuses by the ALP in Khas Uruzgan have also been documented by the Afghanistan Analyst Network, which found that in June 2011 ALP units were involved in raids without the involvement of international or national police forces, beating, and killing several men.[358]

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[354] Human Rights Watch telephone interview with prosecutor from Uruzgan, July 20, 2011.

[355] Human Rights Watch telephone interview with prosecutor from Uruzgan, July 20, 2011.

[356] Human Rights Watch telephone interview with member of provincial council of Uruzgan, July 20, 2011.

[357] Ibid.

[358] Martine van Bijlert, "Khas Uruzgan and ISAF Press Releases," *Afghanistan Analysts Network*, June 26, 2011, available at http://aan-afghanistan.com/index.asp?id=1846 (accessed June 26, 2011). AAN reported that on June 13, 2011, a Hazara dominated ALP unit led a raid on their own in Pashtun villages in the Abparan and Hosseni areas. A larger number of houses were raided, men were beaten, and one man was shot and killed in the process. Four men were held at the ALP checkpoint initially and later handed to the US military and where they reportedly were released after three days. According to the AAN, the motivation for the raid and detention of Pashtun men was that Pashtuns had taken four Hazara travelers hostage on June 13. The Hazara men were released after the Pashtun men were detained. The Pashtuns claimed that the raid was unprovoked and those targeted were innocent. AAN reported that on the same day, June 13, ALP commander Neda Muhammed's nephew was killed by the Taliban. His brother, who is also with the ALP, raided the homes of the Taliban district governor and his deputy, killing four men. The following day the Taliban attacked Neda Mohammed's ALP with an IED. Neda Mohammed's son and another brother were injured and three men were killed.

V. ALP Recruitment and Vetting

Assurance of Shuras

Prior to introducing the ALP in a particular area the Ministry of Interior and US special operations forces say they ensure that there is an operational shura to nominate ALP members.[359] This often requires working in areas where security is challenging and there may be significant displacement of the population, which adds to the challenges of creating representative and ethnically balanced shuras.[360]

The involvement of the shuras is often presented as a key safeguard, particularly by US officials.[361] One US official interviewed by Human Rights Watch identified the shuras as a critical way of ensuring that the ALP does not replicate past mistakes of local defense forces, which were disconnected from local communities and were not representative of those communities. According to the official, "There have been many attempts to establish similar programs. The key is a functional representative shura…. If a shura is recognized as representative then we begin [the ALP process]."[362]

Much rests therefore on the ability of the shuras to recommend and vouch for members of the ALP.[363] Vetting is also supposed to be done by Afghan security agencies, though the track record of the Afghan government to vet at any level is dismal. One former Ministry of Interior official, Abdul Hadi Khalid, who was in the ministry when the failed Afghan National Auxiliary Police was in operation, cautioned that the same reassurances were given in 2007 and 2008:

> We also did the same thing then: we recruited through the elders, we got their guarantees through a shura process. In those days also it was the Americans' idea. They also had one-year contracts, after that they could join the national police.[364]

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[359] Human Rights Watch interview with US official, Kabul, September 27, 2010,

[360] For example, efforts to gather shuras post insurgent clearance operations in Panyway and Khakhrez in Kandahar, and Gadji village in Baghlan. Human Rights Watch interview with PTRO analyst, Kabul, February 21, 2011.

[361] Human Rights Watch interviews with Afghan and US officials involved in ALP, Kabul, September and October 2010, and February 2011.

[362] Human Rights Watch interview with American official, Kabul, February 22, 2011.

[363] Numerous Human Rights Watch interviews with government and foreign officials, including interview with US official, Kabul, September 27, 2010, and with Khan Mohammad Khan, Director of ALP, Kabul, February 22, 2011.

[364] Human Rights Watch interview with Abdul Hadi Khalil, former Deputy Minister of Interior, Kabul, October 26, 2010.

An ISAF official similarly acknowledged the weakness in vetting and said:

> I have no confidence in a local vetting process. Who will dare to say no? That's just not the way things work. Anyone who has experience of working on such projects and is honest about it will say the same. I was around for ANAP. We've seen again and again that this kind of vetting does not work.[365]

As discussed in section II above, the ANAP is widely regarded to have been a failure, in part because it was taken over by local strongmen.

While a heavy responsibility is placed on the shuras to nominate and vouch for ALP members, there is no systematic process for this and little oversight or evaluation. In recent years a plethora of overlapping and competing shuras have been used or created for various development, governance, conflict resolution, and reconstruction purposes.[366] This reflects in part a pragmatic response to the weakness of the state as service provider. A number of people we interviewed raised questions about how representative shuras are, how strong the tribal system of governance is after decades of war, what impact the involvement of central government or US forces have on the credibility of shuras, as well as more technical questions about the capacity of Afghan government institutions to support the work of shuras.

Most Afghans interviewed for this report strongly approved of efforts to involve respected elders and village representatives in important security decisions, though many questioned the degree to which this was happening and the adequacy of the shuras involved.[367] Research by Afghan analysts, PTRO, shared with Human Rights Watch also raises concerns about the ability of local shuras to vet candidates effectively in areas where large numbers of households are displaced by conflict. This is quite often the case, since ALP forces are sometimes created in the wake of "clearance" operations by the international military. For instance, research in October 2010 in the village of Shahabuddin, Baghlan, which is normally home to 800 households, found that only 200 families were in

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[365] Human Rights Watch interview with ISAF official, Kabul, June 7, 2011.

[366] The National Solidarity Program has created 22,490 Community Development Councils to administer development projects funded by the World Bank. The ASOP (see below) has around 100 Community Councils at the provincial level subdivided at the district and village level. The Afghan Peace and Reconciliation Program has Provincial Level Peace Councils with proposals for district level peace councils. International military forces sometimes use their own shuras for reconstruction and development efforts. For more see Shah Mahmood Miakhel and Noah Coburn, "Many Shuras Does Not a Government Make," *USIP,* 2010, p. 3, http://www.usip.org/files/resources/pb50.pdf (accessed April 15, 2011).

[367] Human Rights Watch interviews in Baghlan, Jalrez, Wardak, Shindand in Herat province, and Arghandab in Kandahar province. Human Rights Watch interviews with PTRO researchers, Kabul, February 24, 2011, Peace Training Research Organization, *Afghan Local Police*, p. 6 (2011) (on file with Human Rights Watch).

the area at the time the shuras for the ALP were held. This population was largely transient, leaving the village at night, and was represented at the shura by only one elder and one religious leader.[368]

Others questioned whether the role of elders was diminished after so many years of war. A former Ministry of Interior official, Abdul Hadi Khalid, said:

> There's a big difference between these elders [today], and those elders that we had before war.… Our society was a feudal-religious society. In those days, those who had land, or spiritual leaders, the government relied on them, and through them society was managed. And communities accepted them. But now through war over three or four decades those traditions have been broken[369]

Given the weakness of the Afghan state, any system of vetting, including through shuras, is likely to have weaknesses.[370] Direct involvement by the central government could provide a check to prevent local strongmen in some areas from having too much control over the local government and security entities. For instance, in Sheberghan district in the northern province of Jawzjan, the local government promised to convert a local strongman and his armed group into an ALP unit. The Ministry of Interior, however, rejected this.[371] A foreign military official confirmed that, "in some cases there had been some interventions [by MOI and ISAF] to try to prevent political or ethnic factions dominating local forces."[372]

Despite efforts to ensure that local communities drive recruitment, with shuras nominating and vetting ALP members, in three of the provinces where Human Rights Watch conducted interviews—Wardak, Herat, and Uruzgan—there were complaints that communities were pressured to cooperate with the ALP (or its predecessor AP3).[373]

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[368] Human Rights Watch interviews with PTRO researchers, Kabul, February 24, 2011, Peace Training Research Organization, *Afghan Local Police*, p. 6 (2011) (on file with Human Rights Watch).

[369] Human Rights Watch interview with Abdul Hadi Khalid, Kabul, October 26, 2010.

[370] A weakness in the vetting process for ALP recruits in Baghlan is highlighted by findings of the Peace Training and Research Organization (PTRO), which examined the ALP unit in Baghlan and found that some of the men now with the ALP collected *ushr* in the Shahubudeen area with threats of violence and in one case threw boiling water on an individual's genital areas. PTRO*, Afghan Local Police*, p. 6.

[371] Human Rights Watch telephone interview with security official, May 21, 2011.

[372] Human Rights Watch interview with international military official, Kabul, June 4, 2011.

[373] See section V on the Wardak AP3 pilot, one of the precursors to ALP, where elders interviewed by Human Rights Watch said they came under pressure to agree to AP3. As discussed in section VI, in Shindand Herat province, there was also government pressure upon elders to cooperate with ALP. And in Khas Uruzgan, Uruzgan province, elders complained of forcible recruitment by the ALP commander Mullah Neda Mohammad.

Politics of Implementation: IDLG and ASOP

The Independent Directorate of Local Governance (IDLG), through its Afghan Social Outreach Program (ASOP), is the government body responsible for supporting and creating the shuras upon which the Ministry of Interior relies for the ALP.[374]

ASOP began in January 2008 and now has a local presence in 100 districts in provinces all over the country. Its mandate is to improve stability, dispute resolution, and government outreach to villages and districts "through the revival of traditional practices of collective decision making."[375] ASOP's primary function is to create representative "Community Councils" at the district level, which break down into smaller sub-councils at the village level.[376] The community councils are chosen by a larger jirga of 200-400 people, which is assembled by ASOP officials.[377]

The pressure on ASOP for rapid expansion compounds the difficulty of creating representative shuras. Between 2008 and 2010 ASOP was rolled out to 100 districts.[378] One senior government official acknowledged that they were under considerable pressure: "There is lots of responsibility placed on them. It's not a normal work for anyone. There is too much demand, and it's a very complex situation."[379]

Although the IDLG is intended to help make local government more representative and meritocratic, it is widely regarded as a highly political entity. The IDLG, unlike other ministries, reports directly to the president. International civilian officials who have worked closely with the IDLG expressed concerns about the capacity and political bias of the IDLG.[380] Mohammad Osman Tariq, a political analyst, told Human Rights Watch:

> Mostlyit [IDLG] was used as a tool for 2009 election for the president.... everyone knows that. And it is a tool for okaying what the presidents says.

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374 Where ASOP does not have a presence in a province, then the District Delivery Program, which is trying to improve access to justice at the district level, can be used or IDLG officials will work directly with the communities.

375 Independent Directorate of Local Governance: "Afghanistan Social Outreach Programme – Programme Document ForKhost, Kunar, Laghman, Nangarhar, Nuristan, Paktia & Paktika Provinces, October 2008." On file with Human Rights Watch.

376 Human Rights Watch interview with Hidayatullah Babakarkhail, Director, ASOP, Kabul, February 28, 2011.

377 Ibid.

378 Ibid.

379 Human Rights Watch interview with senior Afghan official, Kabul, February 28, 2011.

380 Human Rights Watch interviews with various international military and civilian officials and Afghan officials, 2009-2011. For example, officials with some involvement in the setting up of a shura in Tagan, Kapisa province, said that the ASOP shuras represented only a small segment of the local population. Human Rights Watch interviews with officials, Kabul, February 17, 2010 and May 1, 2010.

> They don't do what they are meant to do, professionalize the service. It's about patronage.[381]

The result can be the creation of shuras that are not trusted. An international official told Human Rights Watch:

> In some cases they [shuras] are respected, but in many places they aren't trusted, they are captured by local elites, violence providers. Or they don't exist. Can some friends of Karzai create them? Can Special Forces help? It's not obvious, at least not as fast as they want.[382]

These concerns do not suggest that shuras should be excluded from the ALP recruitment process, but they do raise questions about how meaningful the role of the shuras will be. As a former Minister of Interior official told Human Rights Watch:

> There are no guarantees in Afghanistan! Who can guarantee [the shuras]? They say these are mullahs and elders, but who guarantees the Mullahs and elders?... If there is no rule of law then there is no meaning in this talk of guarantees.[383]

From Attackers to Protectors: Reintegration Efforts and the ALP

The ALP and past local defense initiatives are often intertwined with reintegration efforts, including the latest drive to persuade combatants to rejoin the government under the Afghan Peace and Reintegration Program (APRP). This has a potentially distorting effect on both programs.

For instance, some of the initial ALP recruits in Baghlan were former Hezb-i-Islami fighters who surrendered to the government and participated in the reintegration program after being defeated by the Taliban in March 2010.[384] Some from villages north of the provincial capital of Pul-e-Khumri were offered the chance to join the ALP or a demining training

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[381] Human Rights Watch telephone interview with Mohammad Osman Tariq, March 29, 2011.

[382] Human Rights Watch with international official, Kabul, March 1, 2010.

[383] Human Rights Watch interview with former Ministry of Interior head of Administration, Major General Esmatullah Dawlatzai, Kabul, October 26, 2010.

[384] "Hezb Fighters to Support Government Against Taliban," *The Frontier Post*, March 9, 2010 http://www.thefrontierpost.com/News.aspx?ncat=ts&nid=726&ad=09-03-2010(In March 2010, Afghan officials announced that 70 fighters, including 11 commanders, with Hezb-e-Islami Gulbuddin would support Afghan security forces against the Taliban in Baghlan).

program in Baghlan.[385] According to Alam Jan, a member of the Baghlan Provincial Council, these fighters "remained jobless for a couple of months after joining the government," but by August 2010 some began doing patrols with US troops in the Shahabudeen area.[386] The rapid transformation of former fighters into members of the ALP is seen unfavorably by some members of the Baghlan government and local residents. According to local residents and provincial government officials, former fighters who are now with the ALP carried out kidnappings and forcibly collected *ushr* when they operated under Hezb-i-Islami.[387] Rather than seeing these individuals brought to justice, communities see them receiving government security positions.

When asked about whether APRP was using ALP to provide employment and security for reintegrees, the ministry official who was then in charge of ALP, Gen. Khan Mohammad Khan, said that there was no barrier to their involvement:

> In general it doesn't matter if they are Talib or Hezb-i-Islami. If they don't have a bad background and don't have a link with another group then they can join.... We never make a group of the ALP from one specific tribe.[388]

One international official raised concerns regarding whether the reintegrees were genuine or fake. He estimated that "approximately 1,500 of 1,700 reintegrated to date are not genuine insurgents. Despite this, the government just tried to wangle US$3 million for salaries for reintegrated commanders."[389]

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[385] Human Rights Watch interview with analyst from PTRO, Kabul, February 20, 2011. See also UNDP, Disbandment of Illegal Armed Groups, Third Progress Quarter Report, December 2010, http://www.undp.org.af/Projects/03%20QuarterRep.2010/2010-11-01-%20Third%20Quarter%20Progress%20Report%20of%20DIAG.pdf (accessed March 20, 2011).

[386] Human Rights Watch telephone interview with Alam Jan, Baghlan Provincial Council Member, April 4, 2011; Human Rights Watch telephone interview with Gran Seward, Afghanistan Analysts Network, April 2, 2011; Human Rights Watch interview with PTRO members, Kabul, February 20, 2011 and telephone interview March 31, 2011. See also Michael Glick, "Plan to Convert Talib, Create Defense Force has Peril and Promise," *Stars and Stripes*, September 29, 2010; Urike Demmer, "The Battle of Shahubudeen: Under Fire in Afghanistan Baghlan Province," *Der Spigel*, October 13, 2010, http://www.spiegel.de/international/world/0,1518,722605,00.html (accessed March 15, 2011).

[387] Human Rights Watch interviews with local government officials and residents of Omer Khel, Shahbudeen, March 14-15, 2011. PTRO, *Afghan Local Police*, 2011. A September 2010 *Stars and Stripes* article assessing the former Hezb-i-Islami recruits that US troops was working with concluded that "[t]hey roamed and robbed and raided. They collected 'taxes' for protection, and kidnapped for ransom. Occasionally, NATO and local security officials say, they picked up the banner of insurgency and attacked Western troops or the Afghan police or army." Michael Glick, "Plan to Convert Talib, Create Defense Force has Peril and Promise," *Stars and Stripes*, September 29, 2010. According to the New York Times, in Imam Sahib district of Kunduz province, some former Taliban members, who have reintegrated and are in the process of joining the Afghan Local Police, have also continued the practice of collecting *ushr* from locals. Those who have refused to pay have been beaten. Rod Norland, "Some Police Recruits Impose 'Islamic Tax' on Afghans," *New York Times*, June 12, 2011.

[388] Human Rights Watch interview with Khan Mohammad Khan, Former Head of ALP, Kabul, February 22, 2011.

[389] Human Rights Watch interview with international official, Kabul, June 3, 2011.

The temptation of using the ALP as an employment program to encourage current combatants to lay down their arms is strong for the Afghan government and its foreign military allies. Not only do reintegrated fighters need to be offered employment if the deals have a hope of sticking, they also need security to protect themselves from reprisal attacks. Concerns about reprisal attacks against reintegrees are exacerbated when the local police force is unable or unwilling to assist the reintegrees. For instance, when a group of Hezb-e-Islami reintegrees came under attack by the Taliban in Baghlan in September 2010, the ANP, which is dominated by Andrabi Tajiks, did not intervene.[390]

In February 2010, then Minister of Interior Hanif Atmar suggested that local defense initiatives be used for reintegrees as a way to find them employment.[391] An international official who is closely involved with the program acknowledged that despite the public comments to the contrary, special operations forces see the "ALP as way to flip people"—to get insurgents who go through APRP to be able to hold on to their weapons and be involved "in some kind of defense force."[392] The US Department of Defense in its November 2010 report to Congress also stated that, "The ALP program complements reintegration by supporting the provision of security for communities and individuals who reintegrate."[393] For instance, in Baghdis, Afghan analysts who examined the ALP found that "almost all of the groups that have come forward [for reintegration] have stated wishes to be given a checkpoint, arms and some control over their local areas. With initial expectations so high it is hard for the provincial government to resist."[394]

Giving former insurgents control over security without proper vetting for past human rights abuses sends the wrong message. Not only can it threaten the safety of the local

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[390] Human Rights Watch interview with PTRO analyst, Kabul, February 19, 2011. According to the Afghanistan Analysts Network, on September 17, 2010, the Taliban attacked a base in Shahubdeen where the former Hezb-e-Islami fighters who had reintegrated were located. The local ANP refrained from getting involved. Local sources interviewed by AAN concluded that this was because the ANP in Baghlan consists mainly of Andrabi Tajiks "who did not wish to risk their lives for Pashtuns." German forces along with Afghan soldiers intervened, with US air support, in a battle that lasted four days. Four former fighters were killed. Thomas Ruttig, "Another Militia Gone Wrong," Afghanistan Analysts Network, October 18, 2010, http://www.aan-afghanistan.com/index.asp?id=1234 (accessed March 30, 2011); see also UrikeDemmer, "The Battle of Shahubudeen: Under Fire in Afghanistan Baghlan Province," Der Spiegel, October 13, 2010(describing the German troops' intervention against the Taliban attack on reintegrees in Baghlan in September 2010).

[391] Cable from Embassy of Kabul, Interior Minister Atmar Discusses Police Training; Insurgent Reintegration with Ambassador Holbrooke, February 2010, http://wikileaks.ch/cable.2010/02/10KABUL964.html (accessed May 4, 2011). Human Rights Watch interview with Minister Mohammed Masoom Stanekzai, Kabul, Head of High Peace Council and Presidential Advisor, Kabul, February 28, 2011.

[392] Human Rights Watch interview with ISAF official, Kabul, June 7, 2011.

[393] Department of Defense, "Report on Progress Toward Security and Stability in Afghanistan - Report to Congress In accordance with section 1230 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181), as amended," November 2010, p. 67, http://www.defense.gov/pubs/November_1230_Report_FINAL.pdf (accessed February 9, 2011).

[394] PTRO, *The Afghan Local Police*, 2011, p. 4 (on file with Human Rights Watch).

community, which in the recent past may have been terrorized by the insurgents, it also sends a message that there is no accountability for human rights abuses and that criminal behavior gets rewarded with invitations to join the state security apparatus.

Although Afghan government officials have been keen to stress that reintegration includes a grievance resolution component, refusing reintegration on the grounds of prior human rights abuses is rare.[395] What vetting there is seems to rely heavily on biometric testing and ad hoc communications with local security officials.[396] There is no formal mechanism for the exclusion of those against whom there are serious allegations of war crimes or other serious human rights abuses.[397] At the time of writing, there are several donors, nongovernmental organizations, and other agencies considering ways of creating more formal mechanisms for some kind of human rights vetting or strengthened grievance resolution processes, but it is not clear that the government is prepared to engage in meaningful vetting.[398]

[395] For discussion of grievance process in APRP see Islamic Republic of Afghanistan, Afghanistan Peace and Reintegration Program, April 2010, http://www.sipri.org/blogs/Afghanistan/Afghan%20Peace%20and%20Reconciliation%20Programme-%20draft-%20Apr%2010%20.pdf (accessed June 1, 2011).

[396] Human Rights Watch interview with government official, Kabul, September 28, 2010, and February 28, 2011.

[397] The January 2010 Amnesty Law, although primarily focused on past conflicts, allows those engaged in the current hostilities to be granted immunity if they agree to reconciliation with the government. "Resolution of National Assembly on National Reconciliation and General Amnesty to the President No. 44, Date: 16/02/1386," art. 3.3, on file with Human Rights Watch.

[398] Human Rights Watch interviews, Washington DC, May 11 and 12, 2011.

VI. Lessons from the Experience of the Afghan National Police

Many government officials and elders interviewed expressed a desire for the national police to be strengthened instead of creating a new localized force like the ALP. This is particularly pertinent since many local defense initiatives tend to replicate some of the flaws in the creation of the Afghan National Police (ANP), a hastily assembled force that is vulnerable to being hijacked by factions, lacks proper training and oversight mechanisms, and is widely seen as a corrupt and predatory institution. A United Nations Development Program (UNDP) survey in 2010 on perceptions of the police concluded that more than half of the respondents were reluctant to engage with the police, with approximately half reporting that they would take criminal matters elsewhere, such as to tribal leaders. Six in ten Afghans reported a significant level of corruption among police officers and a quarter reported police favoritism on the basis of personal connections in the investigation of crimes. Many Afghans reported unnecessary police stops, use by the police of insulting language, excessive physical force, false accusations or coercion to participate in a crime. More than half saw no recourse when abuses occurred.[399]

Multiple donors, including both the United States and the European Union, have spent huge sums to support the ANP. Significant emphasis has been placed on using the police as an auxiliary force to fight the insurgency rather than to fight crime, although only 8 percent of Afghans rate the Taliban as their most serious problem, with crime and access to justice a higher concern.[400] The poor reputation of the police and its ineffectiveness in establishing law and order contributes in some areas to support for the Taliban and, more broadly, is a significant factor in the disaffection of large swathes of the population with the national government.[401]

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[399] UNDP, *Police Perception Survey 2010: The Afghan Perspective*, February 2011, p. 6, http://www.undp.org.af/publications/KeyDocuments/2011/Police%20Perception%20Survey%20Book%202010%20FINAL%20(6th%20Jan%202011).pdf (accessed April 1, 2011). For a comprehensive examination of the ANP see Royal United Services Institute For Defense and Security Studies and the Foreign Policy Institute, *Reforming the Afghan National Police*, November 2009, http://www.rusi.org/downloads/assets/ANP_Nov09.pdf; International Crisis Group, *Policing in Afghanistan: Still Searching for a Strategy*, November 2009, http://www.crisisgroup.org/~/media/Files/asia/south-asia/afghanistan/b85_policing_in_afghanistan___still_searching_for_a_strategy.ashx.

[400] BBC and RUSI Afghanistan poll, http://news.bbc.co.uk/1/shared/bsp/hi/pdfs/05_02_09afghan_poll_2009.pdf (accessed April 6, 2011).

[401] Royal United Services Institute For Defense and Security Studies and the Foreign Policy Institute, *Reforming the Afghan National Police*, November 2009, p. 98, http://www.rusi.org/downloads/assets/ANP_Nov09.pdf.

International support for strengthening the ANP has focused on quantity over quality. From March 2010 to March 2011 the ANP grew from 102,000 police to over 125,000, or 22 percent. The US is pushing to increase the ANP to 134,000 by October 2011.[402] Between November 2009 and February 2011 the national army and police grew by 42 percent.[403] However, the number of serving police are believed by analysts to be inflated, with attrition rates remaining high.

A serious concern is the weakness in training. Over many years, tens of thousands of police were deployed without adequate training. A senior advisor to the Ministry of Interior criticized trainers who did not have policing expertise, but were tasked to train the police. The advisor said that, "Most of the police have milestones [to go] for capability. Only 12 units [out of 460] of the ANP are capable of operating independently."[404]

Within the Afghan government, senior appointments to the police are generally made on political rather than professional grounds. The appointment system is well entrenched, with political interference from the president, the parliament, and other powerful actors.[405] Political interventions in investigations of abuse or corruption are common.[406]

Vetting of the police, which is supposed to involve village guarantors, such as tribal elders who vouch that the recruit is not a criminal or an insurgent, biometrics, and drug testing, is minimal in practice, particularly given the increasing pressure to expand the force. These flaws are instructive with regard to the ALP. An international advisor to the Ministry of Interior admitted that, "There is some modicum of a background check, our recruiters are under a lot of pressure to bring people in, so the pressure to vet is not so great. Guarantors [from the village] are the primary vetting tool."[407]

The failure of vetting is encapsulated in the case of Afghan border police chief Abdul Razzik. Razzik was appointed chief of police of Kandahar province in 2011 despite

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[402] DoD 1230 Afghanistan Progress Report April 2011, p. 33.

[403] Draft Report by Sven Mikser, NATO General Rapporteur, 078 DSC 11 E, Transition in Afghanistan: Assessing the Security Efforts, Spring season 2011, http://www.nato-pa.int/default.asp?SHORTCUT=2434#_ftn49

[404] Human Rights Watch interview with senior advisor to the Ministry of Interior, Kabul, February 19, 2011. The January 2011 Special Inspector General for Afghanistan Reconstruction (SIGAR) report to Congress noted that over 460 "police units provide police services in more than 360 precincts." ANP units are "mentored and partnered with coalition forces and receive training in marksmanship, criminal investigations, forensics, and traffic control." Special Inspector General for Afghanistan Reconstruction, Quarterly Report to Congress, January 30, 2011, p. 59, http://www.sigar.mil/pdf/quarterlyreports/Jan2011/Lowres/Jan2011.pdf (accessed April 2, 2011).

[405] Human Rights Watch interview with senior MOI advisor, Kabul, February 18, 2011.

[406] Human Rights Watch interviews with former government officials, Kabul, February 2011.

[407] Human Rights Watch interview with international advisor to the Ministry of Interior, Kabul, February 23, 2011.

extremely serious allegations of abuse attributed to members of the police force under his command. In 2006, Razzik was briefly suspended during a Ministry of Interior inquiry into allegations of extrajudicial killings by his police force.[408] The results of the inquiry were not made public. Human Rights Watch also heard serious allegations of abuse by Razzik's forces in Kandahar in September 2010, including extrajudicial killings, though victims' fears of retaliation hampered our investigation.[409]

Some in the US government see the danger of a close relationship with Razzik. In a rebuke to those who reinforced his power, a leaked cable from the US State Department states that:

> By accepting the view that Razzik is both the guarantor of district security and the lynchpin in tribal power relations, we potentially are overlooking steps which could be taken in the near term to improve the overall state of governance and development in the district, short of removing Razzik. Additionally, by ascribing unaccountable authority to Razzik, the coalition unintentionally reinforces his position through its direct and near-exclusive dealings with him on all major issues in Spin Boldak.[410]

The lack of accountability for police abuse was highlighted by the then UN Special Rapporteur on extrajudicial, summary, or arbitrary executions, Philip Alston, who drew attention to the impunity Afghan police generally enjoy even after they have been accused of killing civilians. He found that local and national political interests ensure that effective investigations are not undertaken, and supported calls for an independent external oversight body to investigate serious human rights abuses.[411] The concern for accountability is magnified for the ALP, which operates in more localized areas than the police and where oversight is more challenging.

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[408] Rights Watch interview with official, Kandahar, October 31, 2010, Human Rights Watch interview with Mustafa R. (pseudonym), Kandahar, November 1, 2010. See also: Afghanistan – Reports Claim War on Terror Used to Hide Blood Feud Killings. *Radio Free Europe/Liberty,* March 31, 2006.http://aan-afghanistan.com/uploads/2006Rezzaq.pdf.Human US State department: *Afghanistan Country Report on Human Rights Practices 2006*. http://www.state.gov/g/drl/rls/hrrpt/2006/78868.htm.

[409] Human Rights Watch interview with Ahmed K. (pseudonym), Kandahar elder, Kabul, October 6 2010, and Human Rights Watch interview with Mirwais H. Kandahari elder, Kabul, Oct 25 2010.

[410] Extract from US Embassy Cable, 10KABUL467, released by by Wikileaks, "Power broker and governance issues in Spin Boldak," Cable date, 7 February, 2010, Cable Released, December 3, 2010, http://www.cablegatesearch.net/cable.php?id=10KABUL467.

[411] United Nations, Report of the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, Addendum, Mission to Afghanistan, A/HRC/11/2/Add.4, May 6, 2009.

European officials and many analysts have long highlighted the need to reduce the dominance of paramilitary-style training of the ANP in favor of law enforcement training. This is particularly important given public concerns about criminality and the failure of the justice system.[412] An advisor to the Ministry of Interior told Human Rights Watch:

> Our police still have a military mentality, not a policing mentality. There were mistakes made in the training of the Afghan police ... [they] don't have the police law enforcement mentality.[413]

The Afghan government and its international partners working on police training and reform have recognized some of the problems with the ANP. Attempts at reform are underway. For instance, since 2009 initiatives to build a range of skills, including literacy, leadership, and community outreach, have begun. Training for basic patrol officers is to be expanded from six to eight weeks nationally beginning in October 2011.[414] The creation of an external civilian oversight body tasked to investigate corruption and serious human rights abuses by the police is also under negotiation at the Ministry of Interior.[415]

However, many obstacles remain, in large part because of lack of political will on the part of the Afghan government to tackle the impunity that lies at the heart of reform failures. Those same concerns should be central to efforts to establish the ALP as a credible force.

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[412] Scott Chiltern, Eckart Schiewek, Tim Bremmers, *Evaluation of the Appropriate Size of the Afghan National Police Force Manning List (Tashkil)*," Kabul, July 15 2009, pp. 11-12, http://blog.foreignpolicy.com/files/ANP_Tashkil_Final_Study.pdf; International Crisis Group, *Policing in Afghanistan: Still Searching for a Strategy*, November 2009; Robert M. Perito, *Afghanistan's Police: The Weakest Link in Security Sector Reform*, United States Institute of Peace, RUSI, *Reforming the Afghan National Police*.

[413] Human Rights Watch interview with Ministry of Interior advisor, Kabul, February 22, 2011.

[414] Length of training was increased primarily due to allocation of additional police trainers. Email from Col. Daniel Klippstein, Director, Commanders Action Group, NATO Training Mission-Afghanistan, to Human Rights Watch, May 18, 2011. NTM-A Press Release, *ANP Basic Patrolman Course Adds an Additional Two Weeksof Training*, http://ntm-a.com/wordpress2/?p=4282 (accessed June 2, 2011).

[415] Human Rights Watch email exchange with international official, March 30, 2011.

VII. Recommendations

To the Government of Afghanistan

Accountability for the ALP

- Ensure that all allegations of abuses or violations of operational rules by ALP personnel, including unauthorized arrest, detention, or use of firearms, are seriously investigated. Ensure that accountability mechanisms for the ALP take account of the greater risk of abuses by forces working in remote areas.
- Allocate adequate resources, including additional personnel, in order to investigate complaints. Create an external complaints body to allow members of the public to report abuses by the ALP and other police forces. This body should have dedicated provincial staff to proactively monitor the ALP and pay particular attention in remote areas where the national police cannot provide effective oversight and to areas where oversight is otherwise challenging.

  Suspend ALP personnel against whom there are credible allegations of abuse, improper use of force, or unauthorized raids until the allegations are properly investigated and appropriate disciplinary action or criminal prosecutions are carried out.
- Create a victim and witness protection program, which will include mechanisms for protecting the identity of complainants who fear retaliation.

Recruitment and Vetting for the ALP

- Amend the February 2011 Ministry of Interior ALP directive to strengthen provisions on recruitment, vetting, and rules of engagement. In particular, ensure that all recruits are individually vetted, even if they have previously been members of a similar force, such as LDI, ISCI, and AP3, and that there are no exceptions to the rules, including those who have been through the reintegration program.
- Ensure that vetting of new recruits for the ALP, including those that were former combatants and have reintegrated, includes checks for past allegations of human rights abuses. If there are credible allegations of serious human rights abuses, ensure that those individuals are refused admission into the ALP and are criminally investigated and the individuals held accountable as appropriate.
- Ensure that any official accused of intimidating or threatening communities or individuals in order to force them or their relatives to join the ALP are investigated and held accountable. Deliberate violations of recruitment and vetting rules by officials from the Ministry of Interior or at the provincial or district level should result in

disciplinary action, including removal from positions of authority in the recruitment and vetting process for ALP.

Operational Rules for the ALP

- Clarify the operational rules for the ALP regarding law enforcement, arrest and detention, and involvement in military or paramilitary operations to limit future abuses and ensure maximum oversight and accountability. The ALP should be prohibited from involvement in arrests or detention except in clear cases of a crime being committed and when the Afghan National Police are not available to carry out a timely arrest. ALP units should be prohibited from engaging in interrogations of detainees, and should immediately seek to transfer detainees as soon as possible, and within a maximum 48 hour period where travel and communications prevent a swifter transfer. ALP members using or in possession of unauthorized weapons should be investigated and sanctioned.

Assessment of the ALP program

- Create an independent panel to carry out an assessment of the ALP program which would examine:
    - the adequacy of ALP recruitment and vetting, including whether individuals responsible for human rights abuses have been recruited as members of the ALP;
    - whether the ALP has adhered to its operational rules, including in the areas of law enforcement, arrest and detention, interrogations, and involvement in military or paramilitary operations;
    - whether the ALP is empowering local strongmen or warlords;
    - the effectiveness of local shuras in recruitment and vetting;
    - the impact of the ALP on ethnic and political relationships and tensions; and
    - the effect on the ALP of the government's reintegration policy and whether APRP it is leading to breaches of ALP recruitment rules.
- This independent panel should include a wide range of government officials, the Afghanistan Independent Human Rights Commission (AIHRC), representatives of civil society, with UNAMA observers.

The Planned Disbanding of the ALP

- Develop workable plans by 2012 for the disbandment of the ALP in conjunction with Afghan and international authorities managing the Inteqal (Transition) process.

- Develop plans for the provision of alternative employment well in advance of the demobilization of ALP personnel who are not transferred to the Afghan National Police or Afghan National Army.
- Ensure that when the ALP is disbanded, weapons and uniforms are returned and failure to do so results in fines or other appropriate sanctions.
- Ensure that a credible demobilization program is built into long-term security sector planning, particularly as transition plans are formulated.

The ALP and the Afghan Peace and Reintegration Program

- Prevent reintegrees who go through the Afghan Peace and Reintegration Program (APRP), from joining the ALP for a minimum of one year after they have reintegrated in order to discourage the ALP recruitment safeguards being undermined by the political imperatives of reintegration, and to persuade communities that those reintegrating are committed to their renunciations of violence. Ensure that no ALP recruitment rules are bypassed in order to have them accepted. Ensure that Afghan officials who play a role in APRP, including governors and other local officials, do not promise or provide jobs in the ALP to combatants without going through the official recruitment and vetting process.
- Ensure that there are sufficient resources to provide protection to reintegrees, so that the ALP does not become the default option for security protection for reintegrating ex-combatants.
- Ensure that Afghan officials who play a role in APRP, including governors and other local officials, do not promise or provide jobs in the ALP to former combatants without going through the official recruitment and vetting process.
- Ensure that APRP vetting mechanisms are introduced to allow communities to have a meaningful opportunity to raise human rights concerns about the reintegration of former combatants against whom there are allegations of human rights violations into a local security apparatus. Include mechanisms for the Afghanistan Independent Human Rights Commission, civil society groups, and other relevant agencies to share information about individuals against whom there are credible allegations of war crimes, crimes against humanity, and other serious human rights violations.

Irregular Armed Groups

- Disband irregular armed groups, investigate them for abuses, and hold accountable individuals implicated in criminal offenses.
- The National Directorate of Security should cease reactivating and supporting irregular armed groups with weapons, funds, and other assistance.

- The Independent Directorate of Local Government should issue guidance to local government officials, including provincial and district governors, to ensure that they are aware that they do not have the authority to create or support irregular armed forces. The IDLG should share reports of potential breaches of this guidance with the Office of the President and the Ministry of Interior.

Regarding Child Recruitment and Sexual Abuse

- The Ministry of Interior and Ministry of Defense should ensure that the "Action Plan between the Afghan government and the United Nations Country Task Force on Monitoring and Reporting Regarding Children Associated with National Security Forces in Afghanistan" is fully implemented. Ensure that the Action Plan includes adequate resources to monitor the ALP, including investigations into all allegations of child recruitment and the sexual abuse of children, and proactive monitoring activities at check points and other ALP sites to assess the ages of ALP members.
- Fully prosecute any member of the security forces implicated in the sexual abuse of children and make clear in regular public statements that the government has a zero tolerance policy towards the sexual abuse of children by security forces.

To the Taliban and other Insurgent Forces

- Cease attacks against civilians, including against civilian police personnel who are not taking part in counterinsurgency operations and are not taking a direct part in hostilities.

To the United States and the International Security Assistance Force

- Press the Afghan government and its agencies to implement the above recommendations.
- Ensure that pressure for the ALP to achieve results and legitimate concerns about governance challenges do not lead to shortcuts in recruitment, vetting, and adherence to operational rules.
- Focus on long-term solutions to local policing and protection of civilians that adhere to the rule of law and international best practices.
- Develop or clarify internal guidelines when allegations of abuse by the ALP or other armed groups are received by US armed forces. Specifically:
    - Acknowledge that local perceptions that an armed group, including the ALP, has ties to US forces is often seen as being a barrier to accountability.

- Ensure that all allegations of abuses by armed groups are fully investigated or are passed to the appropriate Afghan government authorities for appropriate action. Be transparent with local government officials regarding actions being taken and follow-up on the status of investigations by US or Afghan officials.
- Provide appropriate protection and assistance to complainants and their families who have a credible fear of retaliation. This can include assisting complainants in accessing central government bodies to avoid local threats and working in conjunction with local human rights groups where appropriate. US officials should make direct representations to the relevant authorities on behalf of complainants who are at risk.

- Work with the Afghan government to put in place adequate mechanisms including designated personnel in every district where the ALP is in operation, to prevent, monitor, and respond to human rights violations by ALP units.
- Ensure that US forces involved in the creation of ALP units do not put pressure on Afghan officials to violate the ALP recruitment process to integrate commanders or groups with poor human rights records, such as registered or unregistered private security groups or precursors to the ALP, including LDI, ISCI, or AP3.
- Ensure increased and adequate training for the ALP to ensure a full understanding and commitment to the ALP rules of engagement, including that the ALP does not have powers to detain, arrest, or interrogate individuals, as well as limitations on the permissible use of firearms.
- Ensure that ISAF forces do not use the ALP for law enforcement or military operations except in emergency situations, such as to defend against immediate insurgent attacks.

To the US Department of State

- Ensure that adequate mechanisms are in place to prevent, monitor, and respond to human rights violations by ALP or other armed groups funded and trained by US forces. Fully implement the Leahy Law, which prohibits the provision of military assistance to any unit of foreign security forces where there is credible evidence that such unit has committed gross violations of human rights, such as torture or cruel, inhuman, or degrading treatment or punishment, and "flagrant denial of the right to life, liberty or the security of the person" and that no "effective measures" are being taken to bring those responsible to justice.[416]

[416] To comply with the Leahy amendment, embassy personnel must actively monitor the human rights behavior of military units that benefit from US security assistance. The law has been applied in countries such as Columbia, Indonesia, and Nepal. In October 2010 it was applied against six units of the Pakistani military for involvement in serious human rights abuses in the Swat Valley.

To the US Department of Defense and CIA

- Audit all relationships with Afghan security forces and armed groups to ensure there is no support or cooperation with individuals or units against whom there are credible allegations of serious human rights abuses. Sever all ties, including training, arming, and funding, with abusive commanders and units, whether regular or irregular.
- Report any incident of human rights violations by Afghan security forces or armed groups to the relevant Afghan authorities and ensure that appropriate disciplinary or criminal action is taken.

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"Just Don't Call It a Militia"

Impunity, Militias, and the "Afghan Local Police"

With US plans to withdraw troops and hand over security to the Afghan government by 2014, the US and Afghan governments have embraced a high-risk strategy of arming tens of thousands of men in a new village-level defense force. Called the Afghan Local Police (ALP), it is the latest in a long line of new security forces and militias the US and other international forces have worked with in recent years to pave the way for the exit of international troops. The Afghan government has also recently reactivated various irregular armed groups, particularly in the north.

"Just Don't Call it a Militia"—based primarily on interviews in Kabul, Wardak, Herat, and Baghlan, with additional interviews in Kandahar, Kunduz, and Uruzgan—first surveys attempts over the past decade to create civilian defense forces in Afghanistan. While some efforts have been more successful than others, all have at times been hijacked by local strongmen or by ethnic or political factions, spreading fear, exacerbating local political tensions, fueling vendettas and ethnic conflict, and in some areas even playing into the hands of Taliban insurgents, thus subverting the very purpose for which the militias were created.

Against this backdrop, we then provide an account of the ALP one year after it was created, detailing instances in which local groups are again being armed without adequate oversight or accountability. We conclude that unless urgent steps are taken to prevent ALP units from engaging in abusive and predatory behavior, the ALP could exacerbate the same perverse dynamics that subverted previous efforts to use civilian defense forces to advance security and public order.

(above) Arbakai working with Afghan and ISAF forces, patrolling Gultepa area in Kunduz, January 2011.
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(front cover) Afghan Local Police, Gizab village of Uruzgan province, Afghanistan, April 2011.
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