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COUNTRY INFORMATION AND POLICY UNIT

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I SCOPE OF DOCUMENT

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

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



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made in the United Kingdom. It represents the current assessment by the Immigration and Nationality Directorate of the general socio-political and human rights situation in the country.

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

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

1.5 The assessment has been placed on the Internet (<http://www.homeoffice.gov.uk/ind/cipu1.htm>). An electronic copy of the assessment has been made available to the following organizations:

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

II GEOGRAPHY

General

2.1 The Islamic State of Afghanistan - or the 'Islamic Emirate of Afghanistan' as it was unilaterally renamed in [October] 1997 by the Taliban - is a land-locked country in south-west Asia. Its neighbours are Turkmenistan, Uzbekistan and Tajikistan to the north, Iran to the west, China to the north-east and Pakistan to the east and south. [1]

2.2 Afghanistan covers an area of some 251,773 square miles. There are 31 provinces. The five largest towns are: Kabul (the capital), Kandahar, Herat, Mazar-i-Sharif and Jalalabad. [1]

Population movements across the border and internal displacements make it difficult to obtain reliable population figures. However, one July 1998 estimate of the population was 24,792,375.

[11b]



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Languages

2.3 Of the many languages spoken in Afghanistan, the principal two are Pashtu and Dari. [1] Pashtu (an Indo-European language, spoken by the Pashtuns) and Dari (a dialect of Farsi/Persian, mainly spoken by the Tajiks, Farsis, Hazaras and Aimaq) have been the official languages of the country since 1936, using an augmented Arabic script. [11a]

2.4 Some 50% of the population are able to speak Pashtu, which is one of the two official languages taught in schools. [16] Pashtu is spoken by the Pashtuns whether in Afghanistan or Pakistan. The Pashtu speaking area is defined as the southeastern third of Afghanistan and the area of Pakistan between the Afghan border and Indus, and the implication is that the language is equally understandable on both sides of the border. It is noted that within Pashtu there are dialectical variations in pronunciation, spelling, grammar and vocabulary. Using the test of pronunciation, the two principal dialects identified are western/Kandahari and eastern/Peshwarin; this division approximates to a division along the border. [15c]

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

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

See also Sikhs: paragraphs 5.3.9 - 5.3.10; and Ethnic Groups: paragraphs 5.3.11 - 5.3.28.

Economy

2.7 The mujahidin government, which came to power in April 1992, was faced with immense economic problems, including serious food and fuel shortages, a collapsed industrial sector, a



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severely damaged infrastructure, the difficulties of thousands of refugees returning to their ravaged farms and fields studded with mines, and high inflation. Furthermore, their requests for foreign aid were jeopardized by the continuing infighting between rival guerrilla and militia groups, and by the fact that Afghanistan is the world's leading producer of opium. [1]

2.8 Throughout 1998, agriculture, including high levels of opium poppy cultivation, was the mainstay of the economy. Lack of resources and the war have impeded reconstruction of irrigation systems, repair of market roads, and the replanting of orchards in some areas. The presence of an estimated 5 - 7 million land mines has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. Trade was mainly in fruits, minerals and gems, as well as goods smuggled to Pakistan. There are also rival currencies, both very inflated. Formal economic activity remained minimal and was inhibited by recurrent fighting and roads blocked by local commanders. [2]

2.9 In October 1998 the leader of the Taliban, Mullah Mohammad Omar, made a public offer to halt the production of opium poppies in exchange for international recognition of the Taliban regime. In remarks made to the Taliban's Bakhtar news agency, Omar said that unless the regime gained recognition the country faced serious economic hardship. [5j]

See also International Recognition: paragraphs 5.4.27 - 5.4.33.

III HISTORY

1973 Coup d'État

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

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



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Communist and Islamic movements challenging the Afghan regime. [11a]

1978 - 1992

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

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

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

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

3.7 In May 1986, Najibullah was appointed General Secretary of the PDPA, in place of Karmal. In November 1986, Najibullah was elected president and a new constitution was adopted. Some of



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the innovations incorporated into the constitution were a multi-party political system, freedom of expression, and an Islamic legal system presided over by an independent judiciary. However, all of these measures were largely outweighed by the broad powers of the president, who commanded a military and police apparatus under the control of the Homeland Party (Hizb-i Watan, as the PDPA became known in 1988). [11a]

3.8 Following an agreement on 14 April 1988 between Afghanistan, Pakistan, the USSR and the US, the departure of Soviet forces commenced in mid-1988 and was completed in 1989.

However, the supply of arms to both sides (i.e. the US and Pakistan to the mujahidin; the Soviet Union to the regime in power) was not halted and the violent conflict continued. [11a]

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

3.10 As the civil war continued, ethnic divisions prevailed, within both the army and groups of the mujahidin, between the majority Pashtuns and minority ethnic groups such as the Uzbeks and the Tajiks. [11a] As a result of a mutiny staged by Uzbek militia forces in the Afghan army, under the command of General Abdul Dostum, the northern town of Mazar-i-Sharif was captured by the mujahidin in March 1992. On 16 April 1992 Najibullah was forced to resign by his own ruling party, following the capture of the strategically important Bagram air-base and the nearby town of Charikar, by the Jamiat-i Islami guerrilla group under the command of the Tajik general, Ahmad Shah Masoud. Najibullah went into hiding in the capital, under UN protection, while one of the vice-presidents assumed the post of acting president. [1]

1992 - 1994: Mujahidin Government

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



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

3.13 Mojaddedi arrived in Kabul on 28 April 1992 as the President of the new interim administration. The Islamic Jihad Council was not, however, supported by Hekmatyar, whose radical stance differed substantially from Mojaddedi's more tolerant outlook. At the end of the month, Hekmatyar's forces lost control of their last stronghold in the centre of Kabul. [1]

3.14 Within a few weeks, the Government of the newly-proclaimed Islamic State of Afghanistan had won almost universal diplomatic recognition, and by early May 1992 about one-half of the Islamic Jihad Council had arrived in the capital. An acting Council of Ministers was formed, in which Masoud was given the post of Minister of Defence and the premiership was set aside for Ustad Abdol Sabur Farid, a Tajik commander from Hizb-i Islami (Hekmatyar declined to accept the post). [1]

3.15 Despite Mojaddedi's repeated pleas to Hekmatyar and his followers to lay down their arms, Hekmatyar, who was particularly angered by the presence of Dostum's Uzbek forces in the capital, continued to bombard Kabul with artillery and indiscriminate rocket launches from various strongholds around the city, killing and wounding scores of citizens. [1] On 28 June 1992 Mojaddedi surrendered power to the Leadership Council, which immediately offered Rabbani the presidency of the country and the concomitant responsibility of the Interim Council of Ministers for four months. Following the Islamabad Accord of March 1993, Afghanistan was formally ruled by President Rabbani (from Jamiat-i Islami). The post of prime minister went to Hekmatyar, leader of Hizb-i Islami. [11a]

3.16 Renewed intense fighting broke out on 1 January 1994, when Prime Minister Hekmatyar, in a new alliance with Uzbek General Dostum, attempted to force President Rabbani from office. The fighting over control of territory and political authority in Afghanistan intensified between the



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Jamiat-i Islami, led by President Rabbani and his commander, Masoud, and the alliance between the northern General Dostum and Hekmatyar (referred to as the Supreme Coordination Council, with the backing of the Hizb-i Wahdat). [11a]

Emergence of the Taliban

3.17 United Nations' efforts to promote a broad-based government acceptable to the various factions continued and the UN peace envoy, former Tunisian foreign minister, Mahmoud Mestiri, finalized a proposal for transfer of power to a broad-based interim administration by the end of February 1994. However, this plan was postponed due to the absence of political will of major powers, and political developments: particularly the emergence from 'madrassas' (Islamic colleges) in Pakistan of a new political grouping [11a] in the latter half of 1994 [1], the (mainly Pashtun) Taliban. [11a]

3.18 In November 1994 the Taliban captured Kandahar in southern Afghanistan from the mujahidin and moved north-eastward to the provinces of Helmand, Khost and Wardak. The term of office of President Rabbani came to an end on 28 December 1994, but he remained president, pending the outcome of the UN sponsored peace negotiations. [11a]

February 1995 - June 1996

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

3.20 On 5 September 1995 the Taliban captured the city of Herat from the forces of the governor, Ismael Khan, who was allied to the government of Rabbani. [11a] In October 1995, the Taliban launched a massive ground and air assault on Kabul, but by early January 1996 had failed to breach the capital's defences. Despite the holding of exploratory negotiations between the Rabbani government and major opposition parties in the first quarter of 1996, the fighting in and around Kabul intensified. The President's attempts at conciliation finally proved successful in late May



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1996 in a critical development ('Mahipar Agreement') when he persuaded Hekmatyar to rejoin the Government. [1] As Hekmatyar resumed the post of prime minister, fighting in Kabul broke out and the city became a target of indiscriminate bombing. Daily rocket attacks on Kabul peaked in June 1996. [11a]

See also Constitution: paragraphs 4.1.1 - 4.1.3.

September 1996 - June 1997

3.21 On 11 September 1996 the Taliban captured Jalalabad, the eastern city bordering Pakistan, and on 27 September 1996 they captured Kabul. Their first act was to execute and publicly hang former President Najibullah, who, since the fall of his government in April 1992, had sought shelter in a UN compound. The capture of Kabul quickly realigned political forces within Afghanistan and the region. The non-Pashtun forces allied again as they did in the North Alliance of 1992. This time, however, after the defeat of the Tajik Commander Masoud, the Alliance was clearly under the leadership of the Uzbek General Dostum. [11a]

3.22 The country was effectively partitioned between areas controlled by Pashtun and non-Pashtun forces, as the Taliban now controlled all the predominantly Pashtun areas of the country (as well as Herat and Kabul) while non-Pashtun organizations controlled the areas bordering on the central Asian republics (whose populations are ethnically non-Pashtun, such as Uzbeks and Tajiks). [11a]

See also Ethnic Groups: paragraphs 5.3.11 - 5.3.28.

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

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



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continued into January 1997. [1]

3.25 The city of Charikar and Bagram military air-base were recaptured by the Taliban in early 1997. Taliban militia reportedly pushed further north and captured three districts in Kapisa province in north-eastern Afghanistan, previously under the control of Commander Masoud's troops, pushing toward the Salang Pass to within 20 kilometres of the Soviet-built tunnel that leads through the Hindu Kush mountain range into provinces held by General Dostum. The opposition reportedly gave up much of the territory without a fight. However, in May 1997, the Taliban was reportedly pushed out of Jebul Siraj, a strategic town north of Kabul by forces of Commander Masoud. [11a]

3.26 In the north-west the fighting between the Taliban and Northern Alliance intensified throughout late 1996 and early 1997 as the Taliban launched an offensive from Herat (which it had captured in September 1995). The Taliban were pushed back but held the last pass before Herat.

[11a] Fierce fighting between the Taliban and Dostum's forces resumed in January 1997 in Badghis province and, on 16 January 1997, the Taliban recaptured Bagram air-base and Charikar. Later that month, heavy fighting between Taliban and anti-Taliban alliance forces resulted in thousands fleeing south toward Kabul. [3]

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

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



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See also Mazar-i-Sharif Massacres: paragraphs 5.2.8 - 5.2.9; and Hazaras: paragraphs 5.3.21 - 5.3.26.

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

[11a]

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

August 1997 - September 1998

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

3.32 In September 1997 the main battlefield moved northwards from Kabul when the Taliban launched an offensive in an attempt to recapture Mazar-i-Sharif. Following fierce fighting the Taliban was forced to lift the siege and retreat in early October 1997. Meanwhile, in mid-September 1997 General Dostum was reported to have returned to Mazar-i-Sharif from Turkey, and in the following month the member parties of the UIFSA re-elected him as commander of the forces of the alliance and appointed him as Vice-President of the anti-Taliban administration. [1]

3.33 However, there were reports of a bitter rivalry between General Dostum and General Abdul



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Malik, and skirmishes between their respective forces. Dostum's battle for supremacy with his rival led him to make overtures to the Taliban, including offers of exchanges of prisoners of war. By late November 1997, General Dostum reassumed leadership of the National Islamic Movement, ousting General Malik. [1]

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

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

See also Religious Minorities: paragraphs 5.3.1 - 5.3.10; and Ethnic Groups: paragraphs 5.3.11 - 5.3.28.

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

See also Peace Initiatives: paragraphs 5.4.21 - 5.4.26.

3.37 Taliban forces made key gains in mid-July when they captured Meymaneh, the capital city of the north-western Fariab province. [5g] When the Taliban failed in its efforts to control the north, they were able to establish a long-term presence in the area gaining the support of many Pashtuns there. Despite intermittent activity, the lines of control remained relatively stable until the Taliban's new offensive in July 1998. Pakistan reportedly was again instrumental in supporting the Taliban offensive that began in July 1998. As the Taliban neared Mazar-i-Sharif a number of opposition commanders reportedly abandoned the city with some Jamiat fighters even looting their own offices. These defectors together with Pashtun militia commanders from Balkh, disillusioned with Hekmatyar, agreed to join forces with the Taliban and move in behind Hizb-i-Wahdat stationed at Qala Zaini. Trapped in the position, nearly the entire Hizb-i-Wahdat force was killed (some 3,000 men) opening the way for Taliban into Mazar-i-Sharif. [11b]

3.38 Fighting intensified during August 1998. On 3 August 1998 the Taliban captured the



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headquarters of the ethnic Uzbek leader, General Dostum, in Sheberghan, some 120km west of Mazar-i-Sharif. Dostum reportedly fled to neighbouring Uzbekistan. The fall of Sheberghan left the road to Mazar-i-Sharif undefended, and a massive assault by the Taliban on Mazar-i-Sharif on 8 August 1998 quickly overcame the city's defences. [5h]

3.39 On 10 August 1998, UIFSA confirmed that the Taliban had captured Mazar-i-Sharif. A number of Iranian diplomats were reported to have been captured from Iran's diplomatic mission in the city. Also on that date Taliban forces defending Kabul advanced northwards towards the Panjshir Valley. Their gains in north and north-western Afghanistan meant that by the end of August 1998 the Taliban controlled about 90% of the country. [5h]

September 1998 - March 1999

3.40 Tension between Iran and the Taliban escalated during September 1998 following a large-scale deployment of Iranian forces on its eastern border with Afghanistan. The military build up was in response to the killing of nine Iranian diplomats on 8 August 1998, when Taliban forces captured Mazar-i-Sharif. [5i]

See also Government: paragraphs 4.1.4 - 4.1.6.

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

See also Human Rights: Introduction: paragraphs 5.1.1 - 5.1.5: and Travel: paragraphs 5.4.5 - 5.4.8.

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

3.43 Fighting between the Taliban and the UIFSA continued in November and [5k] December 1998. [5l] On 5 December 1998 senior commanders of some Afghan groups reached an agreement at a meeting in the Panjsher valley to the north of Kabul to overcome their differences and to fight together against the Taliban. At this meeting, the leader of the Hizb-i-Wahdat-i-Eslami, Karim Khalili, a former commander of Hekmatyar's Hizb-i-Eslami, Ubaydollah Sabohum, and the leader



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of the Hezb-i-Etehad-i-Eslami, Abdorrasul Sayyuf, approved Ahmad Shah Masoud as the military commander. This agreement was reported as a significant political step by the commanders of the UIFSA. [10c]

3.44 Fighting between the Taliban and the UIFSA also ensued throughout January 1999. Masoud's forces claimed a significant victory on 25 January 1999 when they captured territory in Fariab province. [5m] Following talks in Ashkhabad in March 1999 (capital of Turkmenistan), representatives of the Taliban and the Northern Alliance agreed to form a joint executive, legislature and judiciary, and to release twenty prisoners. A cease-fire was not agreed although the warring factions reportedly agreed to work towards a permanent cease-fire. [19]

IV INSTRUMENTS OF THE STATE

4.1 POLITICAL SYSTEM

Constitution

4.1.1 Immediately following the coup of 27 April 1978, the 1977 Constitution was abolished. On 21 April 1980 the Revolutionary Council ratified the Basic Principles of the Democratic Republic of Afghanistan. These were superseded by a new constitution ratified in April 1985. Another new constitution was ratified in November 1987; this constitution was amended in May 1990. [1]

4.1.2 In July 1992, the mujahidin's Leadership Council appointed a special commission to draw up a new and more strictly Islamic constitution. In September 1993 a draft constitution was reportedly approved by the Commission, in preparation for the holding of a general election. In May 1996, following the signing of the Mahipar Agreement between President Rabbani and Hekmatyar, a constitution to cover the interim period pending the holding of a general election was drawn up and published. [1]

4.1.3 There is currently no [functioning] constitution. [2] The Taliban supreme leader, Mullah Mohammad Omar, reportedly issued an order on 1 July 1998 to revise the country's constitution to provide for enforcement of Sharia law. [4a]

Government

4.1.4 At present there is no functioning central government in Afghanistan. [2] Following the collapse of Najibullah's regime in 1992, a provisional mujahidin government was established in



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Kabul. For the first two months, Mojaddedi held the post of acting president and headed a 51-member executive body, known as the Islamic Jihad Council, which appointed an interim Council of Ministers in early May 1992. On 28 June 1992 Mojaddedi, in accordance with the Peshawar Agreement, surrendered the presidency to Burhanuddin Rabbani, who presided over another executive body: the Leadership Council. [1]

4.1.5 In January 1996, Rabbani remained in the presidency, despite the official expiry of his tenure of office, and there seemed no prospect of any elections being held in the near future, owing to the continuing civil war. However, in September 1996 the Taliban seized control of Kabul, and Rabbani's government fled north. On assuming power, the Taliban declared Afghanistan a "complete" Islamic state and appointed an interim Council of Ministers to administer the country. However, the Taliban gave no indication as to when elections would be held. [1]

4.1.6 In mid-August 1997 the anti-Taliban opposition coalition, UIFSA, reportedly appointed a new government with Rabbani continuing as president and Abdorrahim Ghafurzai as prime minister. The former prime minister in the anti-Taliban administration, Hekmatyar, refused to recognize the new government. However, within a few days of its appointment, seven members of the new government, including the prime minister, were killed in aeroplane crash. In late August 1997 the anti-Taliban alliance appointed Abdoldghaffur Rawanfarhadi as new prime minister, and in September 1997 General Abdul Rashid Dostum was appointed Vice-President of the UIFSA administration. [1]

See also International Recognition: paragraphs 5.4.27 - 5.4.33.

4.2 JUDICIAL SYSTEM

Introduction

4.2.1 Following the collapse of Najibullah's regime and the installation of a mujahidin government in Kabul in April 1992, a judicial system based on the rules of Sharia was expected to be incorporated in the mujahidin's new constitution. In an apparent attempt to improve security in Kabul, special courts were established by the administration to prosecute "people who violate homes, children and property". However, following its seizure of power in Kabul in September 1996, the Taliban imposed a strict Islamic code of conduct in Kabul. [1]

4.2.2 With the absence of formal legal and law enforcement institutions, justice is not administered according to formal legal codes, and persons are subjected to arbitrary detention. There are



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credible reports that both Taliban and Northern Alliance militia extort bribes from civilians in return for their release from prison or freedom from arrest. Judicial and police procedures vary from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, practices vary depending on the locality, the local commanders and other authorities. Some areas have a more formal judicial structure than others. [2]

4.2.3 There is no constitution, rule of law, or independent judiciary in Afghanistan today. A new legal system has not been adopted but all parties tacitly agree they will follow Sharia (Islamic) law. [11b]

See also Security: paragraphs 4.3.1 - 4.3.5; Religious Police: paragraphs 5.2.17 - 5.2.20; and Travel: paragraphs 5.4.5 - 5.4.8.

Taliban Territory

4.2.4 The Taliban regime recognizes only the validity of Islamic law. It does not accept the notion of secular law, nor binding international human rights norms. [11b] There is a six-member ruling council in Kabul but ultimate authority for Taliban rule rests in the Taliban's inner 'shura' (council), located in the southern city of Kandahar, and in the Taliban's supreme leader: Mullah Mohammad Omar. [2]

4.2.5 The Taliban rule strictly in areas they control, establishing ad hoc and rudimentary judicial systems. They use swift summary trials, and the courts reportedly deal with all complaints, relying on Islamic law and punishments as well as traditional tribal customs. For other infractions, Taliban militia reportedly decide right or wrong, giving out punishments such as beatings on the spot. In cases involving murder and rape, convicted prisoners are generally ordered executed by relatives of the victim, who may instead choose to accept other restitution. Decisions of the courts are reportedly final. [2]

See also Detainees: paragraphs 5.2.5 - 5.2.7; and Religious Police: paragraphs 5.2.17 - 5.2.20.

4.2.6 Three stages of courts reportedly exist in Kabul: preliminary courts, courts of appeal and the Supreme Court. Important matters pass through all three stages. However, in cases of homicide, the three stages can be bypassed if the Taliban supreme leader, Mullah Mohammad Omar, issues a death decree. In general, all death sentences are reportedly reviewed by Mullah Mohammad Omar.



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However, persons can be arrested arbitrarily in Kabul, at times on a whim, without the Ministry of Justice or Interior being informed. [6]

4.2.7 The Danish Immigration Service (DIS) and the Danish Refugee Council conducted a fact-finding

mission to Afghanistan and Pakistan in November 1997, to investigate matters of security, human rights and the humanitarian situation in Afghanistan. During the mission, meetings were held with representatives of both the Taliban and Northern Alliance, and with independent sources, including the UNHCR and other non-government organizations. A UN source commented that the training and recruitment of judges were the most disturbing points in the legal system introduced by the Taliban. Recruitment is usually from among local mullahs, who have received training either at mosques in Afghanistan or at 'madrassas' (Islamic colleges) in Pakistan. In the source's view, judges are not usually adequately trained in Sharia law to be able to give rulings on a sound basis. [8]

4.2.8 Likewise, Amnesty International reported in April 1998 that the verdicts for punishments passed by the Taliban's Sharia courts lack the minimum requirements for a fair trial. Judges in these courts are reportedly untrained in law, and base their judgements on a mixture of their understanding of Islamic law and the prevalent Pashtun code of honour. [7e]

Northern Alliance Territory

4.2.9 Little is known about the administration of justice in the areas controlled by Rabbani/Masoud in the north. The administration and implementation of justice varies from area to area, and depends on the whims of local commanders or other authorities, who summarily execute, torture and mete out punishments without reference to any other authority. [2]

4.2.10 The DIS was advised that the UNHCR had misgivings about the proper working of the legal system in northern Afghanistan. This was considered especially true in areas where individual commanders had established independent power bases and accordingly acted as the legislative, judiciary and executive authority all in one. The administrative system generally was described as weak and very inscrutable. [8]

4.3 SECURITY

Taliban Territory



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4.3.1 With the arrival of the Taliban, it was reported in 1996 that many roads were reopened and security conditions apparently improved. [11a] The strict security enforced by the Taliban in areas under their control has resulted in a decrease in abductions, kidnappings, and hostage taking for ransom. However, the civil war and lack of security continued to make it difficult for human rights organizations to monitor adequately the situation inside Afghanistan. [2] It was also reported in December 1998 that personal security has increased since the advent of the Taliban, and there are fewer and fewer robberies. [14]

4.3.2 In June 1997 Amnesty International reported that claims by the Taliban to have brought peace and stability to Afghanistan was often used by their supporters to justify human rights abuses, including their discriminatory practices against women. However, whilst Kabul's residents apparently welcomed an end to the rocketing and shelling that came from the Taliban's takeover of the city, some have questioned the price which they have had to pay. Furthermore, with the arrival of the Taliban in Mazar-i-Sharif [in May 1997], tension, insecurity and instability was heightened. [7a]

See also Human Rights: Introduction: paragraphs 5.1.1 - 5.1.5; Religious Police: paragraphs 5.2.17 - 5.2.20; Mazar-i-Sharif Massacres: paragraphs 5.2.8 - 5.2.9; and Women: paragraphs 5.3.41 - 5.3.50.

4.3.3 Amnesty also reported in September 1997 that women in areas controlled by the mujahidin were at risk of being raped. Whilst the Taliban may have established a degree of security in the areas they control, they have also imposed severe repressive measures against women. [7b]

See also Women: paragraphs 5.3.41 - 5.3.50.

4.3.4 Concerning crime trends in territory controlled by the Taliban, the DIS was advised by all interviewees that the general security situation had improved since the Taliban seized power. There was a broad agreement that the improvements relate, in particular, to protection of life and property, and to greater freedom of movement. However, a few sources feared that the improved security situation could change. [8]

Northern Alliance Territory

4.3.5 The DIS was advised by the UNHCR that the security situation in Northern Alliance territory generally was considerably more unstable than in Taliban territory. Freedom of movement was particularly restricted as individual commanders had in many places set up roadblocks and had



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decided for themselves who was allowed to pass. [8]

See also Findings of the UN Special Rapporteur: paragraphs 5.2.1 - 5.2.3; and Travel: paragraphs 5.4.5 - 5.4.8.

V HUMAN RIGHTS

5.1 INTRODUCTION

5.1.1 The Danish Immigration Service (DIS) and the Danish Refugee Council conducted a fact-finding mission to Afghanistan and Pakistan in November 1997, to investigate matters of security, human rights and the humanitarian situation in Afghanistan. During the mission, meetings were held with representatives of both the Taliban and Northern Alliance, and with independent sources, including the UNHCR and other non-government organizations. Concerning the human rights situation, a UN source stated that the human rights problem is to some extent directly affected by the fact that the country has long been in the throes of a civil war, as well as by the latest advances or reverses at the front. [8]

See also Findings of the UN Special Rapporteur: paragraphs 5.2.1 - 5.2.3.

5.1.2 The overall human rights situation throughout 1998 was extremely poor and serious human rights violations continued to occur. Armed units, local commanders and rogue individuals were responsible for political killings, abductions, kidnappings for ransom, torture, rape, arbitrary detention and looting. Summary justice was common. In Taliban areas, strict and oppressive order is imposed, and stiff punishments for crimes prevail. [2]

See also Human Rights: General Assessment: paragraphs 5.2.1 - 5.2.20; and Women: paragraphs 5.4.41 - 5.4.50.

5.1.3 The ethnic and religious divide in Afghanistan has deepened. [6] There were reliable reports in 1998 that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. There were also reports of forced expulsions of ethnic Hazaras and Tajiks from areas newly occupied by the Taliban. [2]

See also Detainees: paragraphs 5.2.5 - 5.2.7; and Ethnic Groups: paragraphs 5.3.11 - 5.3.28.

5.1.4 Amnesty International stated in their 1998 Annual Report that scores, possibly hundreds, of people have been killed in deliberate or indiscriminate attacks by warring factions, including air raids and rocket attacks on villages and residential areas. [7d]

5.1.5 According to Human Rights Watch, Afghanistan remained one of the world's most intractable



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human rights disasters in 1998. The war between forces of the Taliban and the coalition of opposition forces continued to wreck devastation in the north of the country. As has been the case throughout the war, all parties to the conflict were responsible for violations of international humanitarian law. It was also reported that it was generally believed that all parties were laying new landmines. [17]

5.2 GENERAL ASSESSMENT

Findings of the UN Special Rapporteur

5.2.1 A United Nations' special rapporteur visited Afghanistan and Pakistan between 30 November - 12 December 1997 in order to gain comprehensive insight into the current human rights situation in Afghanistan. As part of his investigations, the Special Rapporteur met with members of both the Taliban and Northern Alliance; UN agencies; national and international humanitarian and non-governmental organizations; and private individuals. [6]

5.2.2 The UN Secretary-General of the Economic and Social Council published the Special Rapporteur's findings in a report dated 12 March 1998, in which it was concluded that the human rights situation in Afghanistan had deteriorated throughout 1997. The Special Rapporteur reported that armed hostilities among the warring factions had taken on the features of violent confrontation with ethnic and religious attributes. He also said that the right to life of the Afghan people was under constant serious threat due to the intensification of hostilities, including along ethnic and religious lines, accompanied by flagrant violations of human rights such as executions, torture and other cruel, inhuman or degrading treatment or punishment, arbitrary detention, looting and unfounded persecution. He concluded that this situation has led to unprecedented violence resulting in massive loss of life. [6]

See also Religious Minorities: paragraphs 5.3.1 - 5.3.10; and Ethnic Groups: paragraphs 5.3.11 - 5.3.28.

5.2.3 The Special Rapporteur also concluded that the continued absence of a central power and governmental institutions, as well as the intensification of fighting, lawlessness and chaos in certain parts of the country, were significant contributing factors to the deterioration of the situation of human rights. He further stated that the non-observance of the international laws of war and humanitarian norms in and outside the battle zones in Afghanistan was widespread. [6]

See also Government: paragraphs 4.1.4 - 4.1.6; and Security: paragraphs 4.3.1 - 4.3.5.



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Torture

5.2.4 The 1998 US State Department report states that all Afghan factions are believed to have used torture against opponents and POWs, though specific information is generally lacking.

Torture does not appear to be a routine practice in all cases. Some of Masoud's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents. [2] According to Amnesty International, torture and ill-treatment were widespread in jails and detention centres run by the Taliban and other armed political groups. [7d]

See also Detainees: paragraphs 5.2.5 - 5.2.7.

Detainees

5.2.5 All factions probably hold political detainees, but no firm numbers are available. Thousands of prisoners of war are held by the Taliban and Masoud. The Taliban claimed to have freed thousands of prisoners during the past few years. Masoud reportedly holds a number of Pakistanis, along with several hundred Taliban soldiers, as POWs. Prisoner releases by all factions occurred during the year, often with the assistance of the International Committee of the Red Cross (ICRC). Generally, small numbers of prisoners were released at any given time. However, on 21 July 1998, the ICRC assisted in an exchange of 140 prisoners between Masoud and the Taliban. An independent Afghan entrepreneur, Syed Jalal, also successfully brokered the release of at least 500 prisoners held by the two sides. On 5 December 1998, to mark the month of Ramadan, the Taliban unilaterally released 118 mostly elderly men from Pul-i-Charkhi prison in Kabul. [2]

5.2.6 The non-observance of the international laws of war and humanitarian norms in and outside the battle zones in Afghanistan has resulted in the ill-treatment of prisoners of war and the imposition of inhumane conditions of detention. [6] Amnesty International reported in their 1998 Annual Report that prisoners of war throughout the country maybe at risk of execution. [7d]

5.2.7 During 1998, the ICRC registered almost 4,400 prisoners of war across the country. Intensified fighting and poor security for foreign personnel limited the ICRC's ability to monitor prison conditions, especially in and around Mazar-i-Sharif after that city fell to the Taliban. However, the ICRC's access improved toward the end of the year (1998). The ICRC visited approximately 8,000 detainees in 50 different places of detention in 1998. [2]

Mazar-i-Sharif Massacres



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5.2.8 The discovery of mass graves near Shibarghan in the northern part of the country in 1997 was widely reported. The graves allegedly contained 2,000 corpses, reportedly those of Taliban forces captured near Mazar-i-Sharif in mid-1997 and executed by Northern Alliance forces. [2] Amnesty International reported that these Taliban were possibly killed after they had been captured by the forces of General Malik. [7c] Accurate statistics regarding the number of persons killed after the takeover of Mazar-i-Sharif are not available, since no foreign observers or journalists were allowed into the area and there was no investigation of the events. [2] The dead are thought to have been among 3,000 Taliban militia taken prisoner after the Taliban entered Mazar-i-Sharif in May 1997, but retreated shortly from the city in the face of an uprising by the local population as well as a counter attack by the combined forces of General Malik and Hizb-i Wahdat, led by Karim Khalili. [7c]

See also Detainees: paragraphs 5.2.5 - 5.2.7.

5.2.9 In November 1998 highly-credible reports emerged that when the Taliban returned to Mazar-i-Sharif in August 1998 they massacred up to 8,000 people, in revenge for the killings of their own men in 1997. Described as a "campaign of slaughter against the Shia minority, the Hazaras", men, women and children were reportedly shot in their homes and on the street, and hospital patients were murdered in their beds. [12] However, in a report submitted in October 1998 by the UN Special Rapporteur on Afghanistan, it was alleged that the Hazara ethnic minority was principally, though not exclusively, targeted by the Taliban in its capture of Mazar-i-Sharif. [11b]

See also Hazaras: paragraphs 5.3.21 - 5.3.26.

Recruitment of Soldiers

5.2.10 During its fact-finding mission in November 1997, the DIS was advised by the Pakistan Foreign Ministry that, according to its information, the Taliban only recruit on a voluntary basis. A US source said that the Taliban were known to recruit soldiers both in refugee camps in Pakistan and within Afghanistan itself. However, there was hardly any forced recruitment in camps in Pakistan. [8]

See also Refugees Outside Afghanistan: paragraphs 5.4.9 - 5.4.14.

5.2.11 The DIS was also advised by several UN sources that the bulk of Taliban soldiers were volunteers. However, conscription does take place from time to time, especially in critical situations. Conscripts might include Hazaras but were otherwise mostly Pashtuns. Several



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international non-government organizations also confirmed that conscription is practised, adding that conscripts have included Tajiks and Hazaras. Several UN sources confirmed that the Taliban included Tajiks and representatives of other groups as ordinary members, however, this is in part due to conscription into the Taliban armed forces. A source at the US representation in Pakistan advised that the Dostum, Masoud, Khalili and Malik have also practised conscription. [8]

See also Hazaras: paragraphs 5.3.21 - 5.3.26.

5.2.12 The UN Special Rapporteur was also advised during his visit to Kandahar in December 1997 that a massive campaign of forced conscription had taken place in the Kandahar and Helmand provinces, especially in the villages, where an absence of young men had been observed. The inhabitants of Kandahar [6] (which the Taliban captured in November 1994) [11a] are reportedly not trusted by the Taliban, since the Taliban are viewed as occupiers. The UN Special Rapporteur was also advised that a Food and Agriculture Organization district centre in a neighbouring district had been expropriated for conscription purposes. Some villages have reportedly set up observation posts to watch out for conscription teams. [6]

See also Ethnic Groups: paragraphs 5.3.11 - 5.3.28.

5.2.13 There are reports that some prisoners of the Taliban, including young sons of families that had opposed Taliban social restrictions, had been drafted forcibly and sent to the front. In January 1998 there were unconfirmed reports that the Taliban, in attempting to conscript forcibly young men in the Arghandab district near Kandahar, sparked low-level armed resistance among local residents. There were also unconfirmed reports in 1997 that youths were rounded up and sent into combat. [2]

See also Detainees: paragraphs 5.2.5 - 5.2.7.

Taliban's General Amnesty

5.2.14 On 26 June 1997 the Taliban signed a general amnesty. Section 4 of the amnesty reads:

"All returnees, irrespective of their political affiliations, are exempted from prosecution for all criminal offences committed for whatever reason prior to, or in, exile except for those criminal offences committed against other persons. This exemption includes inter alia having left Afghanistan and having found refuge in Pakistan, Iran or any other country, joining different commanders, draft evasion and desertion as well as the act of performing military service in internationally non-recognized



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armed forces". [8]

5.2.15 The DIS was advised by the UNHCR in Kabul that the amnesty was construed as not covering people who have committed criminal offences against individuals. According to a UN source, the Taliban do not feel bound by the terms of the amnesty and insufficient steps have been taken to ensure its implementation. The source added that in some situations the Taliban has deliberately refused to allow humanitarian organizations to monitor conditions for returnees, including implementation of the amnesty commitments. Furthermore, according to an international NGO in Herat, the amnesty is not mentioned by the authorities and, in its view, most Taliban members are unaware of the amnesty. However, another UN source stated that the Taliban can be expected to want to honour their agreement, but that this obviously requires close monitoring. [8]

5.2.16 One Afghan NGO was of the opinion, from an assessment of conditions for returning refugees, that the amnesty is not credible, adding that the Taliban has come out with similar amnesty declarations for particular groups from time to time. None of them have been as comprehensive as that announced by Professor Mojaddedi in 1992. Also, the June 1997 amnesty does not appear to have been endorsed by Mullah Omar, the Taliban's highest authority, who can set aside all decisions taken at any lower level. [8]

See also Judicial System: paragraphs 4.2.1 - 4.2.10; and Former Members of the PDPA Regime: paragraphs 5.3.29 - 5.3.40.

Religious Police

5.2.17 The Taliban's Religious Police (the "Department for Promoting Virtue and Preventing Vice") is empowered to carry out beatings of offenders on the spot and house-to-house searches for forbidden items. [11a] The religious police enforce their extreme interpretation of Islamic punishments, such as public executions for adultery or murder, and amputations of one hand and one foot for theft. [2]

5.2.18 When the Head of the Religious Police, Maulavi Qalamuddin, met with the UN Special Rapporteur in December 1997, he explained that the Religious Police had two roles: to promote virtue by calling people to good deeds, and prohibit vice by keeping people out of crimes and other anti-religious activities. The Head explained that if something had happened, it was the duty of the police to investigate and turn the case over to the Chief Justice and the Attorney-General. [6]

5.2.19 Small incidents and small social and religious crimes are dealt with exclusively by the



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Religious Police, who offer advice and punishments. However, both men and women in Kabul reportedly fear being stopped or harassed by the Religious Police (for example, shopkeepers found in their stores at prayer time have been beaten by the Religious Police). Punishments for some offences have reportedly ranged from 10-40 lashes. Some persons are said to have been beaten successively at several Religious Police checkpoints. [6]

5.2.20 The DIS also met with Maulavi Qalamuddin. He advised the DIS that the Religious Police reports not to the Ministry of Justice or any other ministry but directly to the Taliban's undisputed leader, Mullah Omar. [8]

See also Judicial System: paragraphs 4.2.1 - 4.2.10.

5.3 SPECIFIC GROUPS

Religious Minorities

Introduction

5.3.1 The official religion of Afghanistan is Islam. [1] The role of Islam within Afghanistan differs according to the traditional culture of each ethnic group. [11a] Some 85% of the population is Sunni Muslim; Shia Muslims constitute most of the remainder. Some Taliban leaders claimed tolerance of religious minorities, although there reportedly have been restrictions imposed upon Shia Muslims in Taliban controlled territory, though not on a uniform basis. Civil war conditions, and the unfettered actions of competing factions, have effectively limited the freedom of religion.

Freedom of religion is severely restricted, and Taliban members vigorously enforce their interpretation of Islamic law. [2]

5.3.2 There are small minority groups of Hindus, Sikhs and Jews. [1] Almost all of the country's small Hindu and Sikh population, which once numbered about 50,000, have emigrated or taken refuge abroad. [11a] & [2] There were reports in 1998 that Hindus were now required to wear a piece of yellow cloth attached to their clothing to identify their religious identity; Sikhs reportedly were required to wear some form of identification as well. This rule was allegedly imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from harassment by the Religious Police. [2]

See also Shia Muslims: paragraphs 5.3.5 - 5.3.7; and Sikhs: paragraphs 5.3.9 - 5.3.10.

5.3.3 The small number of non-Muslim residents in Afghanistan may practice their faith but may not proselytize. [2] However, it was reported on Iranian radio on 10 July 1998 that the Taliban has



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categorically banned any attempts by Afghan Muslims to change their faith. The Taliban is reported as saying that all citizens and foreigners are warned that converting a Muslim compatriot to a blasphemous belief is banned, and anyone involved in such work will be punished in line with Islamic rules. [10a]

5.3.4 In 1997, a Christian church in Kabul was reportedly taken over by the Taliban and turned into a mosque. [2] In November 1998, Taliban officials accepted responsibility for the defacing of one of two historic statues of Buddha near Bamiyan during their takeover of that city in August 1998. The Taliban claimed that the vandalism was the result of an unauthorized act by one of their soldiers, and that the statues were being protected by the Taliban from further harm. [2] The Taliban's supreme leader, Mullah Omar, ordered Taliban guards to guard and protect the Buddha statues. [13]

Shia Muslims

5.3.5 Shia Muslims, about 15% of the population, are concentrated in central and western Afghanistan. [11b] Historically, the minority Shia have faced discrimination from the majority Sunni population. The Hazara ethnic group is Shia; Shias are reportedly amongst the most economically disadvantaged persons in the country. There are reports that the Taliban have occupied and "cleaned" Shia mosques for the use of Sunnis. [2] The Shia have long maintained religious links with Iran, where their 'ulema' studied at the famous seminaries in Qum and Mashad. [11b]

5.3.6 The DIS was advised by the UNHCR office in Herat that there are a number of Shia Muslims in Herat, most of whom are ethnic Hazaras (although some Tajiks are also Shia Muslims). The town has five mosques and five Shia schools, which appear to operate on a day-to-day basis without hindrance. However, another UN source reported that there has been a certain amount of discrimination against and ill-treatment of Shia Muslims in Herat province, practices which seem to be deliberate on the Taliban's part. The Taliban has also prohibited some traditional religious ceremonies at Sufi shrines in Herat and the surrounding area, under threat of punishment if the ban is contravened. A UN source in Kandahar did not know of any ill-treatment of Shia Muslims in that town. [8]

See also Tajiks and Panjshiris: paragraphs 5.3.18 - 5.3.20; and Hazaras: paragraphs 5.3.21 - 5.3.26.

5.3.7 In a report on the Mazar-i-Sharif massacre, it has been indicated that the Taliban leader, Amir



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Mohammed Omar, had issued a fatwa (religious ruling) stating that the killing of Shia Muslims is not a crime because they are non-believers. It was also stated in a report submitted by the UN Special Rapporteur for Human Rights on Afghanistan to the Commission on Human rights in 1998 that because of the growing division of the country along ethnic lines, persons belonging to the Hazara ethnic minority have difficulty moving freely and entering hospitals in Kabul. [11b]

See also Mazar-i-Sharif Massacres: paragraphs 5.2.8 - 5.2.9; and Travel: paragraphs 5.4.5 - 5.4.8.

Ismailis

5.3.8 The Ismailis are a Muslim minority group that split from the Shias in 765. They are estimated to consist of 2% of the total Muslim population in Afghanistan. Ismailis have been regarded as "non-Muslims" by radical elements of the Muslim population (they believe that their spiritual leader, Karim Agha Khan, is a direct descendant of the Prophet Mohammad). [11a]

See also Shia Muslims: paragraphs 5.3.5 - 5.3.7.

Sikhs

5.3.9 Afghan Sikhs comprise descendants of traders drawn to Afghanistan through Afghan intervention in northern India and British-Indian intervention in Afghanistan, plus some whose emigration was stimulated by the upheaval of 1946-47 that accompanied the partition of the Indian Empire. The Afghan Sikhs retain the use of Punjabi amongst themselves; given their involvement in trade, Dari/Farsi is probably the most important additional language for them. [10c]

See also Languages: paragraphs 2.3 - 2.6.

5.3.10 The UN Special Rapporteur visited Jalalabad in September 1994 and met with members of the Sikh community there and visited a Sikh temple. He was informed that most members of the Sikh community had left all provinces of Afghanistan and gone either to Jalalabad or to India. At that point there appeared to be little if any evidence that the Sikh community was persecuted or ill-treated on the basis of being a Sikh. [15a] Although all Sikhs fled Kabul in 1996 when the Taliban assumed control, it was reported in October 1997 that there were a small number of Sikhs in shops in Jalalabad. There are also many Sikhs still trading in Hyatabad, a suburb of Peshawar in Pakistan. [15b] There were reports in 1998 that Sikhs were required to wear some form of identification as well. This rule was allegedly imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from harassment by the Religious Police. [2]



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Ethnic Groups

Introduction

5.3.11 Afghanistan is largely a tribal society, divided into many tribes, clans and smaller groups. Considerable variation in the types of terrain, and obstacles imposed by high mountains and deserts, account for the country's marked ethnic and cultural differences. [11a]

5.3.12 The DIS was advised that there has been an increased ethnic dimension to the civil war in Afghanistan. Several sources referred to abuses and protection problems for minorities within regions, especially for non-Pashtuns in Taliban controlled territory and for Pashtuns in Northern Alliance controlled territory. A UN source explained that the ethnic dimension to the war runs along political lines, with the parties and military alliances being based on ethnic background. On the question of ethnic cleansing, a UN source stated that Afghanistan has not experienced any ethnic cleansing, but that there has been an ethnic polarization, especially between the Taliban and the Hazara population. [8]

See also Findings of the Special Rapporteur: paragraphs 5.2.1 - 5.2.3; and Hazaras: paragraphs 5.3.21 - 5.3.26.

5.3.13 There are reliable reports of individuals being detained by both the Taliban and Northern Alliance because of their ethnic origins. In August 1997 Taliban police in Kabul raided a minority neighbourhood and reportedly arrested over 100 men, claiming they were loyal to Masoud. Taliban officials denied that the men were arrested because of their ethnic status, but several observers reported that mass arrests of Uzbeks, Hazaras and Tajiks on suspicion of fifth column activities have increased in frequency. [2]

See also Detainees: paragraphs 5.2.5 - 5.2.7; and Religious Police: paragraphs 5.2.17 - 5.2.20.

5.3.14 There also have been instances of the forcible expulsion of individuals on ethnic grounds. During the year, there were reports of forced expulsions of ethnic Hazaras and Tajiks from areas newly occupied by the Taliban. [2]

See also Hazaras: paragraphs 5.3.21 - 5.3.26.

Pashtuns

5.3.15 Pashtuns, also called Pathans, are the largest single ethnic group constituting some 40% of the population. They are predominantly Sunni Muslims and live mainly in the centre, south and



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east of the country. [11a]

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

See also Refugees Outside Afghanistan: paragraphs 5.4.9 - 5.4.14.

5.3.17 As of December 1998, the areas under the control of UIFSA consist of only part of Hazarajat in central Afghanistan, and the provinces of Badakhshan (part), Kapisa and Parwan in the north-east. Although the population here mainly consists of Tajiks, Pashtun and Ismaeli also live in these provinces. The Pashtun are in the minority here, but nevertheless are able to live unmolested in the area and some even occupy leading positions. [14]

Tajiks and Panjsheris

5.3.18 The Tajiks are the second largest group, whose language is Persian. Most of them are Sunni Muslims, but Shia Muslim Tajiks are also found in the west of the country (around and in the city of Herat) and in Kabul. The Panjsheris are a sub-group of Tajiks who also practise Sunni Islam, and speak a language known as Panjeri, a dialect of Dari. [11a]

5.3.19 Amnesty International reported that in 1997 thousands of people were held for up to several months on account of their ethnicity. Among these were around 2,000 Tajik and Hazara men rounded up from their homes in Kabul in July 1997 and held in various jails, including Pul-e Charkhi Prison in Kabul. Most of them were believed to be prisoners of conscience. [7d]

5.3.20 Tajikistan, racked by civil war and with a government backed by Russian troops, has been sympathetic to fellow Tajiks led by Rabbani. Many Afghan Tajiks also support the idea of a greater Tajikistan: merging Tajik areas of Afghanistan with Tajikistan. [11a] According to the UNHCR, 18,860 Tajik refugees remained in Afghanistan at the end of 1996. The majority, some 11,500, were living in camps in the Kunduz area, while 7,728 were living at Sakhi camp, near Mazar-i-Sharif.



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During 1996, 1,354 Tajik refugees repatriated from Afghanistan. [9]

See also Refugees Outside Afghanistan: paragraphs 5.4.9 - 5.4.14.

Hazaras

5.3.21 The Hazara population are of unknown Central Asian, probably Mongolian, descent and have traditionally lived in their homeland of Hazarajat in central Afghanistan. Since the middle of this century, a number of Hazaras had emigrated to Kabul and other major urban centres, in the first place as labourers or servants, but since going on to get themselves educated and hold down more skilled jobs in towns and cities. Both in their physical appearance and in their cultural customs, Hazaras show their Asian origins, but speak a variant of Persian and most of them are Imami Shia Muslims. [8]

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

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

5.3.24 In November 1998, detailed and highly-credible reports emerged that when the Taliban entered Mazar-i-Sharif on 8 August 1998, they massacred up to 8,000 people. The Taliban were reportedly intent on avenging a massacre of some 2,000 of their own men in 1997, when the Hazaras and other fighters turned against them. [12] Accurate statistics regarding the number of persons killed after the takeover of Mazar-i-Sharif are not available, since no foreign observers or



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journalists were allowed into the area and there was no investigation of the events. [2]

5.3.25 In what has been described as a Taliban policy to exterminate the Hazaras, men, women and children were reportedly shot in their homes and on the street, and hospital patients were murdered in their beds. Witnesses claim that the Taliban also conducted house-to-house searches for Hazara men. Men were shot dead and left with their throats cut. Men not murdered on the spot were stuffed into containers after being badly beaten. [12]

5.3.26 The American human rights group, Human Rights Watch, have reportedly identified three Taliban leaders who appear to be guilty of incitement to kill victims purely because of their ethnic origin. [12] However, in a report submitted in October 1998 by the UN Special Rapporteur on Afghanistan, it was alleged that the Hazara ethnic minority was principally, though not exclusively, targeted by the Taliban in its capture of Mazar-i-Sharif. [11b]

See also Mazar-i-Sharif Massacres: paragraphs 5.2.8 - 5.2.9; and Shia Muslims: paragraphs 5.3.5 - 5.3.7.

Uzbeks and Turkomans

5.3.27 Uzbeks and Turkomans are followers of the Sunni Muslim tradition and are ethnically and linguistically Turkic. A significant Turkoman population in western Afghanistan has historically been victimised by the Pashtuns. [11a]

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

Former Members of the PDPA Regime

5.3.29 When discussing the situation of people associated with the former People's Democratic Party of Afghanistan (PDPA) regime, including the KHAD (State Security Services), the DIS was advised by the Taliban that people with former political affiliations, hence also former members of the Communist Party, are covered by the Taliban amnesty and thus have nothing to fear from the Taliban. The Governor of Kandahar stated that all are free to return to Afghanistan if they are willing to work for the country and observe Islam. The Taliban also stated that only those responsible for criminal acts will be prosecuted under Sharia law, since such acts are not covered by



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the amnesty. The Governor further confirmed that there are now very many former PDPA members among the Taliban's ranks. [8]

5.3.30 There was a broad agreement amongst UN sources and various international or Afghan NGOs that people associated with the former PDPA regime form a special risk group for the purposes of harassment and persecution by the Taliban. Examples of people in that risk group include former employees of the PDPA administration and people holding references from the former government or belonging to the communist party. [8]

5.3.31 The Kandahar head of the KHAD, which now serves as the Taliban security service under the name of 'Estikhabarat', the Taliban has detained people from the PDPA and former members of the KHAD. They were particularly interested in laying hands on former KHAD members who had been guilty of widespread torture and killings. The difficulty was, however, that many of them had left the country or changed their place of residence and possibly their appearance. There was also very little archive material available on KHAD, partly because a great deal had been destroyed even before Najibullah fell from power and partly because members of the Rabbani regime were still in possession of most of the rest. [8]

5.3.32 The United Nations Special Mission to Afghanistan was aware that, on taking Kabul, the Taliban gained access to old KHAD archives, held by Masoud, and carried out arrests on that basis. An independent source added that there are people suspected of PDPA links among the political detainees in Taliban prisons. The Cooperation Centre for Afghanistan (CCA) had no specific knowledge of persecution or harassment of PDPA or KHAD members, apart from dismissal from public employment, but pointed out that most high-ranking PDPA and especially KHAD personnel have already left the country. [8]

See also Detainees: paragraphs 5.2.5 - 5.2.7.

5.3.33 A UN source also advised the DIS that PDPA membership in itself may attract harassment and persecution by the Taliban. However, the source commented that the question of the risk faced by those associated with the PDPA regime is full of contradictions, with a number of senior members of the Taliban movement, including various military commanders, having previously been communists and members of the PDPA. The protection enjoyed by such figures apparently stems from their clan membership and links with influential ethnically and family-based groupings ('qawms'). Members of influential 'qawms' will thus be able to achieve rehabilitation in Afghanistan under the Taliban to a greater extent than those from less influential ones. Conversely, anyone



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without such cultural and social protection risks harassment and persecution by the Taliban merely on account of membership of the PDPA. [8]

5.3.34 A UN source in Herat considered that anyone associated with the PDPA may run into difficulties with the Taliban. The pattern of Taliban reactions is in fact so arbitrary, unsystematic and unpredictable that social power structures and private links with the Taliban may be the decisive factor as regards the risk of ill-treatment. An Afghan NGO had no specific knowledge of ill-treatment of low-ranking PDPA members. According to the same source, high-ranking PDPA figures might face problems with the Taliban and most of them had left the country. [8]

5.3.35 A UN source in Kandahar similarly stated that those with links with the former PDPA regime generally face security problems. At the same time, however, the source could also confirm that a number of PDPA members are now in the Taliban, who in some cases even actively attempt to recruit members to the movement from among former PDPA people. Those cases heard of by the source, however, had mainly involved individuals with especially valuable qualifications, in particular people having undergone lengthy training in the use of military technology, such as fighter pilots. [8]

5.3.36 On the significance of the level of the prominence within the former PDPA regime or the risk of ill-treatment by the Taliban, a UN source stated that any such level of prominence is hard to pin down and the whole question equivocal. On the one hand, prominent PDPA members are apparently in greater danger of persecution while, on the other, high-ranking members are probably among those best able to avail themselves of the social protection mentioned above. The UN source considered, however, that it is true to say high-profile PDPA members are generally in greater danger of persecution than low-profile ones. The same UN source did not think it possible to rule out persecution on account of Taliban suspicions of former PDPA affiliation, regardless of whether there was any objective basis for such suspicions, nor was collective persecution on account of individual actions, e.g. in the case of PDPA members' relatives, inconceivable in the Afghan context. [8]

5.3.37 Concerning the situation for those suspected of having committed criminal acts under the PDPA regime, including former KHAD members, a UN source reported that those with links with the former KHAD are roundly hated in Afghanistan and therefore generally in great danger of persecution. The CCA confirmed that former KHAD employees face special security problems, still being regarded by the public as primarily to blame for their woes. Both UN sources and



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international or Afghan NGOs stated that most people with a PDPA past have left the country, are in camps for 'Internally Displaced Persons', or have gone to live in Northern Alliance territory for fear of the Taliban. [8]

5.3.38 The Ministry of Foreign Affairs for the Netherlands suggested in December 1998 that people belonging to the Khalq factions of the Communist Party are reported to run less of a risk than those belonging to the Parcham faction. This is connected with dissension between the various Pashtun tribes which were also present in the PDPA. [14]

5.3.39 The Ministry of Foreign Affairs for the Netherlands also reports that prominent communists such as former Ministers, certain judges, law officers, high-ranking soldiers, intellectuals and other well-known personalities, may also be at risk. Because of their previous activities such people do in general have something to fear from the present authorities, sometimes in neighbouring Pakistan. High-ranking individuals who are personally held responsible for acts of violence against the mujahidin and the civilian population during the communist period may therefore be the victims of revenge attacks. [14]

5.3.40 However, according to the Ministry of Foreign Affairs for the Netherlands, it should be noted that among these groups are some individuals who now work for the Taliban. These are people working for the authorities in the Taliban and the UIFSA area who formerly occupied (leading) posts in the Communist Party or the KHAD. According to the source, they are in no danger if they have renounced their past, shown remorse and joined the Taliban or UIFSA. High-ranking soldiers/officers from the Communist army who have been personally accused of involvement in human rights abuses are also a risk group. However, ordinary soldiers and officers from the Communist army are not at risk, simply because they served in the Communist army. [14]

See also Taliban's General Amnesty: paragraphs 5.2.14 - 5.2.16.

Women

5.3.41 As lawlessness and interfactional fighting continued in some areas throughout 1998, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnappings and killings. Such incidents generally went unreported and most information was anecdotal. Although the stability instituted by the Taliban in most of the country initially acted to reduce violence against women, Taliban members continued to beat women, using the pretext of immodest dress. Women accused of adultery offenses were also subjected to



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violence. [2]

5.3.42 Beginning under the monarchy in the 1960's, and at an increasing pace under President Mohammed Daoud in the 1970's and the Communist regime in the 1980's, a growing number of women, particularly in urban areas, worked outside of the home in non-traditional roles as doctors, nurses and teachers. This trend was reversed when the Communists were ousted in 1992 and an Islamic government was installed. Since the advent of the Taliban in 1994, the trend towards excluding women from employment has intensified, and only a few women worked as artisans, weavers, doctors, and nurses in some areas outside of Taliban control. Girls' schools also remained open in areas outside of Taliban control. [2]

5.3.43 The treatment of women under Taliban rule has been particularly harsh. When the Taliban took Kabul in September 1996, they immediately issued pronouncements forbidding girls to go to school and forbidding women to work, including female doctors and nurses in hospitals. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. [2]

5.3.44 In 1997 the Taliban announced a policy of segregating men and women in hospitals and directed most hospitals in Kabul to cease services to women and to discharge female staff. Services for women were to be provided by a single hospital still partially under construction - a drastic reduction in access to, and the quality of, health care for women. Erratic reversals in policy continued throughout 1998, with the effect that women often were prevented from obtaining adequate medical care. On 25 June 1998, the Taliban prohibited all doctors from treating female patients in the absence of the woman's husband, father or brother. This decree, while not universally enforced, made treatment extremely difficult for Kabul's widows, many of whom have lost all such male family members. [2]

5.3.45 In 1998 Physicians for Human Rights (PHR) conducted a survey of 160 Afghan women in Kabul and in Pakistan, and found that 77% reported poor access to health care in Kabul, while another 20% reported no access at all. Of those surveyed, 71% reported a decline in their physical condition over the last two years. In addition, there was also a significant decline in the mental health of the women surveyed. Of the participants, 81% reported a decline in their mental condition; 97% met the diagnostic criteria for depression; 86% showed symptoms of anxiety; 42% met the diagnostic criteria for post-traumatic stress disorder; and 21% reported having suicidal thoughts "extremely often" or "quite often". There have been unconfirmed reports that the suicide



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rate among women in Kabul has increased significantly since the Taliban takeover of the city. [2]

5.3.46 The Taliban has decreed what women can wear in public. Women are forced to don a head-to-toe garment known as the burqa, which has only a mesh screen for vision. While in some rural areas this was the normal garment for women, the requirement to wear the burqa represented a significant change in practice when imposed in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not properly cover their ankles, were beaten by Taliban militia. [2]

5.3.47 In its survey, PHR found that 22% of the respondents reported being detained and abused by the Taliban; of these incidents, 72% were related to alleged infractions of the Taliban's dress code for women. Most of these incidents reportedly resulted in detentions that lasted one hour or less, but 84% also resulted in public beatings and 2% resulted in torture. 68% of those surveyed reported that they had drastically reduced their public activities during the past year in Kabul. A few reports in 1997 indicated that some women in Herat cover their heads with large scarves that leave the face uncovered and have not faced reprisals, and many women in rural areas also have been observed without burqas but with scarves covering their heads. Women are not allowed to wear white burqas, white socks or white shoes. Women reportedly were beaten if their shoe heels clicked when they walk. All of these restrictions apparently are not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless must cover their hair, arms and legs. Women in their homes must not be visible from the street; the Taliban require that houses with female occupants have their windows painted over. [2]

5.3.48 Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in public without a male relative ran the risk of beatings by the Taliban. Some observers reported seeing fewer and fewer women on the streets in Taliban controlled areas. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. Women only may ride on buses designated as women's buses; there are reportedly not enough such buses to meet the demand, and the wait for women's buses can be long. In December 1998 the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains, and put up a curtain so that the female passengers cannot see or be seen by the



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driver. Bus drivers also were told that they must employ boys under the age of fifteen to collect fares from female passengers, and that neither the drivers nor the fare collectors were to mingle with the passengers. [2]

5.3.49 Women are also forbidden to enter mosques or other places of worship; most women pray at home, usually alone. In September 1998 Taliban leader Mullah Omar issued edicts that outlawed tribal customs of compelling widows to marry their in-laws and forcing women to marry to settle disputes between families. He also affirmed women's limited rights to inherit property under the Taliban's interpretation of Islamic law. [2]

5.3.50 Following a report in October 1998 by the UN Special Rapporteur on Human Rights, Choong-Hyun Paik, the United Nations has strongly urged all Afghan parties to end without delay all violations of human rights against women and girls, and take urgent measures to repeal legislation and measures that discriminate against women, ensure the effective protection of women in civil, cultural, economic, political and social life throughout the country, and to respect the rights of women and girls to education, health and freedom of movement. [11b]

See also Security: paragraphs 4.3.1 - 4.3.5; Human Rights: Introduction: paragraphs 5.1.1 - 5.1.5; Findings of the UN Special Rapporteur: paragraphs 5.2.1 - 5.2.3; and Children: paragraphs 5.3.51 - 5.3.54.

Children

5.3.51 The situation of children is very poor: infant mortality is 250 out of 1,000 births, and there are reports that 250,000 children per year die of malnutrition. One source reported that the majority of Afghan children are highly traumatized and expect to die before reaching adulthood. Some 90% reportedly have nightmares and suffer from acute anxiety, while some 70% have seen acts of violence, including the killing of parents or relatives. [2]

5.3.52 The Taliban has eliminated most of the opportunities for girls' education that existed in areas they have taken over. Some girls were reportedly receiving an education in informal home schools, which were tolerated by the Taliban authorities in various parts of the country. [2] However, it was reported on 16 June 1998 that the Taliban closed more than 100 private schools. [5f] The Taliban stated that schools would not be allowed to teach girls over the age of eight, and that the schools that were closed had violated this rule. [2]

5.3.53 In the future, the Taliban stated that it would license girls' schools, and that teaching in such



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schools would be limited to the Koran. Some girls reportedly are receiving an education in informal home schools, which are tolerated by the Taliban authorities in various parts of the country. It also is reported that several girls' schools remain open in Kandahar, although in Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGOs. Some families sent girls abroad for education.

[2]

5.3.54 The Taliban have banned certain recreational activities, such as kite flying and playing chess. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings. Mullah Omar reportedly issued a decree in November 1998 banning young men and boys who have not yet grown a beard from fighting at the front. [2]

See also Women: paragraphs 5.3.41 - 5.3.50.

5.4 OTHER ISSUES

Assembly and Association

5.4.1 It is unknown whether laws exist governing the formation of associations. However, civil war, tenuous security and likely opposition from local authorities seriously inhibit freedom of assembly and association. [2]

See also Security: paragraphs 4.3.1 - 4.3.5.

Speech and Press

5.4.2 There are no laws effectively providing for freedom of speech and the press. Senior officials of various warring factions have allegedly attempted to intimidate reporters and influence their reporting. The few newspapers, all of which are published sporadically, are for the most part affiliated with different factions. [2]

5.4.3 All factions have attempted to pressure foreign journalists reporting on the Afghan conflict. The Taliban initially cooperated with the international press who arrived in Kabul but later imposed restrictions upon them. During 1998, foreign journalists were forbidden to film or photograph persons or animals, were not allowed to interview women, and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. Foreign journalists were not permitted into Mazar-i-Sharif after the Taliban took the city in August 1998. [2]

5.4.4 The various factions maintain their own communications facilities. The Taliban radio station,



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the Voice of Shariat, broadcasts religious programming and Taliban pronouncements. [2] It was reported on 8 July 1998, that the Taliban had announced a ban on the ownership or operation of televisions, video cassette recorders, satellite dishes and video cassettes, due to such items being "the cause of corruption in this society". [5g]

Travel

5.4.5 Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country is hampered by warfare, brigandage, land mines, road networks in a state of disrepair and limited domestic air service, complicated by factional threats to air traffic. Despite these obstacles, many people continue to travel relatively freely, with buses plying routes in most parts of the country. International travel continues to be difficult as both the Taliban and Masoud have threatened to shoot down any planes that fly over areas of the country they control, without their permission. [2]

5.4.6 The DIS reported that there was a broad agreement among the delegation's UN sources that freedom of movement generally has greatly improved in Taliban controlled territory in comparison with the period before the Taliban seized power. Checkpoints on roads are now very rare and there is a brisk traffic both within the area and into and out of it, especially via Pakistan. However, the delegation's UN sources also agreed that freedom of movement is greatest and most unhampered for the Pashtun population group. Ethnic minorities generally, in particular Hazaras, attract more Taliban attention. [8]

See also Security: paragraphs 4.3.1 - 4.3.5; and Ethnic Groups: paragraphs 5.3.11 - 5.3.28.

5.4.7 The Afghan countryside remains plagued by an estimated 5 - 7 million land mines sown during and since the Soviet occupation. The mines covered an estimated 707 square kilometres at the end of 1998, causing injuries, restricting areas available for cultivation, and slowing the return of refugees. The laying of new mine fields by both sides exacerbated an already difficult situation. From 1995 to 1997 new mines are believed to have been laid over 150 square kilometres of land, reportedly mostly by the Northern Alliance. An estimated 400,000 Afghans have been killed or wounded by the mines. Approximately 80% of the land mine casualties are civilian and 40 - 50% are women and children. Casualties are estimated at 10 - 12 per day caused by land mines or unexploded ordinance. [2]

5.4.8 It was also stated in a report submitted by the UN Special Rapporteur for Human Rights on



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Afghanistan to the Commission on Human rights in 1998 that because of the growing division of the country along ethnic lines, persons belonging to the Hazara ethnic minority have difficulty moving freely and entering hospitals in Kabul. [11b]

See also Hazaras: paragraphs 5.3.21 - 5.3.26.

Refugees Outside Afghanistan

5.4.9 Afghans continue to form one of the world's largest refugee populations. [2] The UNHCR gives assistance for the voluntary return of Afghans who have taken refuge in Pakistan and Iran. [14] The UNHCR did not promote repatriation to Afghanistan during 1996, however, they did provide those choosing to repatriate with cash grants or in-kind assistance and transportation assistance. [9] In early 1997 the UNHCR reported that between 1988 and 1996 about 2.56 million Afghan refugees had returned to their homeland from Pakistan and around 1.33 million from Iran. [1]

5.4.10 According to the UNHCR, about 2.6 million Afghans remained outside the country as registered refugees in 1998: 1.4 million in Iran, 1.2 million in Pakistan, 20,000 in Russia, 17,000 in India, and 9,000 in the central Asian republics. Women and children constitute 75% of the refugee population. In addition, there are more than 300,000 Afghans who are internally displaced following years of fighting. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to Afghanistan in the peak year of 1992. Although the continued fighting has discouraged many refugees from returning to their country, 88,000 returned between January and October 1998. [2]

5.4.11 Afghans resident in Pakistan are free to come and go as they please, and have access to the labour market. Pakistan has not returned any Afghan refugees to Afghanistan in the last twenty years, and continues to take in Afghan refugees. About 75% of the Afghan refugees in Pakistan originate in the Afghan Pashtun areas. The remaining 25% are mainly from Kabul and Mazar-i-Sharif. Although Pakistan is not a party to the Refugee Convention, there is a de facto compliance with the Convention. The Pakistani authorities drew up guidelines at the beginning of the 1980s in which it was explicitly stated that Afghans should be treated as refugees within the meaning of the Refugee Convention. These guidelines are still in force. [14]

5.4.12 Afghan refugees are not systematically registered by the Pakistani authorities or by the UNHCR. At the beginning of the 1990s, the Pakistani authorities did however issue "passbooks"



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to Afghan refugees, which were needed to obtain food aid. In addition, Afghan refugees can apply to the Pakistani authorities for a 'Shanakhti' pass (ID card), which gives their presence in Pakistan official status. Only a limited number of refugees hold such a pass, which in any case is not necessary to be able to work and reside in Pakistan. Afghans may apply for a provisional residence permit, but this too is in practice not necessary. Many refugees appear to be fully integrated into Pakistani economic and social life after years of residence in Pakistan. A work permit is not required and many industries (agriculture, construction) employ many Afghans. [14]

5.4.13 According to Amnesty International, death threats have been made against dozens of Afghan citizens based in Pakistan. The identity and political links of the assassins are not known, but those targeted include prominent Afghan personalities (intellectuals, human rights defenders and women's rights campaigners) actively opposed to Taliban policies. Most of them are Afghan intellectuals of Pashtun ethnic background. In some cases, individuals claiming to represent the Taliban have reportedly delivered warnings in person, seeking an end to what they have termed as "anti-Taliban activity". However, the Taliban has claimed no responsibility for the attacks. [7g]

5.4.14 Amnesty also report that at least four Afghan political figures were assassinated in Pakistan in November 1998, and that there were at least two politically motivated attacks against Afghans, known for their opposition to the Taliban, in January 1999. The Pakistani police have reportedly not taken serious measures to investigate these attacks and bring those responsible to justice. A human rights defender and her husband have received a number of death threats. The couple are under Pakistani police protection, but believe that more needs to be done to ensure their safety. [7h] According to a UK news report, appeals for protection to the UNHCR in Peshawar have trebled. The Pakistan Government has said that it will not tolerate any attempt by the Taliban to rule over the refugees, and, for as long as there the refugees are there, they [the Government] will look after them. [18]

Non-Government Organizations

5.4.15 There are many NGOs, both domestic and international, in the country. Some are based in neighbouring countries, mostly Pakistan, with branches inside Afghanistan; others are based in Afghan cities. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education and agriculture. [2]

5.4.16 The Afghan League of Human Rights operates both in Afghanistan and Pakistan; it



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produces an annual report. The Cooperation Centre for Afghanistan (CCA) is an Afghan NGO that operates in both Pakistan and Afghanistan. The CCA monitors and documents the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. However, the civil war and lack of security make it difficult for human rights organizations to adequately monitor the situation inside the country. [2]

5.4.17 There has been harassment of NGOs by both factions. [2] According to Amnesty International, Emma Bonino, the European Commissioner for humanitarian aid, was detained for several hours on 29 September 1997 by the Taliban after members of her entourage visiting Kabul took pictures of women. [7d] Due to intermittent fighting in various areas, international aid agencies have found that their ability to travel, work and distribute assistance is hampered. Taliban gender restrictions continue to interfere with the delivery of humanitarian assistance to women and girls. [2]

5.4.18 The activities of the United Nations were seriously disrupted in 1997 by fighting and the subsequent lawlessness prevailing in Mazar-i-Sharif. Threats, chaos and looting on a massive scale resulted in the withdrawal of international UN staff and virtual cessation of its activities in the north. At the end of December 1997 and beginning of January 1998, the airstrip in Bamyan was bombed by the Taliban during the delivery of emergency humanitarian assistance and a UN security mission. [6]

5.4.19 On 10 July 1998 the UN announced that it had suspended flights in and out of Kabul, because continued rockets attacks by UIFSA forces had made the city's airport unsafe. On 20 July 1998 the Taliban closed the offices of 38 foreign aid agencies in Kabul and ordered them to relocate or to leave the city. [5g]

5.4.20 Following a US missile strike on alleged terrorist bases in Afghanistan in August 1998, the UN withdrew its international staff. However, the UN and the Taliban signed on 23 October 1998 an agreement in Islamabad, paving the way for the return of UN staff to Afghanistan. [4c]

Peace Initiatives

5.4.21 On 27 April 1998 UIFSA officials and representatives of the Taliban met in Islamabad to hold formal peace talks. The initial talks were held to prepare for more substantive negotiations in the near future. [5d] However, the talks collapsed on 3 May 1998, after UIFSA representatives accused the Taliban of refusing to discuss certain issues. [5e]



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5.4.22 In 1998, UN Special Envoy, Lakhdar Brahimi, engaged in extensive discussions with the Afghan parties and other interested nations. A group of representatives from the six nations bordering Afghanistan plus the United States and Russia met in New York in September 1998 to look at ways to end the conflict. [2]

5.4.23 Brahimi began a new peace mission on 3 October 1998, to explore, in particular, ways in which to reduce tensions between Afghanistan, Iran and its neighbours. [4b] Following his talks with the Taliban's supreme leader, Mullah Mohammad Omar, Brahimi reported that the Taliban had agreed to release all Iranian prisoners, and accepted formation of an international fact-finding mission. The Taliban has also pledged to improve the human rights situation. The UN will monitor the Taliban's commitments. [10b]

5.4.24 The UNHCR reported in January 1999 that while it may appear that the Taliban's total control of Afghanistan will effectuate a return of peace and stability to the country, it has already brought about a strong regional reaction and could well spark guerilla warfare. Furthermore, the US attack [in August 1998], countered by attacks on UN personnel in Kabul and the ransacking of the UN office in Jalalabad, will more likely than not reduce the space within which the international community can manoeuvre in order to assist in efforts towards a lasting peace in Afghanistan. [11b]

See also International Recognition: paragraphs 5.4.27 - 5.4.33.

5.4.25 The UNHCR also reported that, despite the absence of a peaceful solution, the UN seems determined to persevere. Lakhdar Brahimi, the UN Special Envoy to Afghanistan, observed that the UN hopes that in 1999 it will start a new peace mission for Afghanistan. The UN has also made several recent appointments with regard to Afghanistan reflecting the priority accorded to and continued importance placed on the region: a new Special Rapporteur, Mr Kamal Hussein, to replace Mr Paik; a new Senior Human Rights Officer has been appointed to UNOCHA, Ms Nora Niland; and a Senior Gender Advisor is shortly to be appointed to Afghanistan. [11b]

5.4.26 Following talks in Ashkhabad in March 1999 (capital of Turkmenistan), representatives of the Taliban and the Northern Alliance agreed to form a joint executive, legislature and judiciary, and to release twenty prisoners. A cease-fire was not agreed although the warring factions reportedly agreed to work towards a permanent cease-fire. [19]

International Recognition



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5.4.27 The Taliban was recognized by Pakistan, Saudi Arabia and the United Arab Emirates as the government of Afghanistan in May 1997. [7d] However, the Taliban government has won no other international or UN recognition, and former President Rabbani continues to be acknowledged by many, [1] including Iran and Russia, [11a] as the rightful leader of Afghanistan. [1]

5.4.28 By August 1998, having seized Mazar-i-Sharif, the last city remaining outside its control, the Taliban prepared to turn its efforts towards a campaign for international recognition. The only countries [currently] recognising the Islamist movement's legitimacy as a government were Pakistan, Saudi Arabia and the United Arab Emirates. In 1998, the Pakistan Prime Minister, Nawaz Sharif, and Army Chief of Staff, General Jehangir Karamat, supported a more neutral policy and a negotiated settlement in Afghanistan, while the Foreign Minister (a Pashtun) and the intelligence services (Pashtun dominated) wished to adopt a clear-pro Taliban line. With the official commencement of nuclear rivalries between Pakistan and India in the summer of 1998, support for the Taliban by Pakistan was no longer questioned. [11b]

5.4.29 Hopes of recognition were short-lived when on 20 August 1998 a US missile attack targeted camps in Afghanistan, allegedly containing terrorist infrastructure of a movement led by Saudi Arabian dissident, Osama bin Laden. The US government alleged that there was evidence implicating bin Laden in the bombing of US embassies in Kenya and Tanzania on 7 August 1998. The Taliban's continued defence of bin Laden and their denunciation of the US raid ruled out any dialogue with the US which might have led to diplomatic recognition. [11b]

5.4.30 While Afghanistan's status in relation to the US has long since changed after the Cold War, it continues to engage US interest in areas such as containing terrorism, curbing illegal drug trafficking, and checking human rights violations. Unsubstantiated rumours that the US had supported the Taliban in order to build pipelines and isolate Iran were put to rest when the US attack on Taliban-controlled Afghanistan took place. [11b]

5.4.31 In early October 1998 Saudi Arabia decided to downgrade diplomatic relations with Afghanistan and recalled its charge d'affairs from Kabul. The decision to downgrade relations was prompted by Saudi Arabia's request to extradite bin Laden. Analysts believed that the policy shift had been prompted by pressure from US officials on the Saudi government to secure the capture of bin Laden. [5j]

5.4.32 Former President B. Rabbani, who had relocated to Takhar in the north, claims that he has remained the head of the legitimate Government of Afghanistan. His delegation retained



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Afghanistan's seat at the United Nations after the General Assembly deferred a decision on Afghanistan's credentials. [11b]

5.4.33 In October 1998 the leader of the Taliban, Mullah Mohammad Omar, made a public offer to halt the production of opium poppies in exchange for international recognition of the Taliban regime. In remarks made to the Taliban's Bakhtar news agency, Omar said that unless the regime gained recognition the country faced serious economic hardship. [5j]

ANNEX A

POLITICAL ORGANIZATIONS AND OTHER GROUPS

Hizb-i Islami (Islamic Party) Mujahidin group; led by Hekmatyar; Pashtun.

Hizb-i Wahdat Mujahidin group; led by Khalili; Shia.

Hizb-i Watan (Homeland Party) The re-named PDPA (changed its name in 1998); June 1990 - April 1992.

Jamiat-i Islami (Islamic Society) Mujahidin group; led by Burhanuddin Rabbani; non-Pashtun.

Jumbush-i Milli Faction of NIMA; led by Abdul Malik.

Khademat-e Ittela'at Dowlat (KHAD) State Security Services.

mujahidin Collective term for militant Islamic groups.

National Islamic Movement of Afghanistan (NIMA) Anti-Taliban mujahidin; led by Dostum; Uzbek.

Northern Alliance See UIFSA.

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

Supreme Council for the Defence of Afghanistan (SCDA) Collective name for leaders of anti-Taliban forces before they became known as UIFSA.

Taliban "Seekers of Religious Knowledge"; militant, fundamentalist, anti-mujahidin movement. Mainly Pashtun; formed 1994 by group of graduates of Pakistani 'madrassas' (Islamic colleges) on border with Afghanistan, run by fundamentalist Jamiat-e-Ulema.

United Islamic Front for the Salvation of Afghanistan (UIFSA) Established June 1997, made up of:

Hizb-i Wahdat, Jamiat-i-Islami, Harkat-i-Islami and Junbish-i-Milliya Islami. Also supported by



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independent figures and militia unaffiliated with those parties. Also known as Northern Alliance; led by General Dostum.

ANNEX B

PROMINENT PEOPLE

BRAHIMI Lakhdar Algerian diplomat appointed as Special Envoy for Afghanistan by UN Secretary-General in August 1997.

DOSTUM (General) Mujahidin commander. Leader of National Abdul Rashid Islamic Movement and United Islamic Front for the Salvation of Afghanistan (UIFSA), the anti-Taliban opposition Northern Alliance; Uzbek.

HEKMATYAR (Engineer) Leader of Hizb-i Islami. Prime Minister Golboddin 1992 - 1996; Pashtun.

KHALILI (General) Leader of Hizb-i Wahdat.

Abdol Karim

MALIK (General) Leader of Jumbush-i Milli faction of AbdulNIM; Uzbek.

MASOUD (General) Mujahidin commander allied to Jamiat-i Ahmed Shah Islami. Minister of Defence 1992 - 1996; Tajik.

NAJIBULLAH (Dr) Leader of PDPA from 1986; president Mohammad 1987 - 1992. Executed by Taliban 1996.

MOJADDEDI (Professor) Leader of National Liberation Front.

Sibghatullah President of interim administration April - June 1992.

OMAR (Mullah) Mohammad Self-proclaimed 'Amir al-Momenin' ("Leader of the Believers" aka "One-eyed Mullah"). Supreme Taliban leader, based at Kandahar; Pashtun.

RABBANI Burhanuddin Leader of Jamiat-i Islami. President 1992 - 1996.

RABBANI (Mullah) (No relation.) Taliban Prime

Mohammad Minister'. Official title: Chairman of the Afghanistan Caretaker Council.

ANNEX C



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CHRONOLOGY

July 1973 Prime Minister Mohammad Daoud overthrows King Zahir Shah in coup d'état.

April 1978 Daoud killed in 'Great Saur Revolution'. PDPA assumes power. Country renamed 'Democratic Republic of Afghanistan'.

December 1979 Invasion of Soviet troops.

1980 - 1989 Civil war in most of country.

1984 - 1985 Mujahidin begin to receive support from outside.

May 1986 Najibullah appointed General Secretary of PDPA, in place of Karmal.

September 1987 Najibullah elected president.

14 April 1988 Agreement reached between Afghanistan, Pakistan, USSR and US.

Mid-1988 - 1989 Soviet troops withdraw.

February 1989 Afghanistan Interim Government-in-exile established at council in Pakistan.

1990 Mujahidin launch new military campaigns.

April 1992 Najibullah forced to resign. Masoud and Hekmatyar enter Kabul. United Nations' sponsored Peshawar Accords. Mojaddedi arrives in Kabul as president of new administration. Country proclaimed 'Islamic State of Afghanistan'.

28 June 1992 Mojaddedi surrenders power; Rabbani offered presidency.

March 1993 Islamabad Accord; country ruled by Rabbani.

January 1994 Renewed fighting breaks out. Hekmatyar, in new alliance with Dostum, attempts to force Rabbani from office. Fighting intensifies between Rabbani and Masoud, and alliance of Dostum and Hekmatyar.

Mid-1994 Anti-mujahidin Taliban emerges.

November 1994 Taliban capture Kandahar.

December 1994 Rabbani refuses to step down.

By February 1995 Taliban control nine (of 31) provinces.

March 1995 Taliban forced to retreat from its advance on Kabul.

September 1995 Taliban capture Herat.

May 1996 Mahipar Agreement; Hekmatyar rejoins government.

27 September 1996 Taliban takes Kabul. Najibullah executed.

May 1997 Taliban takes and loses Mazar-i-Sharif.



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June 1997 UIFSA established. Taliban effectively control two-thirds of country.

October 1997 Country unilaterally renamed 'Islamic Emirate of Afghanistan' by Taliban.

February 1998 Earthquake kills more than 4,000.

30 May 1998 Second earthquake to hit same region in same year leaves 3,000 dead and 30,000 homeless.

July 1998 Taliban capture Meymaneh (capital city of north-western Fariab province).

3 August 1998 Taliban capture headquarters of Uzbek leader, General Dostum, in Sheberghan. Dostum reportedly flees to Uzbekistan.

10 August 1998 Taliban capture Mazar-i-Sharif. Taliban advance northwards towards Panjshir Valley.

End of August Further gains in north and north-west

1998 result in Taliban controlling 90% of country.

September 1998 Tensions between Iran and Taliban escalate. Taliban capture Bamian, (last major town outside its control).

3 October 1998 UN's Brahimi begins new peace mission, in particular to explore ways in which to reduce tensions between Afghanistan, Iran and its neighbours.

March 1999 Representatives of Taliban and Northern Alliance agree in Ashkhabad to form joint executive, legislature and judiciary, and to release twenty prisoners. However, cease-fire not agreed.

ANNEX D

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