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Human Rights Watch World Report 2003

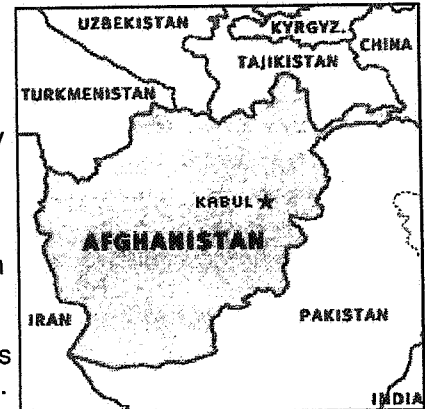
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Afghanistan

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2002 was a landmark year for human rights in Afghanistan. For the first time in over twenty years, Afghans had realistic hopes for stable peace, legitimate governance, increased development assistance, and new respect for human rights norms. At the same time however, ongoing security problems in many parts of the country continued to threaten many Afghans, especially vulnerable populations such as women and girls, orphans, widows, displaced persons, the disabled, and ethnic minorities.



The United States-led military campaign against al-Qaeda and the Taliban government led to the collapse of the Taliban regime in late November 2001. On December 5, 2001, Afghan representatives in Bonn, Germany, signed an agreement outlining a power sharing arrangement and the plans for the creation of a new constitution and democratic government by 2004. A small international peacekeeping force was created to patrol Kabul, the International Security Assistance Force (ISAF), headed by the United Kingdom and later Turkey. An interim authority, headed by Chairman Hamid Karzai, was sworn in on December 22, 2001, and ruled for six months. In June 2002, an emergency *loya jirga* ("grand council") convened in Kabul under the Bonn Agreement and elected Chairman Karzai as president of a second transitional government set to lead Afghanistan until 2004, at which time general elections were to be held. Diplomatic relations between Afghanistan and most nations were restored, United Nations agencies were reopened, and international and developmental organizations were granted new access to help Afghanistan rebuild after years of war and poor governance.

The fall of the Taliban regime allowed numerous military warlords to return to power, many of them former commanders during the anti-Soviet "jihad" of the 1980s who later became local strongmen during the early 1990s. As the Taliban collapsed, many of these warlords (who as allies of the U.S.-led coalition had received significant military and financial support) seized local areas they previously ruled and took control of the local political and security apparatuses. Some of these warlords were implicated in alleged war crimes committed this year against Taliban and al-Qaeda prisoners, reprisals against Pashtun villagers in the north and west of the country, as well as other human rights violations. Many of these warlords also manipulated the selection of representatives for the *loya jirga* process during May and June (or attended themselves) and generally intimidated the populations under their control throughout the year.

Major commanders in the northeast of the country, many of whom fought with the late anti-Taliban commander Ahmed Shah Massoud and were members of the Jamiat-e Islami party wing of the anti-Taliban Northern Alliance (or United Front), managed to secure key ministries in the Kabul-based government, although they were not necessarily firmly allied with President Karzai. Other regional leaders, such as Gul Agha Sherzai in the south, Ismail Khan in the west, and General Rashid Dostum in the north, were ostensibly allied with Kabul, but were either independent of or quietly hostile towards Karzai, fracturing the sense of national unity created by the Bonn Agreement. Tensions between President Karzai and some of his own ministers--especially the Jamiat ministers--also raised worries about Karzai's authority outside the capital.

Security and protection problems were to be expected in Afghanistan's post-conflict context; still, in a larger sense, numerous opportunities to improve the human rights situation in Afghanistan--especially for women--were missed, both by the Afghan government and the international community. The international community, and some Afghan leaders, squandered chances to sideline military commanders, disarm troops, and pressure local leaders to ensure human rights protections. Generally, not enough attention was paid to making human rights concerns integral to international and U.S.-led assistance and development efforts.

HUMAN RIGHTS DEVELOPMENTS

Human rights conditions generally improved in Afghanistan in 2002, but even with the Taliban no longer in power, Afghanistan continued to suffer from serious security problems. Warlords who sprang up in the Taliban's place committed serious human rights abuses against civilians and Taliban combatants. In many areas, women and girls faced the same security problems that existed under the Taliban, and sometimes the same government-enforced restrictions. Returning refugees and internally displaced persons faced problems ranging from insecurity to lack of basic humanitarian assistance. There were also a significant number of civilian casualties from the U.S. military campaign, some of which may have been the result of violations of international humanitarian law.

The End of Taliban Restrictions

The end of the Taliban regime was the most notable human rights development in Afghanistan over the last year. Afghans did not face the widespread governmental prohibitions on dress, conduct, employment, and religious activities that the Taliban's religious police, the Ministry for the Suppression of Vice and the Promotion of Virtue ("Vice and Virtue"), had enforced through draconian summary punishments. Gone also were threats and arbitrary harassment by Taliban troops and officials, and general insecurity in areas close to conflict lines. Women in most areas were free again to work, attend school and university, and walk in public without the encompassing *burqa* (although, as explained below, many chose to continue wearing them because of their fear of governmental instability and lingering fundamentalism; in some areas, local government officials forced women to continue wearing burqas).

Resurgent Warlordism

In many areas of Afghanistan, local commanders and their troops--warlords--intimidated local populations; extorted money from businesses, farmers, traders, and ethnic minorities; manipulated elections processes during the *loya jirga*, through threats and violence; enforced in some areas Taliban-era restrictions on female employment and education; and were implicated in possible war crimes against civilians as well as Taliban and al-Qaeda troops. Commanders in most areas enjoyed almost complete impunity to harass and intimidate local populations, and to silence and sideline opponents.

In the last months of 2001 and first months of 2002, there was a wave of attacks on Pashtun civilians in the north of the country, seemingly because they shared the same ethnicity as the Taliban leadership. Specifically, troops associated with the predominately Uzbek party Junbish-i Milli-yi Islami-yi, led by Rashid Dostum, the predominately Tajik party Jamiat-e Islami, led in the north by Ustad Atta Mohammad, and the predominately Hazara party Hizb-i Wahdat, led in the north by Mohammad Mohaqiq, were all implicated in systematic and widespread looting and violence in almost every province under their separate control, almost all of it directed at Pashtun villagers. In scores of villages, homes were destroyed, possessions were taken, and men and boys were beaten and in some cases killed. As discussed in the women's rights section below, there were several reports of rapes of girls and women. In Chimal district near Mazar-e Sharif, and in Balkh province generally, both Hizb-i Wahdat and Jamiat forces were particularly violent: in one village, Bargah-e Afghani, Hizb-i Wahdat troops killed thirty-seven civilians, the largest known intentional killing of civilians since the fall of the Taliban. In other villages, Junbish forces conducted thorough looting, in some cases torturing villagers until they "confessed" as to where their valuables were hidden. East of Mazar-e Sharif, in Baghlan and Kunduz provinces, Jamiat forces attacked several Pashtun areas, severely beating civilians and extorting food, money, and other valuables. Many Pashtuns fled from these areas, as well as other villages in the north, and went to Pakistan or congregated in displacement camps in the west and south of the country. The United Nations also investigated reports in November 2002 that Junbish forces may have tortured and summarily executed witnesses to alleged killings of Taliban prisoners in late 2001.

In the west of the country, forces associated with Governor Ismail Khan were implicated in abuses against Pashtuns and other political opponents. Human Rights Watch documented that Ismail Khan's troops were involved in numerous attacks against civilians in several districts in and around Herat city. In the south of the country, near Kandahar, several local warlords were accused of extorting money from local villagers, and troops in and around the city were repeatedly accused of stealing money, cars, motorcycles, and other valuables from civilians, often beating them in the process.

Lingering Extremist Fundamentalism

In various areas around the country, and in Kabul city itself, there were troubling signs that some Islamic fundamentalist groups were continuing to exert power, intimidating and controlling populations, especially in the south and west of the country. In the south, self-appointed Vice and Virtue police in Zabul province intimidated women, teachers, journalists, and *loya jirga* candidates, and burned down small shops selling video movies, audio cassettes, and movie posters. In western Herat, governor Ismail Khan ordered a number of announcements on television and radio about proper Islamic conduct, including instructions for all females to dress in Islamic clothes (taken to mean the *burqa* or *chadori*) and not to associate with men in public, and for men to refrain from wearing western clothes. Ismail Khan's troops began harassing women not dressed in the *burqa* or *chadori*--a more restrictive version of the hijab worn in neighboring Iran. Herat's police also began arresting unrelated men and women seen together; in several cases, men were taken to Herat's jail and beaten by police troops; women and girls were taken to a hospital, where police ordered doctors to perform forced medical checks to determine if the women and girls had had recent sexual intercourse. There were also cases of youth arrested for drinking alcohol being shaved and paraded around the city, and made to "confess" publicly on local Herat television.

In Kabul, during the *loya jirga*, several conservative strongmen intimidated delegates, suggesting that if they spoke on Islamic issues or the Koran, they would "face the consequences." Sima Simar, a member of the first interim government, was accused of blasphemy, and told to appear in a court to face the charges (later dropped). Through 2002, there were reports of police forces storming wedding parties, insisting that playing music was "illegal," and arresting and sometimes beating musicians. Reconstituted Vice and Virtue squads patrolled Kabul, intimidating women without burqas and men wearing Western clothes.

The effects of these instances of enduring fundamentalism was difficult to gauge, but may have contributed to the general trend among women, even in Kabul, to resist removing their burqas in public, although many women had not worn the *burqa* before the Taliban regime. Resurgent fundamentalism helped sideline Sima Samar from President Karzai's cabinet, and affected Karzai's approach to women's rights issues. It has also had a significant impact on the redevelopment of women's institutions in areas in the south and west of the country.

Loya Jirga

Under the Bonn Agreement, a special commission of the Interim Authority was set up in early 2002 to convene a *loya jirga*--or grand council--in Kabul in June. The *loya jirga* was charged with choosing a head of state for a second interim government, approving proposals for this second government, and appointing its key ministers.

The selection process for the *loya jirga* took place throughout May and June. During the first stage, local authorities were supposed to choose a set of candidates at the local level, using a "traditional manner" for selecting representatives (in other words, using traditional local councils known as *shuras*); during the second stage, these candidates were to travel to regional centers to vote in a regular ballot to choose from among themselves a smaller group of final representatives who would attend the *loya jirga* in the capital, Kabul. According to the Special Procedures adopted for the convening of the *loya jirga*, the first and second stage elections were to be seen as "free and fair" by regional *loya jirga* commission observers; otherwise the commission could void the local elections, and appoint delegates themselves. All concerned parties agreed that the overall aim of the *loya jirga*, as articulated by Security Council resolution 1378, was the creation of a "broad-based, multi-ethnic and fully representative" Afghan government. The first and second stages of the *loya jirga* began in May, and the *loya jirga* itself took place from June 10-21.

That the *loya jirga* was even possible, and that it did in fact occur, was an important political breakthrough for Afghanistan. After twenty-three years of war, many Afghans were understandably overjoyed that leaders were gathering, and that political decisions were being made through "exchange of words, rather than exchange of bullets," as one delegate put it. To many observers, the possibility of the meeting ending in deadlock, chaos, or violence was very real, and there was significant relief that it did not.

Still, there were serious shortcomings with the *loya jirga*. Despite the promise of a partially democratic or at least loosely representative political event, the *loya jirga* selection process and meeting in June was marred by manipulations and abuses by Afghan warlords, who interfered with the decision-making of more legitimate representatives. At the first and second stages of the selection process, Human Rights Watch documented several cases in which local warlords had imposed themselves into decision-making and voting processes,

directly or indirectly intimidating voters and delegates through threats and the heavy presence of armed troops. Many of the delegates selected to the *loya jirga* were little more than puppets of the local commanders, and the delegates who were legitimate representatives of Afghan society were in many cases afraid to speak or vote freely during the *loya jirga*.

In almost every province in the west of the country, Ismail Khan intimidated, arrested, or beat *loya jirga* candidates and their supporters. Pashtun representatives from several areas accused Ismail Khan of arresting Pashtuns standing for election to the *loya jirga*, threatening and beating most of them. Supporters of the former king of Afghanistan--Zahir Shah--were also intimidated. Just before the *loya jirga*, Ismail Khan arrested Rafiq Shahir, a prominent member of the Herat professional *shura*, a local civil society group comprised of doctors, teachers, artists, and intellectuals, holding him for several days, inflicting severe beatings, and threatening him not to participate. In another province under Ismail Khan's control, three candidates were killed during the selection process. Human Rights Watch confirmed that one of these killings was carried out by commanders loyal to Ismail Khan.

In the south, Human Rights Watch also documented a pattern of intimidation by local leaders that resulted in several cancelled elections and, in some cases, led to delegates withdrawing their nominations.

Throughout the country, warlords and regional military commanders were selected for the *loya jirga*. General Rashid Dostum, the deputy defense minister in the interim authority and regional leader of the north of Afghanistan, managed to have himself elected to the *loya jirga* despite the fact he was serving as a military commander and was accused of being complicit in human rights violations; both factors made him ineligible for the *loya jirga* under the agreed upon procedures. Other governors also attended, in violation of the *loya jirga* procedures, including the governor of Kandahar, Gul Agha Sherzai, the governor of Nangahar, Haji Abdul Qadir, and Ismail Khan. Zalmay Khalilzad, the U.S. special envoy to Afghanistan, and Lakhdar Brahimi, the special representative of U.N. Secretary-General Kofi Annan, pressured the Afghan *loya jirga* commission to allow regional governors and military commanders to attend.

Many delegates and participants in the *loya jirga* process were so afraid of local warlords that they refused to speak openly with researchers from Human Rights Watch. U.N. observers confirmed that a climate of fear was pervasive throughout the elections.

At the *loya jirga* itself, Human Rights Watch documented more problems, including a widespread and systematic pattern of intimidation and threats by warlords and regional leaders; covert and overt surveillance by intelligence agents allied with certain parties; and a general failure by the *loya jirga* commission, relevant U.N. officials, and other international actors to enforce provisions in the Bonn Agreement and the *loya jirga* procedures that were meant to sideline Afghan military leaders and Afghans with records of serious human rights abuses. Numerous *loya jirga* delegates complained to Human Rights Watch that they received explicit threats from warlords warning them not to vote in certain ways or interfere with the backdoor political dealing going on between them. Some delegates were threatened several times. One delegate was threatened for giving a speech about women's rights in the Koran. The husband of the only female candidate for president was threatened by intelligence agents allied with the Jamiat party. There were many instances of intelligence agents making threats to delegates who wished to speak in debate, and many instances of agents taking photographs and writing the names of delegates who spoke openly about their frustrations with the process.

In addition, a general sense of chaos and poor management marred the *loya jirga* throughout its proceedings. The voting for Hamid Karzai's presidency proceeded by secret ballot and was largely uncontroversial (although some delegates were disappointed by the seemingly U.S.-imposed arrangement to have the former Afghan king, Zahir Shah, withdraw as a candidate). Later votes taken on the arrangement of the transitional government and its key personnel, however, were highly irregular: there was no debate or proper vote on the composition of the next transitional government (instead, Karzai nominated a cabinet which was approved by a vague "voice" vote) and the *loya jirga* never approved any plan or proposal for the design of the government. The *loya jirga* chairman, Mohammad Ismail Qasimyar, failed to exercise effective control over the proceedings, and the United Nations failed to assist the *loya jirga* commission in preparing for a more orderly meeting. Warlords were handily able to manipulate the process, and as a result, most legitimate participants were thoroughly disillusioned with it.

At the close of the *loya jirga*, President Karzai invited delegates who had been threatened to report abuses to his office directly, but at the time of this writing, no clear action had been taken to hold abusers accountable.

Continuing Insecurity

Although some of the worst violence during 2002 took place in the first few months of the year, insecurity plagued most of the country throughout the year. Local armed conflict continued in several areas of Afghanistan. Fighting between rival commanders occurred in the provinces of Balkh, Jowzjan, Samangan, Sar-e Pol, Bamiyan, Paktia, Paktika, Khost, Uruzgon, Hilmand, Farah, and Herat. As described below, incidents of violence retarded refugee return programs, and led to some displacement--especially from the north. Hundreds of civilians around the country were killed and injured in the ongoing violence.

On February 14, 2002, Minister of Civil Aviation and Tourism Abdul Rahman was killed during a riot at the Kabul airport. Vice President Haji Abdul Qadir, a former mujahidin military commander from Jalalabad, was assassinated by gunmen in Kabul on July 6, 2002.

Security deteriorated further in late 2002. There was an assassination attempt on President Karzai in early September in Kandahar, on the same day a large bomb was detonated in Kabul, killing approximately twenty-six people. A few days later, over ten civilians were killed in fighting in Khost, during fighting that began after a bomb was detonated in the capital of that province. A month later, several civilians were killed during a conflict near the Shindand airbase in the west. Scores of civilians were also killed in violence in October and November in central and northern provinces.

Throughout the year, humanitarian aid workers were attacked or shot at near Mazar-e Sharif, Herat, and Kandahar cities. Travelers between major cities reported that extortion, robbery, and harassment--almost all by armed troops--regularly occurred on most roads. Trucks and buses were "taxed" repeatedly at military checkpoints; local minorities often were forced to pay more than others. People who challenged the troops risked being pulled from cars, beaten, and arrested.

Women and Girls' Rights

Many women and girls in Afghanistan benefited from immediate relaxations of Taliban-era prohibitions, and some women even secured some important governmental posts at the local and national level. However, because of lingering insecurity and recurring threats by fundamentalist groups, many female Afghans continued to fear for their security, and, as noted above, continued to wear the body-encompassing *burqa*, which Taliban police had forced women to wear under threat of imprisonment and beatings. Although many women and girls returned to workplaces and schools, millions remained marginalized in Afghanistan because of continuing discrimination and harassment by governmental and non-governmental actors, unable to secure their livelihoods, educations, or basic human rights. The situation was especially bad in the west and south.

As detailed above, after the fall of the Taliban, the north of Afghanistan was gripped by acute general lawlessness and insecurity, factional rivalry between Junbish, Jamiat, and Hizb-i Wahdat troops, and retaliatory violence against Pashtun civilians. As part of the general violence against Pashtuns, the forces noted above perpetrated sexual violence against Pashtun women and girls, in some cases, gang-raping all the female members of a family, including girls as young as fourteen.

Women and girls of other ethnicities also experienced sexual violence in Mazar-e Sharif, in northern Afghanistan. Although in May and June 2002 attacks against ethnic Pashtuns decreased, some women living in camps near Mazar-e Sharif for internally displaced persons (IDPs) faced increased sexual abuse, especially after the camp was militarized by Jamiat forces.

Afghan women and girls in many areas also continued to face threats and violence for not adhering to former Taliban edicts that had previously strictly controlled their behavior, dress, expression, and movement. After schools reopened in March 2002, women and girls in Zabul and Kandahar provinces in southern Afghanistan felt unsafe walking to school because of the continued presence of gunmen and soldiers allegedly aligned with the Taliban, some of whom would threaten or attack them. In October, fundamentalists destroyed several girls schools in the center and east of the country--either burning or rocketing the schools when classes were not in session. In the west of the country, women were instructed not to work or ride in cars with foreign men; some Afghan women working with international agencies in Herat were harassed and intimidated, told to lower their *burqas*, and not to show their face. Through October and November, the situation for women's rights in the city of Herat deteriorated further: several women and girls in Herat observed walking or driving with unrelated men were arrested and taken to hospitals, where troops ordered doctors to perform forced gynecological checkups to determine whether they had had recent sexual intercourse.

These threats and acts of violence denied women and girls the opportunity to participate effectively at all levels in public life at a critical moment in the history of Afghanistan. As the *loya jirga* got underway in June,

many women felt compelled to restrict their participation. The ongoing abuses were especially disappointing given the context. Historically, *loya jirgas* have been largely unrepresentative of women, since most delegates are chosen from male-dominated *shuras*. But at the June assembly, 160 women were guaranteed seats out of 1,500 designated seats, and women also had the option of being elected to non-reserved seats. One hundred and eighty women delegates were actually present at the *loya jirga*, a significant step forward for women's political representation. However, a number of the women delegates, such as some of the twenty-eight women from southern Afghanistan, faced threats against participating in the elections. The husband of a candidate in the south was told to make his wife withdraw, or they would be killed. As noted above, Sima Samar, the former women's minister, faced threats during and after the *loya jirga* from men aligned with the Jamiat faction and officials in government. Many other women were threatened not to "make trouble."

Refugees and Internally Displaced Persons

At the beginning of 2002, Afghanistan continued to have one of the largest displaced populations in the world: well over four million refugees were displaced outside their country, mostly living in Iran and Pakistan, and over one million were displaced within Afghanistan. As a result of the Taliban's demise, the end of civil conflict in many areas, good security conditions in major urban areas, and expectations of better economic prospects attached to the increased international involvement, hundreds of thousands of refugees returned in late 2001 and early 2002, mostly from Pakistan, but also from Iran, Europe, and the United States.

On March 1, 2002, the United Nations High Commissioner for Refugees (UNHCR) and Afghan authorities started a facilitated return program for refugees from Pakistan, and on April 3, UNHCR and the governments of Iran and Afghanistan signed a tripartite agreement for the voluntary repatriation of Afghan refugees from Iran. Returning refugees from both countries were provided with transportation and an assistance package from UNHCR and the World Food Program (WFP), including a small cash grant to cover transport costs on arrival in Afghanistan, and basic food and non-food items. UNHCR and the International Organization for Migration (IOM) also provided transport and basic assistance to internally displaced persons wishing to return to their homes. UNHCR estimated in mid-November 2002 that 1.7 million refugees had returned to Afghanistan in 2002, although it acknowledged that many returnees, especially from Pakistan, were abusing repatriation programs: returning to Afghanistan, receiving assistance, and then leaving once again.

At the same time, there were credible reports from Iran and Pakistan of forced returns and deportations as well as "push factors" such as police harassment and restrictions on employment rights and health and education services.

Refugees were returning to a country ravaged by decades of civil war and conflict, destruction from the U.S. bombing campaign, insecure conditions in some parts of the country, and the continuation of devastating drought in the south. Basic infrastructure and services were essentially non-existent outside urban areas. The homes and property of many refugees and displaced persons were destroyed, and many returnees had absolutely no resources with which to resume rural life. Most returnees faced a grim reality in their former towns and villages--no shelter, food, roads, schools, health clinics, effective security, law enforcement, or employment opportunities. As a result, although well over one million Afghan refugees in Iran and Pakistan decided to return to Afghanistan in 2002, many did not return to their original homes, or the homes of family members, but instead chose to reside in urban areas such as Kabul, Jalalabad, and Mazar-e Sharif. Many more remained in Pakistan and Iran, reluctant to return to areas in Afghanistan still suffering from insecurity or severe drought. Many refugees continued to fear persecution at the hands of local commanders in several areas of Afghanistan, such as former government officials, journalists, political opponents, and critics of the current authorities. Many residents of Mazar-e Sharif and Herat had to flee to Kabul or abroad to escape political persecution. On August 6, 2002 UNHCR estimated that some eight hundred thousand Afghans continued to be internally displaced in Afghanistan. As of mid-November, well over one million refugees remain in Pakistan and well over one million remain in Iran.

The United Nations and Afghan government had not anticipated returns on this scale. The Afghan authorities, UNHCR, other U.N. and humanitarian agencies, and donors were seriously ill-equipped to cope with the scale and speed of the repatriation. Agencies' budgets were overstretched, which prevented UNHCR and others from offering adequate assistance. Monitoring of returnee sustainability and security was slow to start, and was insufficient in many areas.

There were also budgetary shortfalls for U.N. agencies whose work impacted repatriation programming. When the fifteen-nation Afghanistan Support Group met in Geneva in July 2002, the chair noted a budgetary shortfall of U.S.\$777 million for reconstruction and rehabilitation efforts in Afghanistan; at the same meeting UNHCR announced that 25 percent of its budget had not been met and it still required U.S.\$70 million for the

remainder of the year. These shortfalls in reconstruction and development funds exacerbated the "overstretch" problems. At the end of May 2002, the IOM announced that it was forced to suspend temporarily its internal transport network for returning refugees from Iran and internally displaced persons due to lack of funding (it was able to resume limited transport for returning internally displaced persons in June). The World Food Program, which supplies food to returning refugees in many areas, also warned that it would face food shortages by November if donors did not step up to the mark. Development programs--which could have a significant impact on returnee trends--were stalled for most of the year.

Apart from the lack of funding and unmet humanitarian needs, returnees also faced serious ongoing security problems throughout Afghanistan. As documented earlier in this chapter, there were continuing hostilities between warlords in the north and west of the country which made it impossible for humanitarian agencies to operate in certain locations; there were also many areas in which lawlessness and abuses by warlords' forces made it impossible for refugees to return to their homes. In addition, in some areas in the north and west of the country, fighting, political oppression, and ethnically-based abuses were in fact still causing displacement: according to UNHCR, roughly fifteen thousand Pashtun Afghans fled areas in the west because of harassment by forces associated with Ismail Khan; more than thirty thousand Pashtuns fled the north of the country because of abuses by forces there.

The threat of continued fighting, criminality, and political instability slowed repatriation in many areas--especially areas outside of Kabul. General insecurity repeatedly led to the temporary suspension of return programs. On July 2, UNHCR announced that it was suspending returns of internally displaced persons from the western province of Herat to Faryab and Samangan provinces and to parts of Balkh province in northern Afghanistan, because of the escalating violence and worsening human rights situation in northern and central Afghanistan. The gang-rape of an international aid worker close to Mazar-e Sharif in early June and a series of other attacks on aid agencies in the north around the same time prompted humanitarian relief organizations to call for an extension of the ISAF and caused some to threaten to withdraw altogether if security conditions did not improve. In September of 2002, UNHCR suspended some operations in the west of the country, after a shooting incident at the Iran-Afghan border in which a UNHCR staff person was almost hit. Refugees themselves hesitated to repatriate to several areas; for instance, near Khost and in some places in Bamiyan, there were almost no refugee returns in 2002.

Landmines

On September 11, 2002, President Hamid Karzai deposited Afghanistan's instruments of accession to the 1997 Mine Ban Treaty with the United Nations, making the country the 126th state party to this historic agreement. The accession followed a pledge made during the first international mine action conference to take place in Kabul in late July 2002: "Building a Peaceful Future for Afghanistan: A Total Ban on Anti-Personnel Mines." The move was likely to boost funding and other international support for mine action programs in this heavily mine-affected country.

Demining operations were virtually brought to a halt following September 11, 2001. The mine action infrastructure suffered greatly during the subsequent military conflict, as some warring factions looted offices, seized vehicles and equipment, and assaulted local staff. Approximately 80 percent of the demining equipment for the southern region of Afghanistan was destroyed during October and November 2001, mostly in a U.S. air strike on a U.N. compound near Kandahar which was occupied temporarily by Taliban troops. Four deminers and two mine detection dogs were also killed in errant U.S. air strikes in Kabul. Military operations created additional threats to the population, especially unexploded U.S. cluster bomblets, ammunition scattered from storage depots hit by air strikes, and mines and booby-traps newly laid by Northern Alliance, Taliban, and al-Qaeda fighters.

A funding shortfall for the mine action program in Afghanistan prior to September 11, 2001 had threatened to curtail mine action operations. After October 2001, about U.S.\$64 million was pledged for mine action in Afghanistan. By March 2002, mine clearance, mine survey, and mine risk education operations had returned to earlier levels, and subsequently expanded beyond 2001 levels.

The United States-Led Air War and Conduct of Taliban, Northern Alliance, and Coalition Forces

U.S.-led Operation Enduring Freedom began in Afghanistan on October 7, 2001. The initial phases of the military offensive, through roughly January 2002, largely consisted of two activities. The first was U.S. and

British airstrikes against fixed tactical and strategic targets throughout Afghanistan. The second involved cooperation between Afghan opposition military forces and U.S. Special Operations troops to identify emerging tactical and leadership targets for attack by U.S. strike aircraft and heavy bombers.

Human Rights Watch sent a team to Afghanistan in March 2002 to investigate allegations of civilian casualties during Operation Enduring Freedom. The United States generally took significant precautions before attacking fixed strategic targets in both urban and rural areas. The use of precision-guided munitions in such attacks was widespread and generally confined damage to intended targets.

However, the bombing caused significant numbers of civilian casualties due to technical failures, human error (including misidentification of targets), and in some cases, weapons selection and targeting decisions that were inconsistent with international humanitarian law.

The use of cluster bombs by U.S. forces also caused civilian harm. Cluster bomb strikes in populated areas, including two incidents near Herat, killed at least twenty-five civilians and injured many more. Long after the initial attacks, unexploded cluster bomblets littered villages and farmland, waiting to be cleared. They became de facto landmines that caused scores of additional civilian casualties.

The Taliban and al-Qaeda bore major responsibility for civilian harm during the air war. In particular, there was evidence that Taliban and al-Qaeda forces in some cases used the civilian population to shield themselves from attack, a practice prohibited by international humanitarian law.

As discussed in, *Human Rights Watch World Report 2002*, there were serious allegations about the conduct of anti-Taliban forces in late 2001, including that forces in the northeast and south summarily executed Taliban prisoners of war. In 2002, there were several reports that Rashid Dostum's troops had killed hundreds of Taliban prisoners while transporting them in sealed containers from Kunduz towards Mazar-e Sharif. The bodies were said to have been buried in mass graves in Balkh province. There were also allegations that forces throughout Afghanistan summarily executed Pashtuns and other minorities perceived to be associated with the Taliban. These and other alleged crimes committed by anti-Taliban forces had not yet been investigated by the United Nations at this writing.

U.S. and coalition military operations continued in eastern and southern Afghanistan through the autumn of 2002 and were ongoing as of this writing. There were sporadic incidents of civilian casualties in this period, including an attack by an AC-130 gunship in Oruzgan Province on June 30, 2002, in which at least thirty-five Afghan civilians were killed. The continued detention of Afghan and al-Qaeda forces on U.S. military bases also raised serious issues of international humanitarian law. (See United States.)

DEFENDING HUMAN RIGHTS

The Bonn Agreement of 2001 mandated the creation of an Afghan human rights commission, tasked with promoting human rights norms and investigating human rights violations. (As noted below, the United Nations was also given an affirmative right under the agreement to conduct human rights investigations.) The commission remained in dire need of international support throughout the year, and at this writing continued to be without basic resources such as cars, phones, and adequate office space. The head of the commission, Sima Samar, although weakened by attacks on her reputation, submitted a budget and plan for 2003 that included investigations of abuses, a country-wide consultation process on accountability for past abuses, and human rights education projects.

Several human rights and civil society groups--some of which had already been operating in exile before the Taliban's fall--opened offices in Afghanistan in 2002. Most were severely underfunded, without adequate resources to operate effectively, but the appearance of new groups itself was a welcome sign in a nation in which human rights groups had long been suppressed.

THE ROLE OF THE INTERNATIONAL COMMUNITY

United Nations

The United Nations Assistance Mission in Afghanistan (UNAMA) expanded its operations throughout 2002, increasing staff and offices in almost every region in Afghanistan. For the first time in years, the U.N. mission

to Afghanistan had human rights monitoring and protection staff working within Afghanistan. The 2001 Bonn Agreement expressly gave the U.N. "the right to investigate human rights violations and, where necessary, recommend corrective action." (Annex II.) UNAMA human rights officials investigated human rights abuses in various parts of the country and maintained human rights monitoring staff in several areas. The U.N. also played a big role in organizing and monitoring the *loya jirga*, and in the protection of delegates and other political representatives who faced threats following its conclusion. U.N. civil and political affairs officers, and Lakhdar Brahimi, the special representative of U.N. Secretary-General Kofi Annan, continued to play a major role in negotiating agreements between rival groups in Afghanistan and maintaining stability.

Several U.N. human rights officials began preliminary investigations in Afghanistan. The U.N. special rapporteur on Afghanistan, Kamal Hossein, traveled to Afghanistan. The special representative of the secretary-general on children in armed conflict and the special rapporteur on summary and extrajudicial executions visited Afghanistan in the course of the year. U.N. High Commissioner for Human Rights Mary Robinson traveled in Afghanistan extensively in March, and reported her findings and conclusions.

UNAMA's work on human rights suffered from serious weaknesses. The mission's "light footprint" approach--meant to lower the number of international staff and increase Afghan participation in U.N. efforts--was not effective in addressing human rights violations. Human rights components of the mission were understaffed and given low priority by UNAMA leadership. No efforts were made to place a heavy monitoring presence on the ground, patrol areas of concern, or robustly investigate alleged war crimes.

UNAMA staff did work diligently with what resources they had to monitor human rights conditions. They succeeded in containing some of the effects of intimidation and abuses during the *loya jirga*, although they were ultimately unable to stop local military commanders from manipulating the election process. UNAMA staff also mediated several disputes between commanders, and in a number of cases stopped or prevented local armed conflicts from erupting.

Still, by the end of the year, only one international human rights monitor was posted in each of Afghanistan's eight regions, supported by two local staff. Because the Afghan Human Rights Commission was weak and poorly organized, UNAMA was unable to rely on its work to supplement the UNAMA mandate. The U.N. was able to gather useful information on human rights conditions in many areas, and intervened in important cases to protect vulnerable persons, but on the whole the mission was reactive, and did not effectively process information gathered by staff. The UNAMA office often did not publicize information and findings about local human rights situations in the country. Many UNAMA staff expressed frustration with the seemingly low priority put on human rights in the mission.

United States, Iran, Pakistan, U.S. Coalition Partners, and ISAF Contributors

The United States was heavily involved in political settlements, negotiations, and assistance to Afghanistan in 2002, but did not pursue a coherent or long-term security strategy. Neither did Afghanistan's neighbors, Pakistan and Iran. The official policy of these countries during 2002 was to work with President Hamid Karzai to help him strengthen his government and rebuild the country. Yet the U.S., Iran, and Pakistan all actively supported local warlords in various regions of the country. During the U.S.-led attack in Afghanistan in 2001, the United States, United Kingdom, and other coalition partners supplied warlords with cash, weapons, uniforms, and satellite telephones.

These policies were contradictory, and worked to destabilize the country. Local warlords with records of human rights abuses, for instance Ismail Khan, Muhammad Karim Khalili, and Rashid Dostum, all strengthened their grip on local power outside of Kabul. Few meaningful steps were taken by the United States, Iran, or Pakistan to counteract or blunt the effects of this strategy, nor by countries involved in the U.S.-led coalition or in peacekeeping operations (ISAF), including Turkey, Canada, Germany, the Netherlands, and Australia. Most nations acted as if police training and the rebuilding of the Afghan Army in Kabul would be sufficient solutions to Afghanistan's security problems, despite the fact that these programs were poorly administered, did not have much effect beyond Kabul, and were considered to have little effect in the short- or medium-term.

International actors in Afghanistan resisted widespread calls to expand the ISAF peacekeeping force beyond Kabul. Instead, security outside Kabul was put in the hands of the local military forces that the U.S.-led coalition supported during the war against the Taliban. As detailed above, many of these same forces committed abuses against civilians. U.S. and coalition forces in some areas acted as *de facto* monitors, and helped create a modicum of protection, but in many areas of the country warlords continued to commit abuses against the population. President Karzai and various Afghan leaders continued to call on the U.S. and its

partners in Afghanistan to expand ISAF.

On November 12, 2002, the United States Congress unanimously passed the Afghanistan Freedom Support Act, which authorizes increased funding for reconstruction programming, urges the president to act to expand peacekeeping forces outside of Kabul, and requires the president to deliver a report to Congress every six months describing, among other things, what the administration has done to improve security, human rights protections, and rule of law.

RELEVANT HUMAN RIGHTS WATCH REPORTS:

All Our Hopes Are Crushed: Violence and Repression in Western Afghanistan, 10/02

Afghanistan: Return of the Warlords: A Human Rights Watch Briefing Paper, 6/02

Taking Cover: Women in Post-Taliban Afghanistan: A Human Rights Watch Briefing Paper, 5/02

Paying For the Taliban's Crimes: Abuses Against Ethnic Pashtuns in Northern Afghanistan, 4/02

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