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[Homepage](#) > [Asia Pacific](#) > Afghanistan

AFGHANISTAN

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Head of state and government: Hamid Karzai

Death penalty: retentionist

International Criminal Court: ratified

The government and its international partners were unable to ensure security and a climate of political uncertainty grew in the course of the year. Armed conflict, marked by aerial bombardments and suicide bombings, escalated in southern parts of the country. At least 1,000 civilians were killed. Poor governance, the power of regional commanders and the impact of narcotics undermined the rule of law and human rights. Government security bodies committed human rights violations with impunity. There was little reform of judicial, law enforcement and security agencies. Women continued to face violence. Human rights defenders, including women, were targeted and killed. It became increasingly dangerous to speak out against human rights abuses and for justice.

Background

In February, the Afghanistan Compact was adopted outlining reforms and priorities for the next five years. Through the Compact, the Afghan government and its international partners agreed new financial and institutional support and oversight mechanisms. Key areas of the Afghanistan Compact are security, governance, rule of law and human rights, as well as economic and social development.

Lack of good governance and the rule of law contributed to the climate of impunity. Government officials and local power-holders were not held accountable for their actions and there was little or no access to justice.

Escalating conflict caused widespread social unrest. Violations of international humanitarian and human rights law were committed with impunity by all parties to the conflict, including international and Afghan security forces and the Taliban.

Human rights defenders, many of them women, faced harassment, intimidation and in at least one case murder, as they sought to protect human rights. It became more dangerous to speak out. Schools were burned down and teachers were attacked and killed by those opposed to the government and the education of girls.

Conflict, drought and floods in different parts of the country caused forced displacement throughout the year, while neighbouring Iran and Pakistan sought to reduce the number of Afghan asylum-seekers. The number of Afghans returning from these countries decreased.

Conflict

The conflict in the south and east grew in intensity and had a detrimental effect on governance in other parts of the country. Thousands of Afghans were forced to flee their homes because of conflict and drought.

The NATO-led International Security Assistance Force (ISAF) widened its area of operation to the south of Afghanistan, focusing on stabilization and security. The US-led Operation Enduring Freedom (OEF) continued to carry out operations purportedly to counter terrorism.

Human rights bodies and the UN expressed grave concern at the conduct of Afghan and international forces. The UN in Afghanistan routinely condemned the killing of civilians by the Taliban and repeatedly called on the Afghan and US authorities to ensure the safety of civilians while battling the insurgents.

US forces continued to deny detainees at Bagram some of their basic rights. Although there appeared to be fewer allegations of gross abuses, lack of information about detainees and denial of access to families were continuing concerns. ISAF handed detainees into the custody of Afghan authorities; there was insufficient monitoring of how these detainees were subsequently treated. Aerial bombardments during OEF and ISAF operations were, on occasion, disproportionate.

In July the UN Secretary-General's Special Representative to Afghanistan expressed concern about the deteriorating security situation in the south and called for more development work as well as further military and diplomatic intervention to curb the growing violence.

- During a joint military operation on 21 and 22 May by the government and OEF forces in Panjwayi, Kandahar, 16 civilians, including children and the elderly, were reportedly killed in Azizi village.

- Tensions over the presence of international troops were shown by violent protests after a fatal traffic accident in Kabul involving a US military vehicle on

29 May. In ensuing riots, at least eight people were killed and 100 injured. Shops were looted and police vehicles, government buildings in the city and offices belonging to international non-governmental organizations (NGOs) were damaged.

- In July, areas near to Tarin Kowt, Uruzgan, were bombed by US-led coalition forces, reportedly resulting in the death of at least 60 civilians. According to the Afghanistan Independent Human Rights Commission in Kandahar, at least 22 civilians were killed in two separate houses in Ghachi Zari. President Karzai ordered an inquiry into the bombing in Uruzgan.

- On 24 October, Zangawat village in the Panjwayi district was bombed in an ISAF operation in which at least 70 civilians were reportedly killed, including children.

- In late May, more than 3,000 villagers from Panjwayi and 200 from Zhari Dasht, Kandahar, were displaced following fighting between US and Afghan forces and the Taliban. They reportedly fled to Kandahar.

- Between July and October, it was estimated that approximately 15,000 people had been forcibly displaced by conflict, including hundreds displaced by aerial bombardments in Kandahar, Uruzgan and Helmand provinces.

Resurgence of the Taliban

Benefiting from a climate of lawlessness, notably in the south, the Taliban enjoyed a significant resurgence. Their forces were responsible for breaches of international humanitarian law by undertaking indiscriminate and disproportionate acts of violence; by killing those not involved in combat; and by ill-treating and torturing those over whom they had effective control. For example, in the context of quasi-judicial processes, at least 11 people were killed. The true number may have been far higher.

- On 28 August, a suicide blast attributed to the Taliban in a market in Lashkar Gah, Helmand, killed 17 people, many of them civilians.

- At least 19 individuals, including 13 civilians, were killed and another 20 injured on 26 September when a suicide bomber attacked a security post near a mosque in Lashkar Gah. Civilians had gathered outside the mosque to sign up for the Haj, or pilgrimage to Mecca.

Weak government

The reach of the central government was restricted. Parallel systems of governance and dispute resolution prevailed.

Insecurity undermined the rule of law and created a climate of impunity. Governors in some provinces acted independently of central government and violated human rights with impunity. Despite the appointment of Supreme Court judges and other high-ranking officials, reform and rebuilding of the judicial sector remained sluggish. The Afghan security forces, particularly the police and representatives of the National Security Directorate (NSD), were accused of illegal detentions and torture and other ill-treatment.

The legal status of international forces appeared to put them beyond the reach of Afghan law, and their failure to provide effective redress for violations undermined the rule of law.

Corruption and involvement in the drugs trade further undermined the delivery of justice by the government. Private jails continued to be administered by regional commanders. In November, the Attorney-General declared a "jihad" (holy war) against corruption.

In early March, government officials, backed by international forces, brought to a close a prison uprising in which at least five people died. Detainees associated with the Taliban in Pol-e Charkhi prison had protested against a new uniform regime and had taken control of part of the prison.

- In July, the government reportedly announced plans to re-establish the Department for the Promotion of Virtue and Prevention of Vice, a government body that committed numerous human rights violations, notably against women, during the rule of the Taliban. Assurances were given that the department would not be given the same duties as before.

Detention by international forces

US forces continued to hold around 500 detainees in Bagram airbase who were accused of links with the Taliban and al-Qa'ida.

- In January, a military court in Bagram found a US military official guilty of mistreating detainees and sentenced him to four months' detention. He was found to have punched detainees in the chest, arms and shoulders at a base in Uruzgan province in July 2005.

Around 35 Afghans were released from US custody at Guantánamo Bay and returned to Afghanistan. Refurbishment of Pol-e Charkhi high security prison continued in advance of the expected transfer in 2007 of the remaining Afghan detainees at Guantánamo Bay.

Rights of women and human rights defenders

The situation for human rights defenders deteriorated. Members of the Afghanistan Independent Human Rights Commission and representatives of national human rights organizations faced threats.

Legal reforms designed to protect women were not implemented and women continued to be detained for breaching social mores. There was a rise in cases of "honour" killings of women and self-immolation by women.

- On 25 September, Safiye Amajan, head of the Kandahar regional Department of Women's Affairs (DoWA) was shot dead by gunmen on a motorcycle. Individuals associated with Hezb-e Eslami were arrested in connection with her death. Other DoWA heads in other provinces also faced threats and intimidation.

Transitional justice

The government took a few steps to support the Transitional Justice Action Plan, adopted in late 2005.

A mechanism for vetting political appointments was established, and in December the President officially launched the action plan. However, efforts failed to bring to justice those accused of human rights violations.

- Asadullah Sarwari, a former government minister and former head of the intelligence service, was sentenced to death on 23 February for war crimes committed between 1978 and 1992, under communist rule. His trial was grossly unfair. For most of his 13 years in custody Asadullah Sarwari did not have access to a lawyer.

Freedom of expression

Freedom of expression was reasonably well respected, although there were attempts to limit it.

The NSD sought to ban open discussion of the security situation and the Speaker of Parliament proposed limiting parliamentarians' freedom to speak to the press.

• Abdul Rahman was arrested in February and threatened with the death penalty for converting from Islam to Christianity more than 15 years previously, while working in Peshawar, Pakistan. In March, under heavy pressure from foreign governments, the court returned his case to prosecutors, citing "investigative gaps" and he was released from prison. He fled to Italy and was granted asylum.

AI country reports/visits

Reports

• Afghanistan: UN Security Council mission must ensure international commitment to human rights is long term (AI Index: ASA 11/018/2006)

• Afghanistan: Open letter to His Excellency Sibghatullah Mojaddedi on the occasion of the 15 November 2006 visit to the Meshrano Jirga by military and civil leaders of the International Security Assistance Force (ISAF) (AI Index: ASA 11/019/2006)

• Afghanistan: NATO must ensure justice for victims of civilian deaths and torture (AI Index: ASA 11/021/2006)

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