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AIHRC

Kabul Regional Office

Report on the Situation of Human Rights in Detention Centers

In the areas covered by the Kabul Regional Office, FY 1396

Date: Hoot, 1396

AIHRC
Kabul Regional Office

About the Report:

Title: Report on Human Rights Situation in Detention Centers

(In the areas covered by the Kabul Regional Office, FY 1396)

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Introduction

Detention centers are places that are exposed to the human rights violations. Gross human rights violations, such as torture, detention and arbitrary detention, are taking place in these centers. Prisoners are vulnerable groups, although they are deprived of their right to freedom in prisons due to a crime, but their human rights are retained and they are not deprived of their human dignity and other human rights. But most of the time prisoners are not looked at as human beings who have human rights, and the prisons are seen as a place for punishment and revenge on those convicted. While "the prisons themselves are punishment, not for punishment," it means imprisonment is a kind of punishment and there should not be a double punishment for the prisoners in the prison.

A good and a standardized prison in which the principles and values of human rights are respected will help the community reduce crime; the amount of crimes is reduced when the prison is turned into a place for the rehabilitation of criminals and healthy activities, and prisoners after the release will be able to resist against the temptation of crime repetition. Ultimately, respect for the human rights of prisoners protects the human rights of other members of the community against their criminal actions after the release.

AIHRC, based on the provisions of the Law on the Structure, Duties and Mandated of the AIHRC, has been continuously monitoring the detention centers since the time it established, in order to improve the human rights situation in these centers. Prison monitoring changes these centers into suitable places for rehabilitating of prisoners.

The AIHRC, pursuant to Articles 6 and 21 of the Law on the Structure, Duties and Mandated of the AIHRC, paragraph 6 of Article 38 of the Law on Prison and Detention Centers, paragraph 1 of Article 12 of the Law on the Prohibition of Torture, and the provisions of the Memorandum of Understanding between the AIHRC and the defense and security sectors, has the jurisdiction to monitor the detention centers, and visit these facilities in a continuous and unannounced manner or without prior notice. Therefore, no organization should prevent AIHRC's access to the detention centers, but should provide the necessary facilities in this regard.

AIHRC's Kabul Regional Office, which covers seven provinces in Afghanistan (Kabul, Parwan, Kapisa, Panjshir, Logar, Maidan Wardak and Ghazni), has continuously monitored the detention centers in the said provinces, and has interviewed with the plaintiffs individually and followed up the cases of human rights violations in these centers.

In this report, detention facilities include detention centers, custodies, prisons and children's correction centers. During the last year, Monitoring and Investigation Unit, Ombudsman Unit, Children's Rights Unit, Women's Rights Unit of Kabul Regional Office monitored the detention centers based on Action Plan of FY 1396.

All Units of the Kabul Regional Office have visited detention centers systematically, consistently, purposefully and coordinately, and has followed up the findings of the monitoring programs, based on the guidelines, forms and checklists already prepared by the Kabul Regional Office. The main source of this report is the information obtained by direct observations of the staff of the Kabul Regional Office in the framework of the forms and pre-prepared checklists. Fortunately, the conducted monitoring has been a result-based activity, and has yielded significant results that will be discussed in the report.

The report provides a clear picture of the living, legal and administrative situation and way of dealing with the suspects, accused and convicts in detention centers, as well as the activities and achievements of the Kabul Regional Office. In terms of time, the information contained in this report includes the fiscal year 1396 (from 1 of Jada, 1395 until the end of Qaws 1396).

This report has been prepared, modified and revised by the Directorate of Kabul Regional Office, its initial information was compiled by the colleagues in Monitoring and Investigation Unit, the Women's Rights Unit, Children's Rights Unit and the Ombudsman Unit of the Kabul Regional Office, and it has been consolidated by Ombudsman Unit. The Kabul Regional Office Directorate expresses its thanks to all colleagues who contributed to this report, especially the colleagues from the Ombudsman Unit of the Kabul Regional Office.

The findings of effective monitoring of the detention centers

In the fiscal year 1396, the Kabul Regional Office has monitored, all detention centers on a monthly basis, including prisons, detention centers, custodies, and child correction centers in the areas covered by AIHRC in (Kabul, Kapisa, Panjshir, Parwan, Ghazni and Maidan Wardak), except for insecure districts. In the following, the findings of the Kabul Regional Office are discussed in more detail.

The number of detainees and prisoners in the provinces covered by the AIHRC

Based on the latest statistics obtained from the detention centers in the provinces covered by the Kabul Regional Office, till the end of the month of Dalw, 1396, through the continuous monitoring made by the various Units of the Kabul Regional Office in all provinces covered by the Kabul Regional Office, there were 13,448 people detained in the prisons and children's correction centers. Of which 13,174 people were prisoners (13007 men and 167 women) and 274 detainees (253 boys and 21 girls). It should be noted that more than 1,000 people were under detention or custody in the areas covered by the Kabul Regional Office, since the number of detainees and individuals under custody is fluctuating every day, the statistics are not included here.

The above mentioned statistics indicate that there are a significant number of prisoners in the center of the Afghan capital. Overcrowding of prisoners in these provinces is one of the factors that has challenged human rights observance in the detention centers in these areas and has impeded the improvement of the legal and living situation of the detainees in the detention centers.

The following table shows the number of detainees and prisoners in the areas covered by the Kabul Regional Office, based on provinces:

No	Province	Number of Prisoners			No	Province	Number of detainees		
		Women	Men	Total			Girl	Boy	Total
1	Kabul	113	12063	12176	1	Kabul	14	196	210
2	Parwan	14	276	290	2	Parwan	1	15	16
3	Maidan Wardak	14	266	280	3	Maidan Wardak	0	5	5
4	Kapisa	8	173	181	4	Kapisa	4	9	13
5	Panjshir	0	96	96	5	Panjshir	0	1	1
6	Logar	2	75	77	6	Logar	0	7	7
7	Ghazni	16	58	74	7	Ghazni	2	20	22
Total		167	13007	13174	Total		21	253	274

Effective monitoring of detention centers

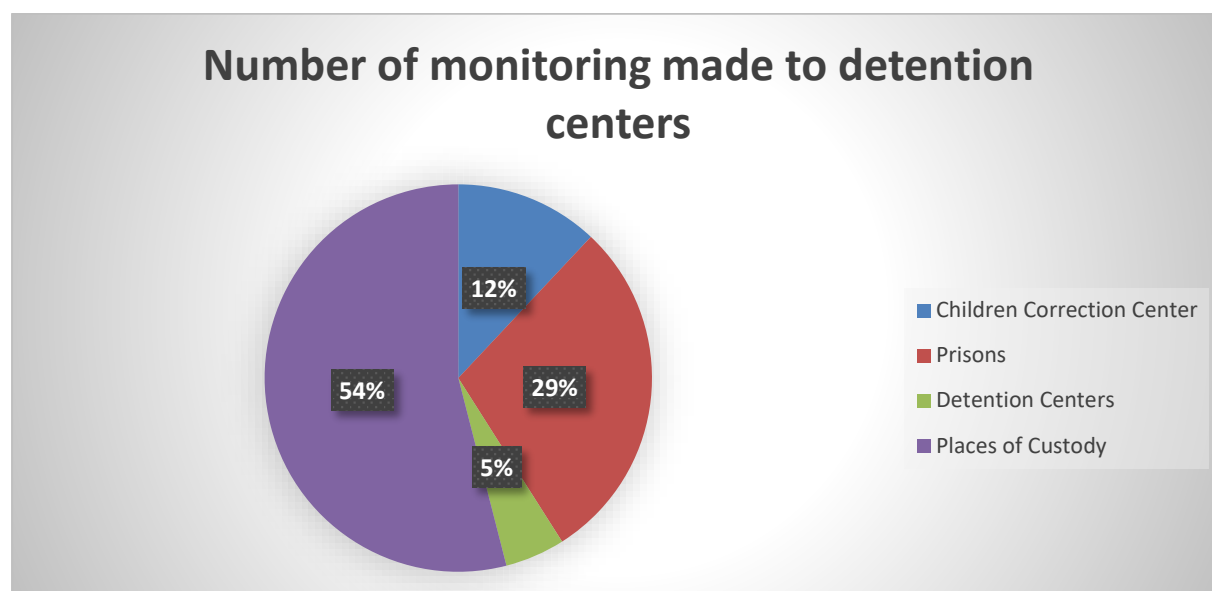
AIHRC's Kabul Regional Office has carried out 196 monitoring mission to detention centers in the provinces covered by AIHRC. 116 times to the detention centers and places of custody under the Ministry of Interior and NDS, 56 times to the prisons and 24 times to child correction centers that is described in detail in this report.

It should be noted that the monitoring of the detention centers is categorized in two ways: first, monthly (continuous) monitoring, in which all Units of the Kabul Regional Office, each month has made at least one visit to all the detention centers in the area covered by AIHRC. Second, specific monitoring that is conducted based on the need, upon the instruction of the Directorate

or on the basis of receiving complaints from prisoners or the occurrence of incidents in prison, in order to investigate and follow up the special cases.

The above statistics (196 times monitoring) merely include monthly monitoring of the Kabul Regional Office and does not include specific monitoring. Because, for the following up of specific cases, Kabul Regional Office staff sometimes, make day-to-day visit to detention centers, such as Pul-e-Charkhi prison and Kabul city's places of custody.

The chart below indicates the percentage of monitoring made to detention centers:



As seen in the chart above, most of the monitoring (54%) was conducted to places of custody under the Ministry of Interior and National Directorate of Security (NDS). The reason is that there are a lot of detention facilities in the areas covered by the Kabul Regional Office, for example, in Kabul only, in addition to the places of custody under Kabul Security Police, there is actually a detention facility in each police district of Kabul, and the suspects are sometimes held there.

Interviews with prisoners and hearing and filing complaints

Based on the monitoring guidelines of the detention centers, the human rights monitors inform all inmates of their presence while making monitoring visit to detention facilities, and requests prisoners to take turn to meet human rights monitors if they have complaints. One of the most important sources of receiving complaints of human rights violations is the monitoring of detention centers. Human Rights monitors with this in mind, should carefully record all the complaints received during the monitoring of prisons and analyze, process, followed up and document them properly, and then refer them to the relevant authorities.

The staff of the Kabul Regional Office by conducting 196 monitoring missions to detention centers, carried out direct interviews with 921 detainees (650 men, 135 women and 136 children). Their complaints were received in person, and after registration and documentation the complaints were addressed. Among the children, there were 105 boys and 31 girls. The interviews were conducted in accordance with the rules set out in the Guideline on the monitoring of detention centers, individually and without the intervention of the wardens. All complaints of human rights violations were recorded in the complaints registration form and case management and case registration book and AIHRC's general database. The cases that were recognized as human rights violation were referred to the relevant authorities after accurate

documentation, and were followed up, and finally their proceedings in the relevant justice and judicial authorities were continuously monitored.

The table below shows interviews with detainees segregated by the suspects, detainees, accused and prisoners

As shown in the table above, out of 921 interviewees, 350 of them are suspects, 136 detainees, 136 accused and 299 of them convicted.

Releasing of illegal prisoners

Convicted		Accused		Detainees		Suspect	
Female	Male	Female	Male	Female	Male	Female	Male
0	299	120	16	31	105	15	335
0%	32.4%	13.2%	1.7%	3.36%	11.40%	1.62%	36.37%

Freedom is the natural right of man¹, everyone has the right to freedom, no one can be arbitrarily (without legal authority) arrested or detained (imprisoned). No one shall be deprived of liberty, except in accordance with the procedure prescribed by law.² Freedom is one of the fundamental principles of human rights. This right guarantees a dignified life along with comfort and tranquility for all human beings. Therefore, all citizens have the right to enjoy their freedom and security within the framework of legal protections, and nobody and no entity can arbitrarily and illegitimately violate this human right or deny it without legal authorization.

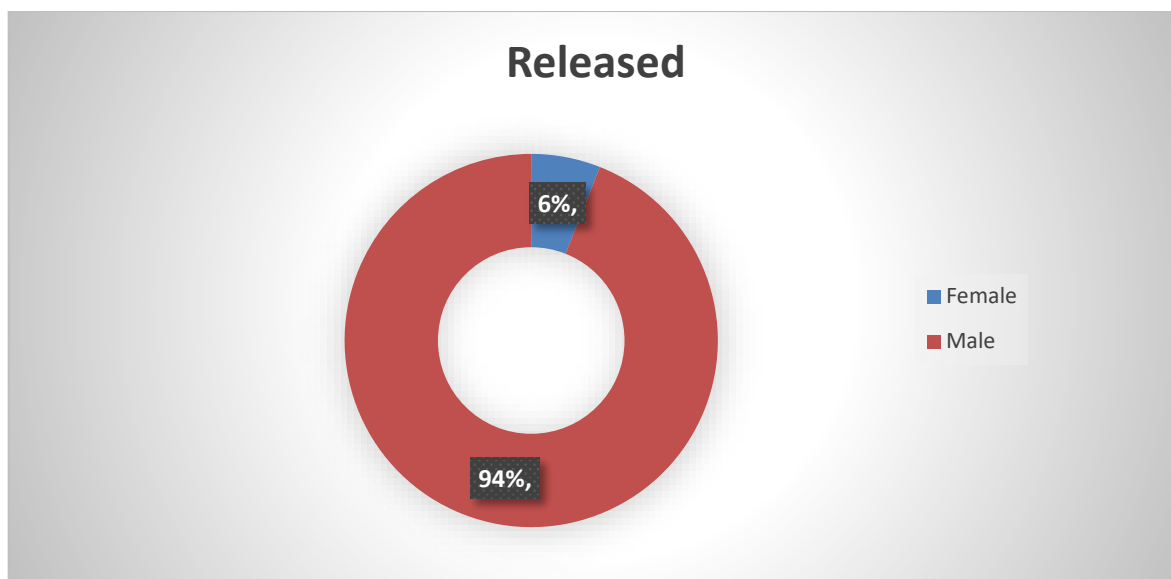
Despite the explicit provisions of the law and international human rights instruments in this area, during the fiscal year 1396, a number of illegal prisoners were identified by the staff of the Kabul Regional Office in detention centers in the provinces covered by the AIHRC, and were released through legal intervention of the AIHRC's staff. Illegal prisoners, based on the detention centers' monitoring guideline, include those detainees who have been illegally arrested or detained, or have passed their term of sentence, but have been illegally kept in detention centers.

During the fiscal year 1396, the Kabul Regional Office identified 33 prisoners (2 women and 31 men) who were illegally detained and kept in detention center for various reasons, and were released as a result of the legal intervention of staff of the Kabul Regional Office. The following chart shows the number of prisoners released, segregated by gender:

As shown in the graph, 94% of those released, are men. The reason for this is clear: the number of female prisoners in the detention centers are less compared to male prisoners.

¹ .Government of the Islamic Republic of Afghanistan, Constitution, 1382, Article 24

² .United Nations General Assembly, International Covenant on Civil and Political Rights, 1966, Article 9



Of the 33 illegally detained persons who were released, 11 of them were prisoners; they had completed their terms of sentence, but were illegally kept in the prison. The staff of the AIHRC during the monitoring of prisons in the provinces covered by the AIHRC interviewed with them and found out that their terms were over, so after the legal intervention, the staff of the AIHRC referred their complaints and cases to the relevant authorities and finally they were released.



Picture of prisoners who were illegally kept in the prison and were released from custody of the police district in Kabul

In addition to the prisoners, a detainee and 21 others were under custody. Except for the one who was released from Ghazni province, all those who were illegally detained by the police were released from police stations in Kabul. For example, during the monitoring by the Ombudsman Unit of the Kabul Regional Office, 6 people under custody were identified as

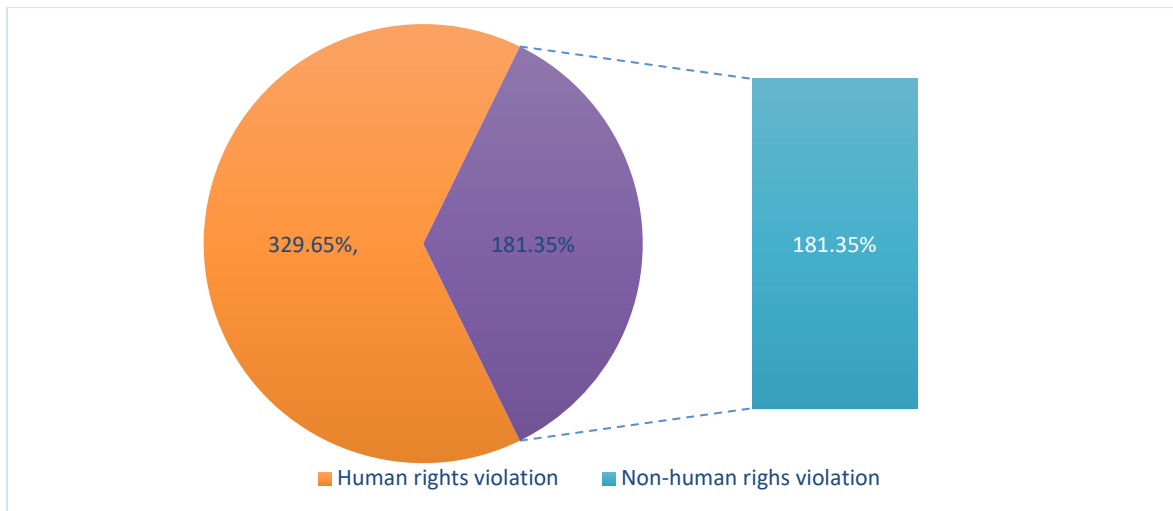
illegally detained by one of the Kabul Police station on 5/2/1396. These people were daily-workers and were arrested on charges of constructing a building under dispute, their charge was working on a building that was, according to the police, allegedly usurped land, while they were daily workers, they did not know about the land dispute. At the same time, they had no relation with the owners of the building. The owners of the building who allegedly usurped the land had not been arrested, but the daily workers were arrested. These individuals were released in two stages on the same day, with the legal intervention of the AIHRC and the follow up of the relevant police station.

Two women were also included among the male prisoners who were released. One of these women was sick (incurable disease) who was eligible to be released, but despite the approval of all the authorities, including the Committee for the diagnosing of incurable disease, she was not released, as a result of the efforts made by the staff of the Kabul Regional Office she was released from the Pul-e Charkhi prison.

In this part of the report description of the case of a female prisoner who was released by the legal intervention of the AIHRC is mentioned as an example:

..... daughter of a few years ago, she gets officially divorced from her husband due to some domestic violence. But after some time, based on her husband's threats to sale her daughter, whose custody was given to her father, had to rejoin with her husband. But when she finds it difficult to continue living with such a person, she wants to go to Germany with the help of her mother, but her affection to her daughter stops her from going to Germany, and this time due to lack of legal awareness that she was not in the official marriage of her husband to obtain the divorce refers to the Attorney Office for the Prevention of Violence, and the prosecutors finds out that she was already divorced and had illegitimately re-established relation with her husband. The prosecutor's office officially turns her case and transfers her to Pul-e-Charkhi's detention center. The case comes to the court, and the court sentences her to 3 years' imprisonment, considering that she was threatened by her husband, and showing mercy for her two daughters. Despite the court's order, she was not released. The prosecutor's reasoning was that this person should not be released until a guarantee become available. When one of her relatives and her father who were the government employee and offered to guarantee her, the prosecutor still did not agree. Finally, following the continuous follow up of the case and the visit of the Kabul Regional Office's staff to the prosecutor's office, her father's guarantee was accepted by the Attorney Office, and she who had passed four months with her two daughters in the Pul-e-Charkhi Women's Detention Center, were released from the prison on 9/9/1396.

Effective handling of prisoners' complaints



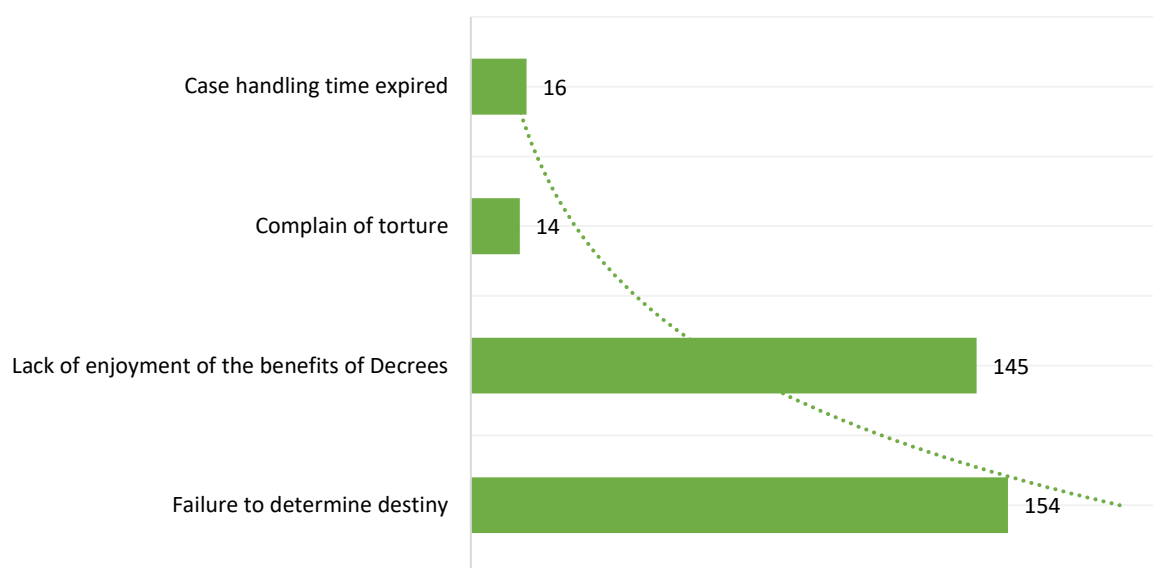
As noted, interviews were conducted with a large number of detainees during monitoring of detention centers. Similarly, if the interviewees filed a complaint about the behavior or performance of the justice system or complaints of non-compliance with their human rights, they were registered by the Kabul Regional Office’s staff and, after being documented, if the complaint was recognized as violations of human rights, the case were registered and investigated.

During the fiscal year 1396, Kabul Regional Office’s staff received and registered 510 complaints of human rights violations, of which 329 cases were recognized as human rights abuses. 181 cases of prisoners' complaints after the investigation and documentation were not considered as human rights violation. Legal advice was given to all complainants whose complaints were not recognized as human rights violations. Kabul Regional Office’s staff to make the complainants acquainted with the relevant principles and rules of the law, and ensure that their complaints are handled, are returning to the related detention centers and give them advice and information in person.

As shown in the chart below, 329 cases of complaints filed in detention centers in the areas covered by the Kabul Regional Office indicate that there has been a violation of human rights. The pending case or unknown fate of the suspects, the accused and convicts, the expiration of the legal capacity of the judicial organs in dealing with the cases of prisoners, the failure to use the benefits of the Presidential Decrees on pardon and reduction of the punishment of detainees and prisoners, and the claim of torture make up the main issues of the complaints received.

The following chart shows the complaints of prisoners based on the subject of the complaint:

Types of prisoners' complaints



All cases of human rights violations that have been obtained during the monitoring of the detention centers have been taken seriously and the overwhelming majority of them have been resolved, which will be reviewed in detail as follows:

- The issue of 23 cases of prisoners was the failure to determine the fate of officers and sergeants of the Ministry of National Defense. These cases were documented by the staff of the Kabul Regional Office after being documented and thoroughly investigated, they were referred to the Ministry of Defense by a letter No. 24 dated 8/1/1396. Eventually, the relevant court issued a verdict for each of them in decision No. 140 of 12/1/1396, and the fate of all of them was determined by issuing of this verdict.
- Staff of the Monitoring and Investigation Unit of Kabul Regional Offices, while monitoring Block 4, of Pul-e-Charkhi Central Jail identified 131 detainees (72 sentenced to capital punishment and 59 prisoners sentenced to imprisonment), with unknown fate. The final decisions were made on them, but final decisions regarding them had not been dispatched to jail, and they were left in a pending state. The staff of the Monitoring and Investigation Unit after receiving the said complaints reviewed each individual's cases in the prisons and the relevant attorney's office, and the AIHRC's investigations also indicated that the final decisions related to this category of defendants had not been referred to the prison authorities. Some of them had been held in this situation for many years. The Kabul Regional Office for an effective consideration of their cases presented a complete list of these prisoners and their monitoring findings in a letter dated 26/7/1396 to the honorable Attorney General. Fortunately, the Attorney General's Office reviewed the list of prisoners and the prisoners' fate were determined.
- Likewise, regarding the implementation of President Decree on pardon and reduction of punishment, 145 prisoners who did not benefit from the Presidential Decrees on the pardon and the reduction of the punishment was referred to the Attorney General's

Office by letter No. 2087 dated 30/12/1395, which, fortunately was effectively addressed.

- During the fiscal year 1396, staff of the Kabul Regional Office received 14 cases of torture claims during monitoring of the detention centers. 8 cases of torture were received from the Kabul general police station, 2 cases from the children correction center in Kabul, and 4 cases from other places of custody in Kabul City. All of these cases were followed up but no reliable evidence, documents, and indications were found to prove the claim of torture.

Implementation of the orders of the Kabul Regional Office by the authorities of the detention centers

Based on the monitoring guidelines of the detention centers, after visiting the detention centers, human rights monitors should discuss deficiencies, shortcomings and violations of human rights with the authorities and other competent authorities, and make explicit recommendations to improve the situation in detention centers. The process of presenting recommendation is such that small problems are discussed (orally) with the authorities and solved. But, If the problem is bigger and serious and not resolved by oral recommendations, then contact is taken with higher authorities in order to solve the problem, and if it is not solved by telephone, it will be sent to the relevant authorities in writing.

In fiscal year 1396, staff from the Kabul Regional Office presented clear recommendations to the authorities that have brought positive and significant results and impacts. Details of the implemented recommendations for each type of detention facilities are presented in the next part of the report.

During the fiscal year 1396, 150 recommendations were presented to the relevant authorities to improve the situation of the detention centers, including a written recommendation, 9 telephone contact and 140 or more oral recommendations.

For example, it was a few years since the rooms in detention center were sprayed with insecticide, and the rooms, quilts of prisoners were also very old and the prison authorities were not able to provide them with new ones, therefore, in order to solve this problem, a letter No-32 dated 8/1/1369, was sent to the Ministry of the Interior, and fortunately all the rooms were sprayed with insecticide.

Another example of the implementation of the recommendation of the Kabul Regional Office is improving the situation of places of custody in one of Kabul police districts. Staff members of the Ombudsman Unit of Kabul Regional Office, during the monitoring of the district's detention centers, observed that those in custody had no access to the toilets, they were using mineral water bottles for the purpose, and the bottles were placed in the corner of the room.

The Kabul Regional Office staff, after monitoring and finding out the wretched condition of this place of custody, raised this acute problem with the relevant authorities of police district and repeatedly referred to the relevant district to address this problem. Fortunately, the relevant police district authorities took action to solve this problem, and in addition to cleaning the room, they put carpet on the floor, and painted some parts and solved the problem of the toilets. The problem of this detention center has now been partially solved and is expected to improve.

The following pictures show the situation of the room before and the after action taken



This picture shows that the situation was too bad



The picture shows that the problem is relatively solved

Reviewing the Pardon and reduction of the Punishment of Prisoners and detainees³

In fiscal year 1396, 6 Decrees were issued by the President of the Islamic Republic of Afghanistan on Pardon and reduction of prisoners and detainees punishment; Decree No. 167 dated 21/9/1395 on the occasion of the birth of the Prophet Mohammad, Decree No. 259 dated 16/12/1395, on March 8, International Women's Day, Decree No. 64 dated 8/2/1396, on the occasion of the anniversary of the victory of the Afghan jihad, Decree No. 82 dated 3/4/1396, on the occasion of Eid al-Fitr, Decree No 110 dated 26 /5/ 1396, on the occasion of the anniversary of the Afghanistan's independence and Decree No. 124 dated 7/6/1396 on the occasion of Eid Qurban, were issued during the fiscal year 1396, and were implemented by the Commission for the Implementation of Decrees. Colleagues from the Kabul Regional Office representing the AIHRC participated at all meetings of the said commissions in Pul-e-Charkhi prisons, and have had an active part in its implementation and monitoring of the implementation, which will be reviewed in the continuation of this report.

Beneficiaries of Decree on pardon and reduction of punishment

During the fiscal year 1396, the staff of the Kabul Regional Office participated in the meetings of the Commission for the implementation of Presidential Decree held in Pul-e-Charkhi prisons, both on official days and holidays, if it was necessary, and reviewed the cases of prisoners, and at the same time monitored the implementation of the Decrees. In this part, only the implementation of the Decrees in prisons and the correction centers has been investigated and the information in this part of the report does not include the other provinces covered by the Kabul Regional Office.

During the fiscal year 1396, staff of the Kabul Regional Office along with other members of the said commission studied and reviewed 10,499 cases, and assessed all the related documents. It should be noted that 10,499 cases are not merely numbers, but massive cases of prisoners who have been convicted of various crimes and are sentenced to prison terms. Therefore, checking this number of cases is an important activity and a significant achievement in the area of investigation of the cases of prisoners.

The investigation of the cases of each prisoner is time-consuming and at the same time sensitive and requires careful consideration; the files of each prisoner or detainee are assessed and monitored by the staff of the AIHRC and other members of the said commission within six stages; firstly, the list of detainees and prisoners along with their respective cases are prepared by the liaison office of the courts of each prison and correction centers and are sent to the Implementation Commission.

In the second stage, the commission members review each case individually and consider issues such as the last or absolute final judgment of the courts about the detainee in question, in order to ensure that the prisoner's sentence is absolutely finalized before the issuance of the Decree, the date of custody, the length of the term of imprisonment, the single or multiple offenses committed, the use or non-use of the benefits of previous Decrees, etc., are the important issues that are carefully studied by the members of the commission and staff of the AIHRC.

In the third stage, according to the provisions of the decree and the content and status of each case, the eligible prisoners and detainees shall be identified and approved by the members of the commission. In the fourth stage, the names of the prisoners and detainees who are eligible for pardon or reduction of punishment are specified by the secretary of the implementation

³ . For further information, refer to the report " Review of Pardon and reduction of punishment of detainees and prisoners".

commission and enlisted in the related table, and the table is signed by the members of the commission.

In the fifth stage, the table is sent to the General Office of Administration Affairs through the Office of the Attorney General and after re-examination by the relevant departments of the General Office of Administration Affairs, the above-mentioned table is approved by the President through an order. In the sixth stage, the table is again sent to the Central Prison of Pul-e Charkhi through the Office of the Attorney General, and after being revised by the members of the Implementation Commission, the table will be practically implemented.

The staff of Kabul Regional Office of AIHRC participate in all stages of the process and carefully review each case of prisoners and detainees and, if there are doubts about the documents and files of prisoners do not sign the relevant cases and tables. They will sign the cases and tables after ensuring that justice and the rights of detainees are ensured.

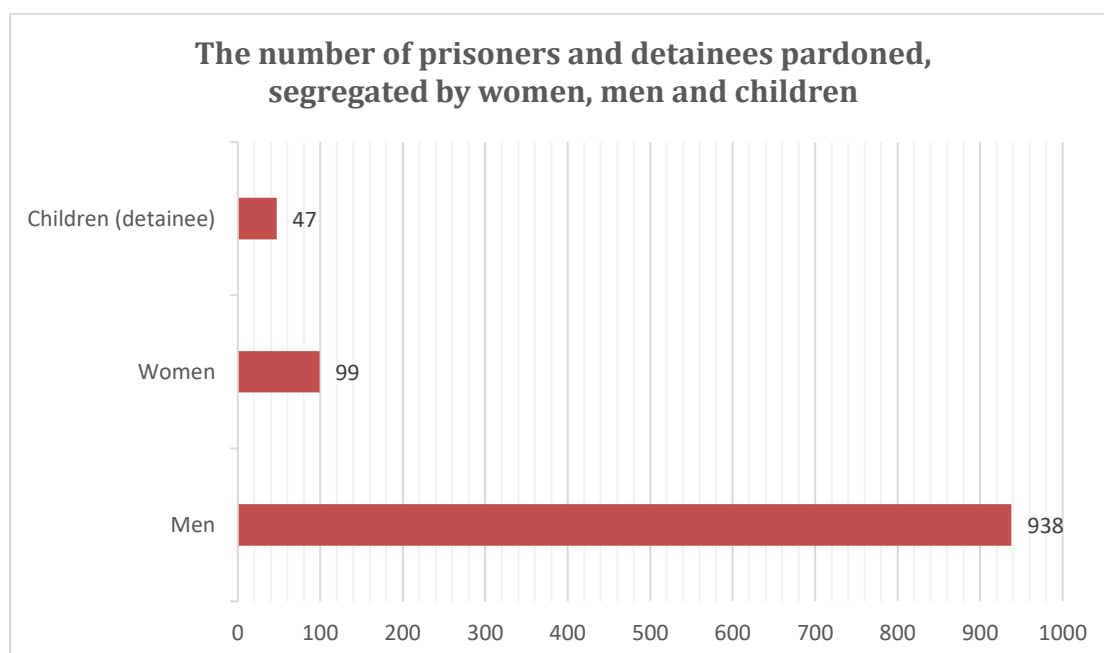


Based on the assessments and documents available to the Commission's staff, during the fiscal year 1396, only at the center (prisons and correction centers in Kabul) out of 10,499 cases, 10,229 prisoners and detainees benefited from the privileges of the Decree. of which 1,086 prisoners were recognized as entitled to pardon and were released from detention centers, and 9,143 prisoners were recognized entitled of reduction of punishment and benefited from the advantage of the Decrees.

Of 1,086 convicted prisoners who were pardoned and released based on the Decrees, 50 were children, 97 female prisoners and the remaining 939 male prisoners were released. As shown in the chart below, the number of children and women released are much less compared to the number of male prisoners. The reason for this is clear that the number of male prisoners is lower than that of children and women in all Afghan prisons.

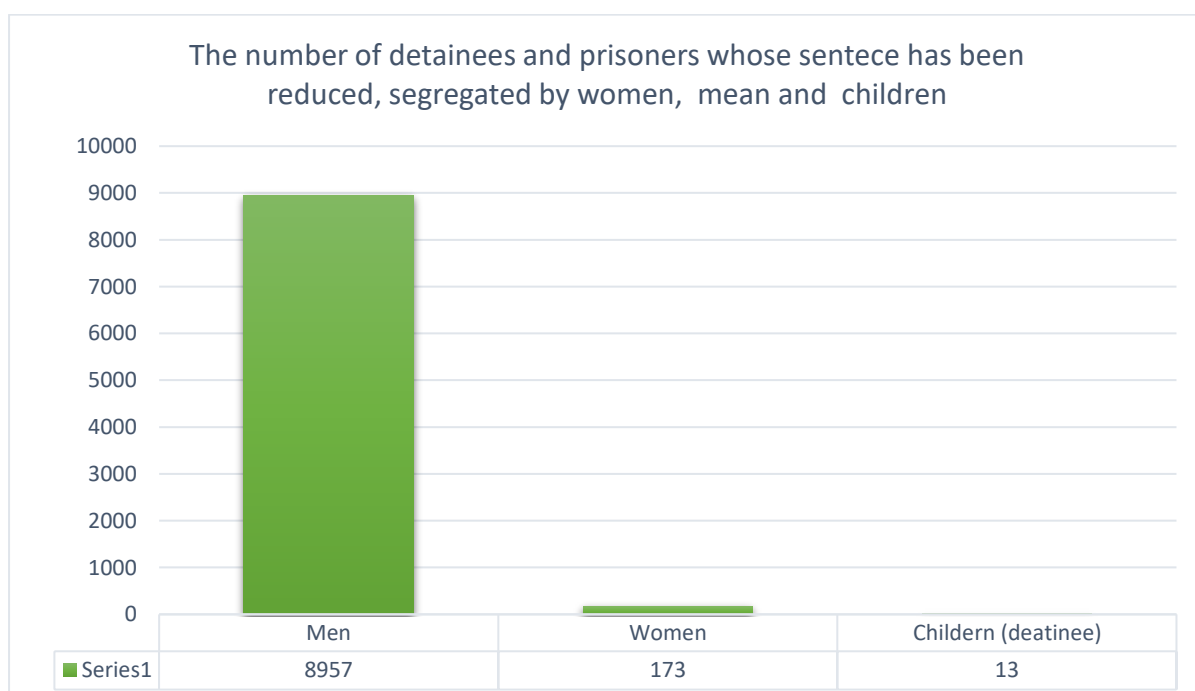
Another noteworthy point is that according to the latest statistics, 12,586 prisoners and detainees are being held in Pul-e-Charkhi's prisons, female prison and children's correction center, of which 1,086 of them were pardoned and released in the fiscal year 1396. The number of released constitute nearly 9% of the prisoners and detainees in these centers which is a significant figure.

The following figure shows the number of prisoners and detainees who were pardoned, segregated by men, women and children:



Of the 9,143 prisoners who are entitled to a reduction of punishment, 13 of them were children, 173 female prisoners and the remaining 8,957 were male prisoners. As shown in the chart below, among prisoners and detainees whose punishment have been reduced, the number of women and children is lower due to the low number of them in prisons and correction centers.

The following chart shows the number of prisoners and detainees entitled to a reduction of punishment, segregated by woman, man and child:



Effective participation of AIHRC's staff in the process of implementation of the Decrees.

As previously mentioned, the AIHRC, in addition to monitoring the implementation of the Decrees, is also a key member of the Commission for the Implementation of Decree. Therefore, the presence of the representative of the AIHRC in the process of implementation of the Decree is very crucial. The AIHRC strongly strives to maintain its independence and to ensure effective monitoring of the implementation of Decrees in order to ensure transparency in the practices of the Commission for the implementation of Decree, and to make sure that justice, human rights and the law are respected.

The representatives of the Kabul Regional Office of the AIHRC have had an effective presence in the Commission for the implementation of the Presidential Decree and have endeavored to ensure that all eligible persons enjoy the benefits of the Decrees and at the same time no non-eligible person is illegally pardoned. For this reason, the staff of the Kabul Regional Office, in addition to reviewing the inmates' cases, effectively addresses the complaints of prisoners, while monitoring the detention centers. In this part of the report, some of the indicators of the effective presence of the staff of Kabul Regional Office in the process of implementation of the Decree will be described:

First, preventing the pardon and reduction of punishment for non-eligible persons: The staff of Kabul Regional Office has rejected 270 cases of prisoners and detainees who were not eligible for the enjoyment of the benefits of the Pardon Decree ; these cases were rejected for various reasons like due to the disappearance of kidnapped person, the uncertainty of the amount of money paid for freeing the kidnaped person, lack of final judgment in the case, incomplete legal exoneration, such as the existence of a problem in the succession or determination of inheritance and other documents, crime partner, lack of legal exoneration, lack of clarity in the court decision, lack of formal documentary evidence, rejection of cases in which the defendant was subjected to payment of compensation, return of money or property, etc. or information was requested. Therefore, the representatives of the Kabul Regional Office of AIHRC considered the provisions of the Constitution, the penal code, the Criminal Procedure Code, the Law on the Elimination of Violence against Women, the provisions of the Decrees, the human rights standards, and the provisions of other applicable laws, in their decisions, and took action on the basis of these laws, and dismissed the claims which were not in accordance with the provisions of the applicable laws and the Decree.

For example, ... the name... F name..., resident of Block 9 of the Pul-e-Charkhi Prison, who was arrested on charges of murder on 9/1/1390 and sentenced to 17 years in prison under Supreme Court Decision No. 2917 dated 29/9/1391, was rejected by the representative of the AIHRC due to the incomplete exoneration and the presence of some points in the waiver letter that was in conflict with the spirit of the Decree. The reason for the rejection of these cases by the representative of the AIHRC was the provision of Article 350 (3) of the Criminal Code and letter No 743 / 513 dated 11/7/1394, of the Secretariat of High Council of the Supreme Court, which put a specific emphasis on exoneration of all Inheritance in the waiver letter, and in the case of a minor, the right of minor must be specified, so that nothing is treated unjustly. In other words, according to the contents of the above-mentioned letter, even a guardian has no right to have a free waiver on the part of the minor but, there was no such characteristic in the said case.

Second, the handling of complaints of eligible prisoners who did not enjoy the benefits of the mandate: the AIHRC's representative by monitoring the narcotic drug prison (Pul-e-Charkhi), identified 145 cases of the prisoners who had not enjoyed of the benefits of Pardon Decrees of 1391, 1392 and 1394 (for various reasons). These cases were officially referred to

Attorney General Office by letter No. 2087 dated 30/12/1395 so that the said prisoners would be considered in pardoning process and would enjoy the benefits of the Decrees.

Similarly, about 15 other prisoners who were eligible of pardon and reduction of punishment, but were not included in the list, were identified by the staff of the Kabul Regional Office, and as a result of the attempts made by staff of the Kabul Regional Office they were included in the list.

For example, the name ...F name resident of Tala Barfak district of Baghlan Province, who was arrested on charge of money laundering, was complaining of not being enjoyed of the benefits of the Pardon Decree. As a result of the AIHRC's investigation, it became clear that he was eligible of pardon and reduction of punishment. His case was raised at the meeting of the commission and as a result, all members of the commission agreed upon the application of reduction in his sentence.

Third) Suggestions and exploring guidance to resolve ambiguities in the process of implementation of the Decrees: The role of the representatives of the AIHRC has been prominent and effective in clarifying vague points and interpreting the text of the Decrees and its accurate implementation. In many cases, in order to overcome the ambiguities and make a correct interpretation of the issues in the text of the decrees and to prevent their misapplication, the AIHRC has submitted its suggestions for the drafting of requests for guidance to the chair of the commission for the implementation of decrees and other competent authorities.

For example, “ In a number of decrees, before Decree No. 259 dated 16/12/1395, the presidential authority noted that no inmate has the right to enjoy the benefits of the presidential Decree on pardon and reduction of punishment more than one time during a year. However, this limitation was not mentioned in the provisions of Decree No. 259, and the previous explanation for the non-implementation of a rebate in one year was removed. The representatives of the Kabul Regional Office of the AIHRC in the Commission for the implementation of Decrees had serious discussions with the Chief and other members of the said commission. Other members of the commission believed that, because this was in the interest of the prisoner, so we better implement rebate in one year. Why this clarity was removed in decree 259, is perhaps something intentional. Perhaps this is due to prisoners' overcrowding and the lack of space and facilities, therefore, a large number of non-dangerous prisoners should leave the prisons.

Another problem that this issue raised was the fact that some provinces explored guidance from the Attorney General's Office about the issue, such as the appeals attorney's office in Kapisa province, but some provinces had avoided the fulfil double reduction in one year. That is, a dual different approach developed in this regard. Therefore, in a new conversation with the relevant Chairmen of the Attorney General's Office, the Chairman of the Commission for the implementation of Decree and other members of the commission, it was decided to send a letter to all the provinces and follow a single unified method in the implementation of the above-mentioned decree. And in the monitoring that was made later to the Provinces covered by the Kabul Regional Office, it became apparent that a unified method was adopted in this field and double reduction in the same year was implemented.

A description of the details of the human rights situation in the detention centers

As noted, the Kabul Regional Office monitored detention centers (prisons, detention centers, places of custody and child correction centers) in their areas covered by the Office. The overall findings of this activity are described in previous parts of this report. In the following, the

situation in each detention center is reviewed separately, because each of the detention center has its own particular problems and shortcomings that cannot be expressed in general terms.

First) Review of the human rights situation in prisons

A prison is a place where individuals who are sentenced to imprisonment by a court are held.

⁴In the areas covered by the Kabul Regional Office (Seven Provinces), there are 8 active prisons. During the fiscal year 1396, the Kabul Regional Office's Monitoring and Investigation Unit as well as Women's Rights Unit monitored these centers 56 times. It should be noted that the figure includes only the monthly monitoring of prisons. Special monitoring of prisons to investigate complaints and follow up of cases, sometimes is conducted more than four times in a month, especially monitoring of the central prison of Pul-e-Charkhi, each month four times.

According to the latest statistics, 13,174 prisoners (1,3007 men and 167 women) are living in prisons related to the areas covered by the Kabul Regional Office, which is a large and significant figure. That's why there are so many events in these centers.

Continuing monitoring of the Kabul Regional Office shows that during the year 1396, 50 prisoners died in Pul-e-Charkhi prisons for various reasons. Among them, one person in a deadly fight, three as a result of suicide and 46 others died of illness and lack of treatment in prison. Kabul Regional Office show that all of these prisoners were examined by forensic medicine department and necessary documents were attached to their health documents.

Another important issue is the occurrence of protests and strikes by prisoners. During the year 1396, 6 mass protests and mass strikes were made in prisons covered by the Kabul Regional Office, mostly in Pul-e-Charkhi prisons that were monitored by the AIHRC's monitoring body. In addition, there was individual strikes also.

For example, 650 prisoners of the narcotic drug prison went on strike on 18/1/ 1396; they mainly complained about getting discounts, enjoyment of the benefits of previous decrees, and supportive decree and conversion in their respective departments. Regarding their first complaint, the list of 145 people was received and an official letter was sent by the AIHRC, and their second request was simultaneously resolved, but their third request due to problems was excluded by the Presidential Decree.

However, as a result of the continued monitoring of the Kabul Regional Office, the situation in prisons in the areas covered by this Office has improved compared to the past, but prisoners still face a lot of problems in this area, which is described as follows:

Problems in the prisons: Human Rights monitors in the Kabul Regional Office during monitoring of detention centers, first try to identify the problems, shortcomings and cases of human rights violations and then follow up the problems at the local level in order to solve the problems and improve the human rights situation in detention centers. In this part some general problems existing in the prisons are discussed as follows:

Late arrival of court decisions in prisons: In most of the prisons covered by the Kabul Regional Office, prison authorities complain that final court decisions are being delayed, and stating that they are informally informed that the case A decision has been made, but the decisions issued arrive too late at the prison and is not filed with the cases at the time when the decisions are issued. This has led that a vast majority of detainees are being held in a pending state, and do not enjoy the benefits of pardon Decree issued for prisoners and detainees.

⁴ .Ministry of Justice, Law on Prisons and Detention Centers 1384, Article 7

Prison buildings: Of the eight prisons in the areas covered by the Kabul Regional Office, five prisons have state buildings and mostly newly built; Pul-e-Charkhi Prison has a state building that some parts of it have been destroyed during the war years, but has been reconstructed and rehabilitated in recent years, and among them, block eighth of the prison is rebuilt. The prisons of the provinces of Logar, Maidan Wardak and Kapisa have been constructed in recent years, with an independent and state-owned buildings. The prisons in Ghazni, Parwan and Panjshir provinces are not new and standardized, and human rights standards have not been observed and are not a suitable place for detainees. The prisons in Ghazni and Parwan provinces are among a number of residential houses that provided the opportunity for the criminals to escape.

Over-crowding in prisons: overcrowding in the prisons covered by the Kabul Regional Office is another problem that has been observed by human rights monitors and has been raised repeatedly with the authorities, but is still not resolved in some prisons. Particularly Pul-e-Charkhi prisons is more likely to face this problem than other prisons. According to some Pul-e-Charkhi prison officials, the building of this prison has been constructed for about 5,000 to 7,000 people, but according to the latest statistics, there are currently 10392 inmates in the prison.

Lack of potable drinking water: The majority of detainees complain about the lack of safe drinking water, especially the prisons in Panjshir, Parwan and Maidan Wardak provinces, have more serious problems. For example, in the Panjshir Province, the water is provided from a remote and the highland area where there is a pit in which water is gathered, and then this unhealthy water is transferred to the prison through tabs, and on the other hand during the summer season this water is decreasing tremendously.

Inadequate and inappropriate food: Based on the official food dish, each prisoner at 24 hours, has 85 Afs as food and fuel allocation, of which 15 Afs are for fuel, and 70 Afs for food, 23 Afs for each meal (three times a day). Therefore, intended food is not sufficient for prisoners, especially female prisoners with children, and most of prisoners complain of inadequacy of food. At the same time, there are also complaints about the cooking, its quality and sanitation.

Absence of quality medicine in prison clinics: There are no adequate and high quality medicine in prison clinics in the areas covered by the Kabul Regional Office, and in some prison clinics medicines date is expired, prisoners' access to health services is limited. This will prevent the timely treatment of the sick prisoners and the illness will become a major health problem in the prison.

Lack of prison for female in some provinces: According to the provisions of Article 12 of the Law on Prisons and Detention Centers, there should be a prison in each province and, according to Article 9 of this law, the prisons of women and men should be separate from each other. The absence of prison for women is a big problem in the prison of Panjshir Province. Although in the last visit that AIHRC's human rights monitors made to this province, there was no female prisoner, but a prison special for women should be built in that province.⁵ The new prison is under construction and this problem has to be considered in the new prison building.

Lack of training programs and vocational training in some prison: There are no effective educational programs in some of the prisons covered by the Kabul Regional Office. On the other hand, there are no effective vocational programs in prisons, while based on the provisions of the law on prisons and detention centers there should be vocational training programs in all

⁵ .The Law on Prisons and Detention Centers, Articles 9 and 12

prisons.⁶ For example, in the prisons of Panjshir and Parwan provinces, due to lack of enough space the two programs are not effectively in place.

Improvement of the situation of prisons as a result of monitoring and presentation of recommendation

Human Rights monitors of the Kabul Regional Office issued recommendations to relevant authorities in order to improve the human rights situation in the prisons, after conducting regular visits and monitoring to these centers, significant improvements were made in prisons by implementing these recommendations. In this part, some of the improvements are referred to as follows:

- The provincial prison in Kapisa did not have electricity power before, and this shortage also caused restrictions in the prisoners' access to drinking water. This problem was raised with the general chief of the prisons and detention centers, and the relevant recommendation was followed at the provincial and central levels, as a result the electricity was connected to the prison. By connecting the electricity, the problem of drinking water was also solved.
- The problem of non-provision of fuel to the provinces covered by the Kabul Regional Office was raised with the Head of the General Directorate of Prisons and Detention Centers. Fortunately, the Head of the said Directorate paid attention to this important issue and the problem of non-provision of fuel to the prisons was solved in the provinces covered by the Kabul Regional Office.
- During the monitoring trip that the staff of the Kabul Regional Office made to Ghazni province at the end of fiscal year 1396, the problem of lack of land for building a standard prison in Ghazni province was raised with the honorable authority of Ghazni province, who told the Kabul Regional Office that a plot of land is being considered for the prison of Ghazni province. In addition to this, the problem was raised with the honorable chief of the prison and detention centers, and was followed up at the center level. It was promised that they will arrange a proposal and send it to the Ghazni province. As a result of the proposal and order dated 3/10/1396 by the authority of Ghazni province, 20 acre of land was allocated for the construction of a prison in Ghazni province, and it was put at the disposal of the chief of the prison and detention centers, and the construction of the said building was included into the budget of 1397.
- The problem of delay in the arrival of the final verdict in the prisons, and the issue of prisoners' fate being left pending for a long time was continuously followed up by the Kabul Regional Office staff, as a result a mechanism was established to deal with prisoners' cases. It is now supposed that the cases of detainees are investigated through the Head of Relations Unit, and those who are in a pending state should inform their respective organ to act in a timely manner.
- There was no night shift female doctor on duty in the Pul-e-Charkhi prison, which posed a serious health problem for female prisoners. As a result of the advocacy made by the Kabul Regional Office, a night shift doctor was assigned in the female's section of the Pul-e-Charkhi prison.

Second, the review of the human rights situation in detention centers and places of custody

During the fiscal year 1396, Kabul Regional Office monitored the detention centers and places of custody (more than 116 times) covered by the Office, with continuous monitoring that Kabul Regional Office made to detention centers and places of custody in Kabul and provinces covered by the AIHRC, it was found out that there were many problems and shortcomings in

¹ .ibid , 33 , 28

these centers. As a result of the monitoring and the recommendations made by the Kabul Regional Office significant improvements were made in these centers that are described briefly as follows.

A) Detention Centers: Detention centers are the places where the accused persons who are waiting for the trial are kept. ⁷Although the human rights situation in the detention centers is somewhat better compared to that in places of custody, still there are many problems in the detention centers that require serious attention from the authorities; The lack of female detention centers in the districts is another serious and, at the same time, general problems in all districts of the provinces covered by the Kabul Regional Office. There are no special building and organizational structure for women's detention centers in all districts of the provinces covered by the Kabul Regional Office. At the same time, there are no male detention centers in the majority of these districts and they use the police detention centers as places of custody. In the provincial centers. The prison and the detention centers are in the same building.

While based on the Law of the Prison and Detention Centers there should be detention centers in each district so that the defendants must be kept in the relevant districts where their cases are being investigated. ⁸Unfortunately, this rule has not been implemented and there is no detention center, especially for women in most districts covered by the Kabul Regional Office.

Problems in the detention centers: In addition to the general problems mentioned above, in this part of the report, the other problems identified by human rights monitors in detention centers are discussed in greater detail; these include the problems in the detention centers and places of custody under the police and NDS. It should be noted that some of these problems relate to the general situation of detainees, and others are the obstacles identified during the monitoring made by Kabul Regional Office's human rights monitors:

- Health facility for detainees is not available in all of the detention centers in the areas covered by the Kabul Regional Office, in case needed, defendants are sent to emergency.
- In some detention center, such as the detention center for women in Pul-e-Charkhi, the children are kept together with their mothers and there are no facilities for healthy caring of children. This has increased the vulnerability of these children and has caused serious concern of human rights monitors.
- Overcrowded and lack of space is another problem in the detention centers; for example, in the detention center in Kapisa Province in a 4/6 room, 17 to 20 people are living. 12 of them are using beds, and the rest are sleeping on the floor.

It is worth mentioning that monitoring board of the Ombudsman Unit of the Kabul Regional Office made a monitoring visit to the Bagram detention facility on Sawr 21, 1396. The officials of Bagram apparently indicated that they were not aware of the Memorandum of Cooperation signed between the AIHRC and security and defense sectors. So, they demanded that the issue is to be referred to them through the Ministry of National Defense.

B) Places of custody: During the fiscal year 1396, Ombudsman Unit of Kabul Regional Office has monitored all the places of custody, except for insecure districts in the provinces covered by the AIHRC. For the first time, a monthly monitoring was made to the places of custody of all police districts in Kabul city. One of the main problems that exists in places of custody is that places of custody have no organizational structure in Kabul districts as well as in the provinces' districts covered by the Kabul Regional Office. Officials claim that they do not have a place of custody. But, practically there is a room for the place of custody in all police districts where the suspects are kept. These places do not have a specific responsible person, sometimes

⁷ . The Law on Prisons and Detention Centers, par 1 of Article 7.

ibid Article 20 .[^]

officers of criminal department and sometimes commanders of units are responsible. This could provide grounds for keeping people illegally in these centers. At the same time, there are no measures considered for women and children in any districts or police districts.

Problems in the places of custody: In addition to the general problems, during the ongoing monitoring made to the places of custody of police and national security organs in the areas covered by the Kabul Regional Office significant problems were observed, here we refer to two of such problems:

- Lack of organizational structure and building for place of custody in the Kabul and provincial districts is one of the main problems for police custody. This has caused the authorities to disregard the places of custody, and in this case, officials do not consider themselves liable for living and legal issues in detention centers. Even, in the worst case, this will cause place of custody turn into illegal prisons.
- Failure to deal with the cases of persons in custody within the legal period is another problem that has been observed in most places of custody. If the cases of detainees are not being investigated in due time, this cause overcrowded in the place of custody and, on the other hand, the place of custody doesn't have the necessary facilities to provide food, dwelling place and other services for everyone.

Improvements made in places of custody: As it was discussed earlier, places of custody are missing in the organizational structure of the Kabul police districts and provincial districts, therefore, solving the problems is not easy, because no one takes responsibility for its improvement. Despite all the above mentioned problems, the ongoing monitoring of human rights monitors of Kabul Regional Office has had a significant impact, and has brought about remarkable improvements in these places, and some of these places have been corrected by monitoring and by issuing of recommendations. Some of the improvements are as follows:

- **Releasing of illegal detainees:** As a result of the ongoing monitoring and follow-up by the Ombudsman Unit of the Kabul Regional Office in fiscal year 1396, 16 people who were illegally detained in the Kabul police districts were released. As already mentioned, on the 5th of Sawr / 1396, 6 workers were detained in one of the police districts of Kabul city, and on the 25th of August / 1396, 10 workers who were illegally detained at the same district were freed by the legal intervention of the Kabul Regional Office, but after these two incidents, no cases of illegal arrest or detention were identified in this district, and the officials in this district pledged to prevent illegal arrests.
- The general and living situation in the places of custody improved as a result of the ongoing monitoring of human rights monitors of the Kabul Regional Office; for example, the improvements made in the situation of places of custody in the seventh, fourth, second, twelfth, thirteenth and other districts of the Kabul city. Previously, the situation of places of custody in the above-mentioned districts were bad in terms of hygiene, but as a result of continuous monitoring, its condition is now relatively improved, and the basic facilities for the suspects, such as bed, mattress, blanket and pillow, are prepared. In some of these centers, there was leakage of sewage water, which is now repaired.

Third) Children Correction Centers

The Child Rights Unit of the Kabul Regional Office, under Article 21, paragraph 6, of the Law on the Structure, Duties and Mandates of the AIHRC, monitors the children's correction centers in the area covered by the Kabul Regional Office. In seven provinces covered by this office, there are seven child correction centers. The Children's Rights Unit of the Kabul Regional

Office visited these centers 24 times during the fiscal year 1396, and monitored all correction centers, including those in Ghazni province.

According to the latest statistics, 274 children (21 girls and 253 boys) are being held at child correction centers in the provinces covered by the Kabul Regional Office, of which 43 of them (all boys) are suspected, accused and convicted of crimes against Internal and external security. The statistics show that the anti-government armed groups violate the rules of the international human rights law and international law and encourages the direct involvement of children in armed conflicts.

Problems of Correction Centers: With regard to the ongoing monitoring of correction centers, the most important problems that have been observed are as follows:

- The lack of teaching curriculum in correction centers is one of the major problems of these centers. Usually a teacher is hired by the Ministry of Haj and Religious Affairs to teach religious subjects, but the Ministry of Education has not paid much attention to teaching school subjects for the children in the correction centers.
- The lack of a health clinic is still one of the issues faced by detainees in the provinces covered by the AIHRC. If children are sick or have a health problem, there is no doctor or nurse to treat them.
- Lack of access to an appropriate place for recreation and sports, which is one of the rights of children, emphasized upon in the Convention on the Rights of the Child. However, during ongoing monitoring made to child correction centers in Kabul and the province covered by the AIHRC, it became clear that children were deprived of this right.
- Some of the correction centers do not have standard building, for example the correction center in Kapisa and Parwan provinces are rented, and no attention has been made to make them standardized.
- **Determining the age of the detainees:** We all know that many childbirths in remote areas take place outside the health facilities by local midwives. There are a large number of children without an ID card, and the determination of age at the time of taking the ID card is done according to the appearance of the person, and the day and month of birth are not registered. In order to observe the rights of children in conflict with the law, the age of the child should be specified precisely including the day and month, and the minimum age specified by the forensic medicine department should be taken into account by the judiciary organs.

Improvement of situation of detention centers: As a result of the ongoing monitoring of the Children's Rights Unit of Kabul Regional Office significant improvements have been made in children's correction centers in the areas covered by this office. But there are some problems that the improvement of which requires more time, among the most important improvements resulting from continuous monitoring are as follows:

- In some children's correction centers, children in conflict with the law did not have access to a lawyer, and this caused children have less access to justice, and their relevant cases were delayed, but as a result of continuous monitoring efforts by the Kabul Regional Office, now the majority of children in conflict with the law have access to attorneys.
- As a result of the efforts of the Kabul Regional Office a plot of land was allocated for the Ghazni Children's correction center, this issue was raised to the governor of Ghazni

Province, who promised that he would consider a piece of land for the children correction center in Ghazni province. At the same time, this matter was discussed with the General Head of Children Correction Center of the Ministry of Justice. He mentioned about receiving 10 acres of land that was included in the financial budget of 1397, and finally a standard building is to be built for the children' correction center in Ghazni province.

Challenges

Although, during the fiscal year 1396, the Kabul Regional Office conducted the monitoring activities in the detention centers, even more successfully, compared to previous years, and the monitoring yielded important practical results, detention centers witnessed many significant changes, but it faced with serious challenges and concerns also. The Existing challenges, in addition to limiting the access of human rights monitors to detention centers, have prevented improvement of the human rights situation in these centers. Some of the major challenges are as follows:

Spreading insecurity in the provinces covered by the AIHRC: Insecurity is one of the major challenges to the AIHRC's monitoring activities in the detention centers and to the improvement of the human rights situation in these centers, which, on the one hand, limits human rights monitors' access to these centers, and on the other hand, weakens the rule of law and the enforcement of the law in detention centers. In the fiscal year 1396, the Kabul Regional Office did not have access to a number of insecure districts or districts with unsafe roads. This paves the grounds for the deterioration of human rights situation in these centers.

The lack of awareness of local detention centers' officials and staff of the rights of detainees: One of the reasons for neglecting the legal norms and human rights values in detention centers is the lack of awareness of some officials and employees of these centers. This, in some cases, prevents effective monitoring by human rights monitors of these centers and, on the other hand, causes negligence of the human rights of prisoners.

Lack of organizational structure for Places of Custody: as previously noted, there is no formal organizational structure for the places of custody in the provincial districts as well as police districts of Kabul city, while it actually exists in all districts. This causes, no particular person takes responsibility for the improvement of these centers, and human rights monitors cannot get information from a particular person and present the relevant recommendations to a particular address.

Conclusion

During 1396, the Kabul Regional Office continuously, purposefully and effectively monitored all the detention centers, except for unsafe districts. Monitoring was made to detention center based on monitoring guidelines, forms, checklists and other predefined methods of the AIHRC. Monitoring in compliance with regulations, standards and guidelines has had a significant impact.

With the ongoing monitoring of human rights made by the AIHRC's monitors to detention facilities (prisons, detention centers, places of custody and child correction centers) in the provinces covered by the Kabul Regional Office, clearer information is obtained about the human rights situation in these centers; according to the findings of the Kabul Regional Office national and internationally recognized standards are not fulfilled in these centers, and they are facing legal, health and living problems. Delay in dealing with prisoners' cases, illegal arrests and detention, violations of other human rights of prisoners, over-crowding in prisons, lack of safe drinking water, shortages of clinics and health services in the detention centers are the problems that exist in these centers.

The continuous and objective monitoring of the Kabul Regional Office has brought about significant results and impacts. As documented in the report, detention centers were visited and monitored 196 times, and during the monitoring, 921 prisoners were interviewed and their complaints were filed and effectively handled. A total of 510 complaints were registered, of which 329 of them were identified as human rights violations, and were followed up.

During the monitoring, 150 recommendations were made to officials and competent authorities to improve the human rights situation (legal status and living situation) in the detention centers. Fortunately, the majority of these recommendations were considered. The implementation of the recommendations and the attention of officials and authorities to them provided the ground for the improvement of human rights situation in detention centers.

With regard to the findings of the present report, it is supposed that human rights situation in the detention centers will be monitored more seriously next year and the recommendations contained in the report will be followed up and compared with the findings of the present report. In this case, the situation in detention centers will be easily measured and evaluated.

Recommendations

According to the findings of this report and in order to improve the human rights situation in detention centers in the areas covered by the Kabul Regional Office, the following recommendations are made to relevant organs and bodies. We hope the implementation of the following recommendations will result in the improvement of the human rights situation in the detention centers, and prisoners' further access to human rights standards:

A) Recommendations to improve the human rights situation in detention centers and in places of custody.

1. The handling of cases of prisoners during its legal periods is one of the basic rights of any suspect, accused and imprisoned person, it is necessary to review their cases in accordance with the provisions of the law within legal terms. Failure to observe this right violates other rights of individuals in detention centers.
2. There should be separate rooms in detention centers and places of custody for individual interviews that the suspects and defendants make with human rights monitors, respective prosecutors, their defense lawyers, and their family members, so that prisoners can feel comfortable during the interviews and maintain confidentiality. Presently, there is no such facility at the places of custody and detention centers.
3. It is necessary to build a standardized building for places of custody in the district and Kabul police districts. As it is mentioned in the report, places of custody are not considered in the organizational structure of the provincial districts and Kabul police districts, but practically, people are being placed in custody and kept in detention in one of the rooms of police districts. This problem has to be solved.
4. The establishment of a kindergarten in detention centers for women is an urgent necessity; keeping of children in the place where the accused are living is not appropriate for the children, because it can pose a serious risk to the future of these children. Therefore, children should be kept in a separate place.
5. Establishment of women's detention centers in all districts and the rehabilitation of detention centers in the majority of the districts covered by the Kabul Regional Office is another issue proposed to the relevant authorities. By creating these centers, abuse of defendants is prevented and their human dignity and human rights will be protected.
6. In order to improve the human rights situation and address prisoners' complaints in places of custody and detention centers, especially those under NDS more facilities including visit without prior notice should be provided for the human rights monitors. Unfortunately, during the past fiscal year, human rights monitors faced with some obstacles and challenges.

B) Recommendations for the improvement of human rights situation in the detention centers.

7. Appropriate place should be created for the sports and recreation of detainees, in accordance with Article 26 of the Law on Prisons and Detention centers: "Prisoners have the right to walk in the open air for at least two hours a day and do exercises...".
8. It is necessary to have quality medicines available at the health centers, and night shift doctors, in particular female doctors, should be assigned to health centers. According to Article 27 of the Law on Prison and Detention Centers, the Department of Prisons is required to provide access to free health services to detainees and prisoners, but practically medicines in the health centers do not have the required qualifications and most of the prisoners are complaining about it.
9. Providing adequate food for all detainees, especially female detainees and their children, is one of the important issues that should be addressed by the authorities. As Article 25 of the Law on Prisoners and Detention Centers stipulates that: Prison and Detention Centers shall provide healthy food and water for detainees and prisoners with regard to their age, health status, in particular the state of pregnancy and childbirth, work and season.

(C) Recommendations for the improvement of the situation of the Children's Correction Centers

10. The Afghan educational curriculum should be taught in Children Correction Centers, so that children can continue their studies after completing their period of sentence, and they should not be deprived of their right to education and on the other hand, they are to learn civil and national teachings.
11. Providing potable drinking water and electricity in children correction centers is one of the vital needs, and Ministry of Energy and Water should pay attention to this, and these centers should receive adequate electricity and water from the state budget.
12. Health clinics should be established and activated in correction centers; in accordance with Article 24 of the Convention on the Rights of the Child, "Children have the right to enjoyment of health care, preventive facilities and treatment of illness." At least one clinic or health center should be established in each detention center, according to legal standards.
13. Standardized building should be built for those children correction centers, which lack standardized building or are using rental non-standard houses. Rehabilitation of children in conflict with the law is not possible in an unsuitable place.
14. At child correction centers, experienced psychologists and educated staff for child education, especially for children convicted of crimes against internal and external security, should be recruited. The accused children should be under the training of expert psychologists, and their attitude should be changed and their extremist thoughts should be eradicated from their minds over time.
15. Since, in accordance with Article 31 of the Convention on the Rights of the Child, children have the right to grow up in a healthy and safe environment, appropriate recreational facilities for children in conflict with the law should be developed and maintained at each center, and the ground for children's recreational and sports facilities should be provided.

16. Vocational education centers are one of the most urgent and important needs of children in conflict with the law in correction centers. By creating such centers, their future will be guaranteed, and once released from detention, on the one hand, the grounds for their return to the crime scene are eliminated and, on the other hand, opportunities for a decent life are provided.