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Executions in Panjshir

February 2001

SUMMARY

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Amnesty International condemns the execution by the administration of Ahmad Shah Masood of six prisoners in Panjshir on 6 December 2000. They were arrested in the evening of 4 December hours after a United Front commander and governor of Laghman Province, Abdullah Jan Wahedi, was shot dead in an ambush while on his way to the Panjshir valley. Wahedi's five bodyguards and another United Front commando were reportedly wounded in the ambush.

A spokesman for Ahmad Shah Masood has claimed that the prisoners were tried by a court before they were executed. However, it has provided no information about the nature of their trial. At least one of the prisoners had reportedly been severely tortured. Information on the treatment of the others is not available.

The circumstances of the men's alleged trial and their execution raise serious concerns. They were executed within 40 hours of their arrest. If a trial did take place in such a short period of time, the prisoners are likely to have been deprived of the right to adequate time and facilities to prepare a defence. This right is fundamental to all trials but in death penalty cases it is especially critical.

To the best of Amnesty International's knowledge, the prisoners had no access to the outside world during their detention. At the very least, this would have deprived them of the right to produce witnesses in their defence, or to seek the services of a trusted legal counsel.

The haste with which the six men were executed immediately after their alleged trial raises suspicion that political motive may have taken precedence over considerations such as upholding safeguards of due process. There are for instance no indications that the prisoners have had the chance to appeal against their death sentences or to seek commutation.

Amnesty International is urging Ahmad Shah Masood to refrain from ordering the execution of anyone in the territories his forces control; to ensure that no one in the custody of his personnel is subjected to torture; and to make the record of the trial public.

It is urging the international community to set up an international body with a clearly demonstrated independent, impartial and competent structure to investigate all reports of human rights abuses in Afghanistan with a view to establishing the facts, identifying the perpetrators and recommending means of bringing them to justice.

KEYWORDS: EXECUTION / TRIALS / TORTURE/ILL-TREATMENT / IMPUNITY

This report summarizes a 5-page document (1925 words), *AFGHANISTAN: Executions in Panjshir* (AI Index: ASA 11/004/2001) issued by Amnesty International in February 2001. Anyone wishing further details or to take action on this issue should consult the full document. An extensive range of our materials on this and other subjects is available at <http://www.amnesty.org> and Amnesty International news releases can be received by email: <http://www.amnesty.org/news/emailnws.htm>

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AFGHANISTAN EXECUTIONS IN PANJSHIR



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INTERNATIONAL SECRETARIAT, 1 EASTON STREET, LONDON WC1X 0DW, UNITED KINGDOM



AFGHANISTAN

Executions in Panjshir

Six prisoners were executed in Panjshir at 1pm on 6 December 2000 by members of the United Front under the command of the anti-Taleban military commander, Ahmad Shah Masood, who reportedly ordered their execution less than 40 hours after their arrest. They had been arrested in the evening of 4 December hours after a United Front commander and governor of Laghman Province, Abdullah Jan Wahedi, was shot dead in an ambush while on his way to the Panjshir valley. Wahedi's five bodyguards and another United Front commando were reportedly wounded in the ambush.

The six victims were:

Hemayatollah Hamed Akhundzada, son of Moulvi Abdullah Gul Akhundzada, from the Province of Laghman, 32 years old, BA in political science, tribal leader from the Safi tribes in Laghman.

Naimullah son of Karimullah, Hazara, teacher (private education), Laghman.

Abdur Rahman son of Habibur Rahman, Hazara, teacher (private education), Laghman.

Aziz Ahmad son of Gul Ahmad, Nooristani, teacher (private education), Laghman.

Enayatollah son of Abdul Wahed, Safi Pushtun, Taghab.

Mullah Saeed son of Mohammad Aslam, Tajik, religious education, Laghman.

Witnesses told family members who had gone to collect the bodies that the prisoners were blindfolded, were stood before a wall and were sprayed with bullets until they collapsed. They told family members of Hemayatollah Hamed Akhundzada that he had come to know that he would be executed only minutes before it was carried out and after he had asked why he was being blindfolded. He then reportedly asked for a pen and paper to write his will, but this was denied.

At least one of the prisoners had reportedly been severely tortured. Information on the treatment of the others is not available.

Ahmad Shah Masood's administration has claimed that the prisoners were tried by a court before they were executed but has provided no information about the nature of their trial which would have taken place during the very short period of 40 hours between the mens' arrest and execution.

Amnesty International considers the treatment and execution of these six men as grave acts of human rights abuse. It condemns their executions, is concerned about reports that there were signs of torture on one of the bodies and the possibility that the executions may have been politically motivated.

Background to the executions

Before 1996, **Abdullah Jan Wahedi**, the assassinated man, fought against Ahmad Shah Masood in various fronts as a key commander of the rival Mujahideen party, Hezb-e Islami (Hekmatyar). After the capture of Kabul by the Taleban in 1996, he joined the forces of Ahmad Shah Masood. In April 2000, he defected to the Taleban. Several months before his assassination (possibly in August 2000), he defected back to Ahmad Shah Masood's forces. His latest defection had reportedly followed the trial around that time, by the Taleban, of another Hezb-e Islami (Hekmatyar) commander, Bashir Baghlani, whose whereabouts are currently unknown.

Hemayatollah Hamed Akhundzada, considered by the United Front as the main culprit in the assassination, came from an influential tribal family who had long been involved in fighting in Afghanistan as allies of Ahmad Shah Masood. One of his brothers, Khalid, rose to the rank of a general in the Afghan army at the time when Ahmad Shah Masood was the Defence Minister. Later, differences surfaced between them and Khalid fled Afghanistan. Hemayatollah Hamed Akhundzada stayed in Laghman to maintain the family's tribal leadership in the area.

According to Dr Abdullah, Ahmad Shah Masood's spokesman, as quoted by Agence France-Presse, Abdullah Jan Wahedi was killed by the six men in retaliation for the killing, in 1988, of a rival Jamiat-e Islami (Rabbani and Masood) commander, Mohammad Esmail Tareq - brother of Hemayatollah Hamed Akhundzada. The spokesman was reported as saying that the executed men had acted on a personal grudge and that the killing was not a political issue.

However, according to Hemayatollah Hamed Akhundzada's family, this was the first time Abdullah Jan Wahedi had been associated by Ahmad Shah Masood's administration as being responsible for the killing of Mohammad Esmail Tareq. According to information received by Amnesty International, Wahedi was at that time (July 1988) a key commander of Hezb-e Islami (Hekmatyar) in Laghman province where the killing had taken place. Yet, although Mohammad Esmail Tareq had been killed in the area controlled by Abdullah Jan Wahedi at that time, the family had never obtained proof that Abdullah Jan Wahedi was responsible. If proof of Wahedi's involvement did exist in the official files of Ahmad Shah Masood's administration, it was never disclosed to the family - including Hemayatollah Hamed - before. It therefore came as a surprise to them when they heard that

Ahmad Shah Masood's spokesman had connected the assassination of Wahedi to the killing of Mohammad Esmail Tareq. Hemayatollah Hamed's family believe that the real reason for the execution of the six men might have been Hemayatollah Hamed's opposition to Ahmad Shah Masood.

Arrests, claims of trial, executions, signs of torture on a body

Hours after the assassination of Abdullah Jan Wahedi on 4 December 2000, Hemayatollah Hamed Akhundzada and his five companions - each from a different tribe who kept his company under an old unifying tribal tradition - were arrested. The arrests were apparently carried out with utmost secrecy. Family members had not been informed of their arrest, and local people had neither witnessed nor suspected it.

Dr Abdullah, the spokesman for Ahmad Shah Masood was quoted by Agence France-Presse on 6 December 2000 as saying that the six men were "caught red-handed" and had all admitted to the murder; that they were sentenced to death by a court in Panjshir; that "the court ruling was implemented and all the six were executed".

The men were executed at 1pm on 6 December in public in view of local people. An announcement had been made that they would be executed but the prisoners themselves had, apparently, not been informed of this. Following the executions, families went to claim the bodies. They were initially denied access to the bodies but were later allowed to take them away for burial.

The family of Hemayatollah Hamed Akhundzada took his body to Laghman. When they were burying him, they claim they saw that his nails had been pulled out, and that there were signs of violence on the rest of his body.

Possibility of a political motive behind the executions

While Amnesty International is not in a position to establish exactly the reasons why the six men were executed, the circumstances of their alleged trial and their execution raise a number of concerns.

Firstly, they were executed within 40 hours of their arrest. If a trial did take place - as is claimed by Ahmad Shah Masood's administration - in such a short period of time, the prisoners are likely to have been deprived of the right to adequate time and facilities to prepare a defence. This right is a fundamental component of all fair trial procedures but in death penalty cases it is especially critical.

Secondly, the whole process took place in secret, casting serious doubt on the fairness of any procedures that may have been followed. To the best of Amnesty International's knowledge, the prisoners had had no access to the outside world within the 40-hour period of their detention. At the very least, this would have deprived them of the right to produce witnesses in their defence, or to seek the services of a trusted legal counsel.

Thirdly, the haste with which the six men were executed immediately after their alleged trial raises suspicion that political motive may have taken precedence over other considerations such as upholding safeguards of due process.

Under international human rights law which applies to the administration of Ahmad Shah Masood as a component of the government, charging anyone with crimes punishable by death requires the strictest observance of all fair trial guarantees. Of these, the right to an independent and impartial review of the death sentence by a higher tribunal is essential. Furthermore, anyone sentenced to death should have the right to seek commutation of their sentences. These rights are guaranteed by the International Covenant on Civil and Political Rights to which Afghanistan is a state party. Yet, there are no indications that the prisoners have had the chance to appeal against their death sentences or to seek a commutation.

Ahmad Shah Masood's administration

Panjshir valley, about 100 kilometres (60 miles) north of Kabul, is the stronghold of Ahmad Shah Masood, a strong military commander allied to Jamiat-e Islami of Borhanuddin Rabbani. Following the collapse of the pro-Soviet government of President Najibullah in April 1992, Ahmad Shah Masood's forces entered Kabul. Months later, he became the Defence Minister in the Mujahideen government of President Borhanuddin Rabbani who took over power from the first Mujahideen government of Sebghatollah Mujaddedi in late 1992. President Rabbani's government was ousted by the Taleban when they entered Kabul in September 1996.

Ahmad Shah Masood's forces retreated to areas north of Kabul where they stood their ground against the advancing forces of the Taleban. The central area of Hazarajat remained under the control of Hezb-e Wahdat, and the north and north-western provinces under the control of the military warlord, General Abdul Rashid Dostum. The latter two areas were captured by the Taleban in 1998.

Since their retreat from Kabul, Ahmad Shah Masood's forces have fought their way backwards or forwards against the Taleban. They have several times captured and lost areas north of Kabul. When cornered, they have moved back to their stronghold of Panjshir valley which they have defended fiercely against Taleban assault in much the same way as they had in the past halted the advance of Soviet troops.

Presently, the Taliban's **Islamic Emirate of Afghanistan** - headed by Mullah Mohammad Omar - is recognized as a government by Pakistan, United Arab Emirates and Saudi Arabia. The anti-Taliban alliance's **Islamic State of Afghanistan** - headed by Burhanuddin Rabbani - which includes the United Front is recognized as a government by other governments and the UN.

Ahmad Shah Masood has set up a military administration in Panjshir which includes elements of educational, judicial, and health services, tax systems and policing. His administration runs prisons where war prisoners - mainly Taliban soldiers which include Pakistani nationals - are held.

Amnesty International knows of only three public executions to have been carried out between mid-1992 and mid-1996 when the government of President Borhanuddin Rabbani was in power in Kabul. The government then claimed the courts had been constituted within the provisions of Afghanistan's legal system. However, since the collapse of Kabul, it is not clear which legal systems, including codes and trial procedures, are being followed in the areas under United Front control.

Amnesty International recommendations

Amnesty International is urging Ahmad Shah Masood to:

1. Refrain from ordering the execution of anyone in the territories his forces control;
2. Ensure that no one in the custody of his personnel is subjected to torture;
3. Provide information about the details of the trial and make the record of the trial public;
4. Facilitate an independent, impartial and competent investigation into the reasons why the six men were executed.

Amnesty International is urging the international community to:

5. Set up an international body with a clearly demonstrated independent, impartial and competent structure to investigate all reports of human rights abuses in Afghanistan with a view to establishing the facts, identifying the perpetrators and recommending means of bringing them to justice.

