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## Amnesty International Report 2014/15 - Afghanistan

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### Islamic Republic of Afghanistan

Head of state and government: **Muhammad Ashraf Ghani Ahmadzai (replaced Hamid Karzai in September)**

**There was growing insecurity throughout the country in expectation of the planned withdrawal of 86,000 foreign troops in December, as the mandate of NATO's International Security Assistance Force (ISAF) ended. The USA committed its troops to remain engaged in combat until the end of 2015. The UN Assistance Mission in Afghanistan (UNAMA) reported that casualties among civilians not involved in hostilities in Afghanistan were at an all-time high. The Taliban and other armed insurgent groups were responsible for more than 74% of civilian casualties, with 9% attributed to pro-government forces. A further 12% of casualties occurred during ground engagement between pro-Afghan government and Taliban insurgents and could not be attributed to any group. The remaining were as a result of the conflict. A lack of accountability in cases where civilians were killed or otherwise harmed unlawfully left many victims and their families without access to justice and reparation. During the year, the Parliament and the Ministry of Justice approved or amended a number of laws, including the Criminal Procedure Code, which barred family members of both victims and perpetrators of crimes from testifying. Since most gender-based violence was reported as happening within the family, this would have made successful prosecutions in such cases nearly impossible. The law was approved by both houses of parliament but was not signed and was rejected by then President Karzai following an outcry from national and international human rights organizations.**

### Background

With no clear winner in the April presidential election and a June run-off marred by accusations of massive and systematic fraud against both candidates, electoral deadlock ensued for five months. Following long negotiations and interventions by US Secretary of State John Kerry and UN Special Representative in Afghanistan Jan Kubis, the two front runners agreed to form the country's first unity government as election results were announced on 22 September. Ashraf Ghani was sworn in as President on 29 September, with rival candidate Abdullah Abdullah

serving as chief executive, a role similar to that of a prime minister. By the end of 2014, the new cabinet had yet to be announced, three months after President Ghani was sworn into office.

In June, in response to international pressure to curb the financing of terrorism within Afghanistan's jurisdiction, a bill against money laundering was approved by both houses of the Afghan Parliament and signed into law by then President Karzai.

On 30 September, President Ghani signed the Bilateral Security Agreement (BSA) with the USA and the Status of Forces Agreement (SOFA) with NATO, allowing 9,800 US and 2,000 additional NATO troops to remain in Afghanistan beyond the end of formal combat operations in December. Their role will largely be to provide training and mentoring to Afghan government forces.

### **Abuses by armed groups**

Between 1 January and 30 June, the number of casualties among civilians not involved in hostilities reached 4,853, of which more than 70% were caused by the Taliban and other armed insurgent groups. This figure marked a doubling since 2009 and an increase of 24% on the same period in 2013. Of these, 1,564 deaths were recorded and 3,289 people injured.

UNAMA said that improvised explosive devices and suicide attacks claimed the highest number of casualties. Ground engagements caused two out of every five civilian casualties, with 474 killed and 1,427 injured. This represented 39% of all civilian casualties, an increase of 89% from 2013.

The Taliban and other armed insurgent groups frequently attacked targets within easy reach, causing large numbers of civilian casualties. Child casualties and women casualties both increased by 24% from 2013, accounting for 29% of all recorded casualties in the first half of 2014.

Between January and August 2014 the NGO Safety Organization in Afghanistan recorded 153 attacks on aid workers, resulting in 34 people killed and 33 injured. The government attributed the majority of these attacks to gunmen belonging to insurgent groups, including the Taliban.

### **Violations by international and Afghan government forces**

ISAF and NATO forces continued to launch night raids and aerial and ground attacks, claiming dozens of civilian lives, despite completing the handover of responsibility for security to the Afghan National Security Forces (ANSF) in June 2013. UNAMA said that 9% of the total civilian casualties were caused by pro-government forces (8% to ANSF and 1% to ISAF/NATO forces) with ground combat and crossfire accounting for the majority of deaths. The total number of civilians killed by pro-government forces during the first six months of 2014 fell from 302 to 158, mostly due to reduced aerial military operations. The ANSF were responsible for greater civilian casualties due to their full involvement in military operations and ground engagement.

There were significant failures of accountability for civilian deaths, including a lack of transparent investigations and a lack of justice for the victims and their families.<sup>[1]</sup>

In May, the English High Court ruled as unlawful the detention policy adopted by UK forces in Afghanistan after reviewing the case of Serdar Mohammed, held since 2010. The Court found that his detention beyond the 96 hours permitted had been arbitrary, in violation of the European Convention on Human Rights. Following the ruling, the Afghan government ordered the UK to hand over 23 detainees held in two UK-run facilities in Helmand.

### **Violence against women and girls**

The Afghanistan Independent Human Rights Commission (AIHRC) registered 4,154 cases of violence against women in the first half of the year alone, a 25% increase on the same period in 2013. There was an increase in reported crimes against women and girls, but it was not clear whether this was due to an increase in violence or in awareness and access to complaint mechanisms for women. A 2013 UN report found that the Law on the Elimination of Violence Against Women was applied in only 17% of all reported cases of violence against women in Afghanistan.

In a move seen as positive by women's and human rights groups, former President Karzai refused to sign into law the Criminal Procedure Code passed by the Afghan Parliament, which would have prohibited relatives of the accused from testifying in criminal cases. Since most gender-based violence was reported as happening within the family, this would have made successful prosecutions much more difficult to achieve and would have denied justice to victims of rape and domestic violence, as well as those subjected to underage and forced marriages. On the other hand, the reduction in the quota of women's seats in provincial councils, and the absence of women in the peace negotiation process with the Taliban, constituted backward steps for women's rights.

According to the Afghan Ministry of Public Health, there were 4,466 cases of self-poisoning and 2,301 cases of self-immolation by women during the year, resulting in the deaths of 166 women. Gender-based violence was reported as the primary cause of these acts of self-harm, followed by conflict-related trauma and displacement.

On 30 April a cleric was arrested for tying up and raping one of his Qur'an pupils, a 10-year-old girl, in Kunduz province.<sup>[2]</sup>

### **Arbitrary arrests and detentions, and torture and other ill-treatment**

Arbitrary arrests and detentions, including some incommunicado detention, continued under the intelligence service, the National Directorate of Security (NDS) and the police. Suspects were routinely denied due process, including being denied access to a lawyer or to their families. Allegations continued of violations by NDS personnel, including torture and other ill-treatment and enforced disappearances.

At least 50 non-Afghan prisoners remained in US custody in Parwan detention facility (formerly known as Bagram) at the end of the year. Some were believed to have been held since 2002. Their identities and any possible charges against them remained undisclosed, as did details of their legal representation and access to medical care.

### **Freedom of expression – journalists**

The government failed to investigate adequately and prosecute perpetrators of attacks on journalists and other media workers who were peacefully exercising their right to freedom of expression.

There was a reported 50% rise in the number of journalists killed in 2014 and a 60% increase in the number of attacks in the first half of the year, compared with 2013 figures.

Journalists were arrested, threatened, beaten or killed in apparently politically motivated attacks by government workers, international forces, insurgent groups and supporters of election candidates. According to Afghan media watchdog Nai, 20 journalists were attacked and seven killed. Journalists covering the presidential election were particularly at risk.

### **Refugees and internally displaced people**

UNHCR, the UN refugee agency, estimated that Afghans continued to account for the highest number of refugees in the world. Neighbouring Iran and Pakistan hosted 2.7 million registered Afghan refugees. In March, UNHCR documented 659,961 Afghans who were internally displaced due to armed conflict, deterioration of security and natural disasters.

Afghanistan's Ministry of Refugees and Repatriation launched the landmark National Internally Displaced People (IDP) Policy on 11 February 2014, providing a legal definition for displaced people and establishing the government's primary responsibilities in providing emergency assistance, long-term support and protection. There were concerns that displacement could increase, however, following the security transition scheduled for the end of 2014 as local insurgents fought to occupy territory previously under the control of international forces.

Displaced people continued to migrate to larger cities such as Kabul, Herat and Mazar-e-Sharif. Inadequate makeshift shelters, overcrowding and poor hygiene, combined with harsh weather conditions, led to an increase in communicable and chronic diseases such as malaria and hepatitis. Efforts to eradicate the polio virus through vaccination programmes were impeded by opposition armed groups, including the Taliban, and cases continued to be reported.

## Death penalty

Afghanistan continued to apply the death penalty, often after unfair trials.

On 8 October, six men were executed in Kabul Pul-e-Charkhi prison, less than two weeks after President Ghani's inauguration. Five had been convicted in connection with the gang-rape of four women in Paghman district. A sixth man had been convicted in a separate case of a series of kidnappings, murders and armed robberies. On 28 September, then President Karzai signed the death warrants for the six men. The trial proceedings of five men were considered unfair and controversial, marred by public and political pressure on the courts to hand down a tough sentence while the accused claimed to have confessed following torture by police in detention.

President Ghani ordered a review of nearly 400 death row cases.

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1. Left in the dark: Failures of accountability for civilian casualties caused by international military operations in Afghanistan (ASA 11/006/2014)  
[www.amnesty.org/en/library/asset/asa11/006/2014/en/c628b1a4-821f-4168-a583-ac4a6159986e/asa110062014en.pdf](http://www.amnesty.org/en/library/asset/asa11/006/2014/en/c628b1a4-821f-4168-a583-ac4a6159986e/asa110062014en.pdf)

2. Afghanistan: Ten-year-old rape survivor faces "honour" killing (ASA 11/013/2014)  
[www.amnesty.org/en/library/asset/ASA11/013/2014/en/63debb0c-105f-4e2d-9ca6-f682ce1de221/asa110132014en.pdf](http://www.amnesty.org/en/library/asset/ASA11/013/2014/en/63debb0c-105f-4e2d-9ca6-f682ce1de221/asa110132014en.pdf)

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