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Amnesty International Report 2015/16 - The State of the World's Human Rights - Afghanistan

There was growing insecurity with insurgency and criminal activity worsening across the country. The first three months of 2015 were the most violent of any equivalent period on record. The UN Assistance Mission in Afghanistan (UNAMA) recorded 1,592 civilians killed and 3,329 injured in the first six months of 2015, while 70% of civilian casualties were attributed to Taliban and other armed insurgent groups, and 16% to pro-Afghan government forces. The Taliban increasingly attacked soft and civilian targets. In September the Taliban took control of most of Kunduz province, and the government reported that some 20,000 people were internally displaced due to the conflict. The majority did not receive any humanitarian assistance from the government. The Ministry of Women's Affairs registered thousands of cases of violence against women in the last nine months of the year. Threats, intimidation and attacks by a range of perpetrators against human rights defenders continued in a climate of impunity, with the government failing to investigate cases and bring those suspected of criminal responsibility to trial. The Afghan Parliament amended the Mass Media Law which journalists and human rights groups feared would further restrict freedom of expression. Afghanistan continued to apply the death penalty, often after unfair trials.

Background

On 19 April the unity government completed its cabinet which received the Parliament's vote of confidence. On 30 June the government launched its first National Action Plan relating to UN Security Council Resolution 1325 on Women, Peace and Security. It enshrined the government's pledges to increase women's role in the four pillars of Resolution 1325: participation, protection, prevention, and relief and recovery.

On 29 July the government proclaimed that Mullah Omar, the Taliban leader, died in April 2013 in Pakistan. Following this announcement a string of attacks occurred in the capital, Kabul, between 7 and 10 August. Mullah Akhtar Mohammad Mansoor, Mullah Omar's deputy since 2010, was announced as his successor. In his first public statement as the new leader on 1 August, he called for Taliban unity and continued jihad, while characterizing reports of a peace process as enemy propaganda. In May, the Ministry of Interior estimated that there were some 7,180 foreign fighters across Afghanistan, the majority of whom were associated with armed groups Tehreek-e-Taliban Pakistan and the Islamic Movement of Uzbekistan.

There were reports of the emergence of the group Islamic State (IS) in at least four provinces of Afghanistan, although the extent to which groups operating under its banner had any affiliation to IS in Syria was unclear.

Abuses by international and Afghan forces, and by pro-government armed groups

Civilian casualties resulting from operations by international military forces decreased considerably, owing to the withdrawal of US/International Security Assistance Force (ISAF) combat forces.

However, attacks by pro-government forces, particularly the Afghan national security forces (ANSF), resulted in an increasing number of civilian casualties in the first six months of 2015, according to UNAMA. Of a total of 4,921 civilian casualties, 796 were allegedly caused by pro-government forces – a 60% rise compared to the same period in 2014.

There were reports of violations carried out by the Afghan Local Police (ALP), including intimidation, beatings, illegal detention, targeted killings and child rape. In September the *New York Times* reported that the US military ignored complaints by its personnel of the sexual abuse of young boys by ALP commanders on its bases.

Accountability for unlawful killings by pro-government forces and groups was virtually non-existent, although President Ghani pledged to take steps to reduce civilian casualties.

On 3 October US forces bombed a hospital run by Médecins sans Frontières (MSF) in Kunduz province in the north, killing 40 people, including 14 hospital staff, and destroying parts of the building. MSF called for an independent investigation into the bombing.

Abuses by armed groups

Attacks by the Taliban and other armed insurgent groups continued to cause the majority of civilian casualties. UNAMA attributed 70% of civilian deaths and injuries between 1 January and 30 June to attacks carried out by armed groups (3,436 civilian casualties, including 1,213 dead and 2,223 injured, representing a 3% decrease from the same period in 2014). The Taliban claimed responsibility for incidents causing over 1,000 civilian casualties, and UNAMA attributed an additional 971 civilian casualties to Taliban-affiliated commanders. UNAMA documented 10 civilian casualties caused by groups associated with IS, primarily in the east.

Most civilian casualties attributed to the Taliban and other armed groups were the result of violations of international humanitarian law, amounting to war crimes. The Taliban and other armed groups continued deliberate attacks on civilians and civilian objects, using weapons such as pressure plate improvised explosive devices (IEDs). According to its official statements, the Taliban reinstated their policy of deliberately targeting individuals associated with the government or seen by them as “pernicious”.

Eleven NGO-run clinics and nine public schools were closed down in Nangahar province due to threats from IS, according to the International NGO Safety Organization (INSO). INSO recorded 150 attacks on aid workers, resulting in 33 deaths, 33 injuries and 82 abductions over nine months in 2015.

Civilians continued to be subject to killings, hostage-taking and arbitrary punishments by armed groups as a result of trials by *ad hoc* justice structures. These did not exhaust all judicial guarantees, in violation of international humanitarian law.

On 23 February, 30 civilians, mostly members of the Hazara community, were abducted by armed groups in Zabul province. On 11 May, 19 were released in exchange for relatives of Uzbek insurgents, held in government prisons. The fate of the remaining 11 was unknown at the end of the year.

On 10 April the bodies of five Afghan employees of the NGO Save the Children were found in Uruzgan province. They had been abducted on 1 March in an attempt to exchange them for Taliban prisoners.

On 28 September, the Taliban took control of Kunduz city, releasing nearly 700 prisoners, among them at least 100 Taliban members. Much public and private property was destroyed, including that of media organizations. Reports of rapes and unlawful killings were rife.

Human rights defenders

Threats, intimidation and attacks against human rights defenders continued in a climate of impunity, with the government failing to investigate cases and bring those suspected of criminal responsibility to justice. Human rights defenders suffered bombings, grenade attacks and assassinations by state and non-state actors. Women participating in public life were at greater risk of discrimination and violence than men because they were perceived as defying cultural and social norms.

On 8 January Senator Rohgul Khairzad was seriously injured when her car was fired upon by unknown assailants. She was previously attacked in 2013 by Taliban insurgents who fired at her car, killing her seven-year-old daughter and brother; her 11-year-old daughter was left paralyzed.

On 16 February Angiza Shinwari, a provincial council member in Nangahar province and defender of women's rights, died following a targeted bomb attack on her vehicle which also killed her driver and injured four others. No one claimed responsibility and no arrests were made.

On 28 September the Taliban took control of Kunduz province in a surprise attack. There were reports of house-to-house searches for media personnel and women human rights defenders allegedly named on a hit-list. Many women human rights defenders fled the city, while others were forced into hiding.

Refugees and internally displaced people

Afghanistan continued to produce vast numbers of refugees and internally displaced persons, second only to Syria. According to UNHCR, the UN refugee agency, nearly three million Afghans were refugees, the majority of whom were living in Iran and Pakistan. Nearly one million Afghans were internally displaced in Afghanistan.

The armed conflict, insecurity and natural disasters were the main causes of displacement in Afghanistan. Despite the launch by the government of the National Internally Displaced People Policy in February 2014, at the end of 2015 many thousands of people were still living in camps and makeshift shelters, where overcrowding, poor hygiene and harsh weather conditions increased the prevalence of communicable and chronic diseases such as malaria and hepatitis.

According to the UN Office for Coordination of Humanitarian Affairs (OCHA), in the first six months of 2015 some 103,000 people were reportedly displaced mainly because of the armed conflict and insecurity across Afghanistan. The government reported that some 20,000 people were internally displaced as a result of the conflict in Kunduz province in September.

Violence against women and girls

The government took steps to improve women's participation in governance. On 21 March President Ghani and Abdullah Abdullah, Chief Executive Officer of Afghanistan, announced four women among the nominees to lead the Ministry of Women's Affairs, the Ministry of Higher Education, the Ministry of Labour, Social Affairs, Martyrs and Disabled, and the Ministry of Counter Narcotics.

By 20 August, 75 police women councils (PWCs) had been established – 45 in Ministry of Interior directorates and Kabul police districts, and 30 in provinces. The PWCs were introduced in December 2014 by the Ministry of Interior with the aim of strengthening and building capacity among female police officers. On 14 September the Afghan cabinet approved the Regulation Against Sexual Harassment of Women and Girls, which criminalizes and penalizes certain acts of sexual harassment of women. At the end of the year the Ministry of Women's Affairs (MOWA) was drafting a further regulation to prevent discrimination in the workplace, due to be sent to the Ministry of Justice for review in 2016. Following a presidential decree of 2 January, 144 women and girls who had been detained for so-called "moral" crimes were released.

The Ministry of Women's Affairs registered more than 4,000 cases of violence against women in the last nine months of the year. Violence against women was severely under-reported in Afghanistan due to insecurity, lack of a functioning government or judiciary, and traditional practices which combined to discourage victims and their families from reporting violence.

On 12 February, police in Balkh arrested six people in connection with the marriage of an 11-year-old girl.

On 19 March, Farkhunda Malikzada was killed by a mob near the Shah-e Du Shamshira shrine in Kabul after being falsely accused of burning a copy of the Qur'an. A primary court in Kabul sentenced four men to death for her murder, while others received prison sentences. On 2 July an appeal court overruled the four death sentences and reduced them to prison sentences of between 10 and 20 years.

On 9 August a woman accused of adultery was hanged during a tribal court hearing by the Taliban in Badakhshan province.

Freedom of expression

Journalists in Afghanistan continued to face violence and censorship by state and non-state actors. Some journalists were killed during attacks, while others were forced to leave their homes and seek sanctuary elsewhere. Nai, a media watchdog in Afghanistan, reported 73 cases of attacks against journalists and media workers, with the majority being committed by government representatives, including police and security agencies, as well as elected officials. The government failed to investigate those suspected of responsibility for attacks against journalists and media workers. On 28 January Parliament amended the Mass Media Law and limited media freedom, which journalists and human rights groups feared would further restrict freedom of expression.

Torture and other ill-treatment

On 4 May the government established a working committee to launch a National Action Plan for the elimination of torture. On 25 June the National Directorate of Security, Afghanistan's intelligence agency, issued an order reiterating the prohibition on torture, particularly its use during police interrogations. Despite these developments, torture and other ill-treatment, as well as incommunicado detention, remained prevalent throughout the prison system, while the authorities continued to arrest and detain individuals arbitrarily without due process. Individuals were frequently detained for acts that were not offences under Afghan law. They included so-called "moral" crimes such as "running away", which affected mainly women and girls. Prison conditions remained below international standards with overcrowding, insufficient food and water and poor sanitation facilities.

While conflict-related detainees held in US custody were transferred to the Afghan authorities in December 2014, a lack of accountability for illegal detentions, ill-treatment and torture of detainees by US personnel in Afghanistan persisted.

Death penalty

Afghanistan continued to apply the death penalty, often after unfair trials. By the end of the year, results were still awaited of the review of nearly 400 death row cases ordered by President Ghani in 2014.

On 28 February Raees Khudaidad was hanged at Pul-e-Charkhi prison in Kabul, after being charged with murder, kidnapping and armed robbery.

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