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Amnesty International Annual Report 2011 - Afghanistan

Head of state and government: **Hamid Karzai**

Death penalty: **retentionist**

Population: **29.1 million**

Life expectancy: **44.6 years**

Under-5 mortality (m/f): **233/238 per 1,000**

Conflict-related violence, and attendant human rights violations, increased throughout the country, including in northern and western Afghanistan, areas previously considered relatively safe. The Afghanistan NGO Security Office (ANSO), which advises organizations on safety conditions in Afghanistan, recorded 2,428 civilians killed in 2010 as a result of the conflict, with the majority attributed to the Taliban and other anti-government forces. There was a significant rise in the numbers of assassinations and executions of civilians by the Taliban for "supporting" the government or "spying" for the international forces. Violence caused by insurgents intensified, triggering widespread human rights abuses. In light of the spiralling conflict and the absence of an adequate domestic judicial system, Amnesty International called on the International Criminal Court to investigate war crimes and crimes against humanity. The international community increasingly discussed ending its military presence in the country. The Afghan people continued to lose confidence in the ability of the government and the international security forces to uphold the rule of law and deliver essential social services. Health care, education and humanitarian aid remained out of reach for people in most rural areas, particularly in the south and south-east where the conflict was most intense.

Background

Parliamentary elections held on 18 September were marred by nearly 6,000 allegations of electoral irregularities and fraud, attacks on candidates, and intimidation and attacks by the Taliban on voters, electoral workers and candidates.

Following the International Conference on Afghanistan held on 28 January in London, UK, and the National Consultative Peace Jirga held 2-4 June in Kabul, President Karzai established a 68-member High Peace Council in September to pursue peace negotiations with insurgent groups. The High Peace Council included figures widely accused of committing human rights abuses and war crimes. Only 10 women were appointed to the High Peace Council despite strong national and international pressure for adequate representation of women in negotiating teams and forums.

Afghan civil society groups, in particular women's groups, war victims, and those who suffered at the hands of the Taliban, called on the government to ensure that the protection and promotion of human rights would not be sacrificed to facilitate negotiations with the Taliban and other insurgent groups.

The National Stability and Reconciliation bill was officially promulgated, granting immunity from criminal prosecution to people who committed serious human rights violations and war crimes over the past 30 years. The law was passed in March 2007 but not publicized and promulgated until early 2010.

Nine million Afghans, more than 30 per cent of the population, lived on less than US\$25 a month and could not meet their basic needs. According to UNICEF, Afghanistan's maternal death rate of 1,800 per 100,000 live births continued to be the second worst in the world. It was estimated that more than half a million Afghan women died every year during childbirth or after giving birth.

Abuses by armed groups

The Taliban and other armed groups (some anti-government and others ostensibly supporting the government) targeted, abducted, indiscriminately attacked and unlawfully killed civilians, committing human rights abuses and gross violations of international humanitarian law. According to ANSO, the Taliban and other anti-government armed groups were responsible for 2,027 casualties, up more than a quarter from 2009. The number of civilians assassinated or executed by armed groups surged by more than 95 per cent, including public executions of children. The victims were accused of "supporting" the government or "spying" for the international forces.

Suicide attacks

- On 18 January, Taliban suicide bombers and gunmen attacked major government buildings, the Kabul Serena Hotel, a shopping mall and cinema in central Kabul. Seven people, including a child, were killed and at least 35 civilians were injured.
- On 26 February, four suicide bombers attacked a guesthouse in Kabul city. At least 16 people, most of them foreign medical staff, were killed and more than 50 were injured. The Taliban claimed responsibility for the attack but the Afghan government blamed the Pakistan-based armed group Lashkar-e Taiba for the attack.
- On 3 May, Taliban suicide bombers and gunmen attacked government buildings in Nimroz province and killed 13 people, including Gul Makai Osmani, a legislator.
- On 9 June, at least 40 people were killed and more than 70 wounded when a suicide bomber struck a wedding celebration in the southern province of Kandahar. Fourteen children were among the dead.

Abductions

- On 26 September, Linda Norgrove, a Scottish aid worker, and three Afghan colleagues, were kidnapped by members of the Taliban in Kunar province, eastern Afghanistan. The three kidnapped Afghan aid workers were released on 3 October but Linda Norgrove was apparently killed by US special forces during a rescue attempt.

Unlawful killings

- On 8 June, the Taliban hanged a seven-year-old boy, accusing him of spying for British forces in southern Helmand province.

- On 5 August, 10 members of the International Assistance Mission, an aid organization, were killed in southern Badakhshan province on their return from a medical mission. Both the Taliban and Hezb-e Islami claimed responsibility for the attack and accused the victims of being missionaries.

Violations by Afghan and international forces

ANSO reported that 401 civilians were killed by international and Afghan security forces, a decrease of 14 per cent from 2009. Air attacks remained the most harmful operations tactic, accounting for 53 per cent of civilian deaths attributed to international and Afghan security forces. Thirty-seven per cent of the deaths occurred during ground operations, including night raids.

The International Security Assistance Force (ISAF) issued tactical directives in March and August to lessen the impact of fighting on civilians. The former sought to regulate night raids and the latter was aimed at regulating aerial strikes and indiscriminate fire on residential compounds. However, there was an increase in the number of night raids, particularly in the eastern and southern region of Afghanistan, which often resulted in civilian casualties.

- On 21 February, 27 civilians were killed and 12 others wounded near the border of Dai Kundi and Uruzgan provinces, when two US military helicopters fired on several civilian vehicles mistakenly believed to be carrying insurgents.
- On 23 July, as many as 45 civilians, including children, were killed in a NATO air strike in Helmand province.
- On 4 August, more than 12 Afghan civilians died during a night raid by US troops hunting for Taliban in Nangarhar province.
- On 11 August, three brothers were killed during a night raid by NATO and US forces in Wardak province. The deaths sparked an anti-American protest in the area, where villagers said the brothers were civilians and not insurgents.

Neither the Afghan judiciary, nor the governments contributing to ISAF, demonstrated the ability or willingness to provide proper accountability or compensation for victims of violations by pro-government forces.

Freedom of expression

Afghan journalists continued to report critically on events, risking harassment, violence, and censorship. The Afghan authorities, especially the intelligence service, the National Directorate of Security (NDS), arbitrarily detained journalists. The Attorney General's Office illegally closed down radio stations and censored other media outlets. One of the most common grounds for applying such restrictions was the vague and undefined charge of being anti-Islamic.

The Taliban and other anti-government groups continued to target journalists and blocked almost all reporting from areas under their control.

- On 5 September, Sayed Hamed Noori, a presenter, journalist and Deputy Chairman of Afghanistan National Journalists Union, was murdered in Kabul.
- On 18 September (election day), Radio Kapisa FM director Hojatullah Mujadadi was arrested by the NDS at a voting station in Kapisa province. He claimed he was threatened by both the governor and NDS officials because of his independent coverage of the situation in the province.
- Japanese freelance journalist Kosuke Tsuneoka was kidnapped in late March

during a reporting assignment in a Taleban-controlled region of northern Afghanistan. His captors released him to the Japanese Embassy on 7 September. After his release, he said that his captors were not Taleban insurgents, but "a group of corrupt armed factions" with links to the Afghan government.

Freedom of religion

People converting to other religions were prosecuted by the Afghan judiciary. Three Afghans who converted to Christianity were arrested and detained by the NSD. Faith-based NGOs accused of proselytizing were forced to temporarily suspend their activities.

- In October, Shoib Asadullah was arrested for converting from Islam to Christianity. A primary court in the northern city of Mazar-e-Sharif threatened to execute him for apostasy if he refused to recant.

Violence against women and girls

Afghan women and girls continued to face endemic violence and discrimination at home and in the public sphere. The Afghanistan Independent Human Rights Commission documented 1,891 cases of violence against women, but the true number may be higher.

- In March, 18-year-old Bibi Aysha had her nose and ears cut off by her husband in Uruzgan province, southern Afghanistan, apparently on the order of a Taleban commander acting as "judge" for the crime of running away from her abusive in-laws.
- On 9 August, the Taleban shot dead a woman, after forcing her to abort her foetus, in Badghis province on accusations of adultery.
- On 16 August, the Taleban stoned to death a couple for alleged adultery and elopement in Imam Sahib district, Kunduz province.

Afghan women and female politicians, including parliamentary election candidates, were increasingly attacked by the Taleban and other armed groups.

- In March, Member of Parliament Fawzia Kofi was injured by gunfire by unknown gunmen while travelling from Jalalabad to Kabul.
- In April, Nadia Kayyani, a Provincial Council member, was left in a critical condition after being attacked in a drive-by shooting in Pul-e-Khumri, the provincial capital of Baghlan, northern Afghanistan.
- Two Afghan aid workers were killed in Helmand after returning from Garmseer district where they were running a project for women's economic empowerment. Both women were forced out of their car by a group of armed men. Their bodies were found the next day near Garmseer district centre.

Refugees and internally displaced people

UNHCR reported that 102,658 Afghans were forced to flee their homes in 2010 as a result of the armed conflict, bringing the total number of internally displaced people to 351,907.

- Around 26,000 people were displaced in Helmand province between February and May after NATO launched a major military operation against insurgent groups in Marjah district, Helmand province.
- More than 7,000 people were displaced from the Zhari and Arghandab districts of Kandahar province after a major NATO military operation in the area in

September. The warring parties failed to ensure adequate humanitarian assistance for the displaced.

According to UNHCR, 2.3 million Afghans continued to live abroad as refugees, the majority in neighbouring Iran and Pakistan. Fewer refugees chose to return to Afghanistan as a result of increased insecurity, poor infrastructure, scarce employment opportunities and lack of basic services, including education and health. Most of the displaced living in informal settlements in urban areas lacked similar basic services, and were at risk of forced evictions.

Justice and security forces

The formal justice system remained inaccessible to most Afghans. Concerns about corruption, inefficiency and high costs led many citizens to resort to traditional methods of dispute resolution, as well as seeking "justice" in Taleban courts, which operated without basic safeguards of due process and rule of law, meted out brutal punishments and routinely discriminated against women.

The government initiated efforts to increase the number of police from 96,800 to 109,000 in 2010, and to improve police performance at the district level. However, Afghan police faced widespread allegations of involvement in illegal activities including smuggling, kidnapping, and extortion at checkpoints.

In the absence of a practical justice system to address the lack of accountability by the warring parties, Amnesty International urged the Afghan government to ask the International Criminal Court to investigate allegations of war crimes and crimes against humanity committed by all parties to the conflict.

Death penalty

At least 100 people were sentenced to death, had their sentences confirmed by the Supreme Court, and were awaiting consideration of their clemency appeals by the President. On 24 October, Hamid Karzai ordered the judiciary to review all death row cases.

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