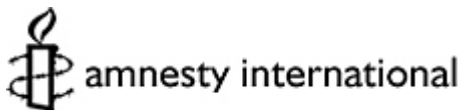


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Amnesty International Report 2010 - Afghanistan

ISLAMIC REPUBLIC OF AFGHANISTAN

Head of state and government: Hamid Karzai

Death penalty: retentionist

Population: 28.2 million

Life expectancy: 43.6 years

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

Adult literacy: 28 per cent

Afghan people continued to suffer widespread human rights violations and violations of international humanitarian law more than seven years after the USA and its allies ousted the Taleban. Access to health care, education and humanitarian aid deteriorated, particularly in the south and south-east of the country, due to escalating armed conflict between Afghan and international forces and the Taleban and other armed groups. Conflict-related violations increased in northern and western Afghanistan, areas previously considered relatively safe.

Background

The Taleban and other anti-government groups stepped up attacks against civilians, including attacks on schools and health clinics, across the country. Allegations of electoral fraud during the 2009 presidential elections reflected wider concerns about poor governance and endemic corruption within the government. Afghans faced lawlessness associated with a burgeoning illegal narcotics trade, a weak and inept justice system and a systematic lack of respect for the rule of law. Impunity persisted, with the government failing to investigate and prosecute top government officials widely believed to be involved in human rights violations as well as illegal activities.

The UN ranked Afghanistan the second poorest out of 182 countries in its index of human development. The country had the second highest maternal mortality rate in the world. Only 22 per cent of Afghans had access to clean drinking water.

Impunity – national elections

The failure to implement the 2005 Action Plan on Peace, Justice and Reconciliation and disband illegal armed groups allowed individuals suspected of serious human rights violations to stand for and hold public office.

The Afghan government and its international supporters failed to institute proper human rights protection mechanisms ahead of the August elections. The elections were marred by violence and allegations of widespread electoral fraud, including ballot box stuffing, premature closure of polling stations, opening unauthorized polling stations and multiple voting.

Despite a public outcry, President Karzai's post re-election cabinet included several figures facing credible and public allegations of war crimes and serious human rights violations committed during Afghanistan's civil war, as well as after the fall of the Taliban.

Armed conflict

Abuses by armed groups

Civilian casualties caused by the Taliban and other insurgent groups increased. Between January and September, armed groups carried out more than 7,400 attacks across the country, according to the Afghanistan NGO Safety Office. The UN registered more than 2,400 civilian casualties, some two-thirds of whom were killed by the Taliban.

Violence peaked in August during the election period, with many of the attacks indiscriminate or targeted at civilians. Used as polling stations, schools and clinics were vulnerable to attack. According to the UN, at least 16 schools and one clinic were attacked by the Taliban and insurgent groups on election day.

- On 11 February, the Taliban launched suicide bomb and gun attacks on three Afghan government buildings in Kabul, killing at least 26 people, 20 of them civilians, and injuring more than 60 others, mostly civilians.
- On 17 September, a suicide car bomb on an International Security Assistance Force convoy in Kabul killed at least 18 people, including 10 civilians, and injured more than 30 civilians. The Taliban claimed responsibility for the attack.
- At least 30 civilians were killed and 31 wounded in attacks by the Taliban on election day.
- On 8 October, a Taliban suicide car bomb exploded outside the Indian Embassy in Kabul, killing 13 civilians and two police officers and injuring another 60 civilians and 13 police officers.
- On 28 October, Taliban fighters stormed a UN guesthouse in Kabul, killing five foreign UN employees, one Afghan civilian and two Afghan security personnel. The attack was the deadliest in years for the UN in Afghanistan, leading it to relocate more than 600 foreign staff outside the country.

The Taliban and other armed groups continued to attack school buildings and target teachers and pupils. A total of 458 schools, the majority in the south, were closed across the country due to insecurity, affecting 111,180 students. The Taliban particularly targeted girls' schools.

- In May, a gas attack on a girls' school in Kapisa province resulted in more than 84 students being taken to hospital.

Violations by Afghan and international forces

International forces revised their rules of engagement to minimize civilian casualties, but civilian deaths as a result of operations by international and Afghan security forces increased in the first half of the year. NATO and US forces lacked a coherent and consistent mechanism for investigating civilian casualties and providing accountability and compensation to victims.

- On 4 September, NATO airstrikes near the village of Amarkhel in Kunduz province killed up to 142 people, of whom reportedly 83 were civilians. Although it was in a position to do so, NATO failed to effectively warn civilians that they were going to launch an imminent attack in the area (see Germany entry).
- On 27 August, NATO forces supporting Afghan army units attacked a clinic in Paktika province, where a Taliban leader was reportedly being treated. The attack violated international humanitarian law which protects combatants no longer fighting due to injury from attack.
- On 4 May, US airstrikes in Bala Baluk district in the western province of Farah led to the deaths of more than 100 civilians. NATO and US military officials reported that Taliban militants were hiding among civilian populations to instigate attacks on civilians.

Freedom of expression – journalists

The Taliban and other armed groups stepped up attacks against Afghan journalists and blocked nearly all reporting in areas under their control. Journalists were also intimidated and attacked by the government.

The Taliban attempted to disrupt media coverage of the elections. Media workers faced intimidation and interference from supporters of President Karzai and other candidates, in particular rival presidential candidate, Abdullah Abdullah. Two journalists and two media workers were killed by government forces and armed groups, and many more were physically attacked.

As in previous years, the government failed to thoroughly investigate killings of and attacks on journalists.

- In July, five journalists were beaten by police officers in Herat for reporting on a public demonstration and police corruption.
- On 11 March, Jawed Ahmad, an Afghan journalist working for an international news organization, was killed by insurgents in Kandahar province.
- In September, Sayed Parwiz Kambakhsh was pardoned by President Karzai and given political asylum in a third country. He had been serving a 20-year prison term for "blasphemy" for allegedly distributing an article questioning the role of women in Islam.

Violence against women and girls

Women and girls continued to face widespread discrimination, domestic violence, and abduction and rape by armed individuals. They continued to be trafficked, traded in settlement of disputes and debts, and forced into marriages, including under-age marriages. In some instances women and girls were specifically targeted for attack by the Taliban and other armed groups.

Women human rights defenders continued to suffer from violence, harassment, discrimination and intimidation by government figures as well as the Taliban and other armed groups.

- In April 2009, the Taliban assassinated Sitara Achekzai, a secretary of the Kandahar Provincial Council and prominent women's rights activist.

Legal developments

The government introduced two laws concerning women.

- In March, the Shi'a Personal Status Law, which contained several discriminatory provisions against Shi'a women, was passed. The law was amended in July following criticism by Afghan women's groups and the international community. Some discriminatory provisions remained.
- In August, the Elimination of Violence Against Women law was passed by the Afghan President and Cabinet. The law criminalized violence against women, including domestic violence. Parliamentary approval of the law remained pending.

Lack of humanitarian access

Insurgent activity, particularly in the southern and eastern provinces, prevented many humanitarian and aid agencies from operating there. Attacks against aid workers by the Taliban and other armed groups increased considerably, including in the north. There were 172 attacks against NGOs and aid workers, resulting in 19 people dead, 18 injured and 59 abducted. The conflict impaired humanitarian access to some of the worst affected areas in the south and east, affecting the delivery of essential aid and medical care to millions. In March alone, 13 aid convoys were attacked and looted by armed groups.

Right to health

The conflict continued to have an adverse impact on health facilities. Some health clinics and facilities, particularly in the south, suffered as a result of operations by both sides of the conflict, which had a devastating effect on civilians' access to health care.

- Two Basic Health Centres in the Nawa and Garamseer districts of Helmand province were occupied by international and national military forces in August and used as a military base. In September, the clinic in Nawa district reopened and the clinic in Garamseer district was moved to a new location.
- On 6 September, International Security Assistance Force (ISAF) troops raided and searched a hospital run by the Swedish Committee for Afghanistan in Wardak province.

Internally displaced people

UNHCR, the UN refugee agency, estimated that 297,000 Afghans were displaced from their homes, with more than 60,000 in 2009 alone. The majority of the displaced had fled the ongoing fighting in the south, east and south-eastern areas. Thousands were also displaced by drought conditions, flash floods and food shortages in central and northern areas.

Thousands of displaced people were living in makeshift camps in Kabul and Herat with inadequate shelter and very little access to food, drinking water, health care services and education.

A total of 368,786 refugees returned to Afghanistan from Iran and Pakistan during the year, according to UNHCR. Some returnees were displaced from their places of origin because of scarce economic opportunities and limited access to land, housing, drinking and irrigation water, health care and education. In several instances, the returnees' land and property were occupied by local militias allied with the government.

Thousands of displaced Pakistanis, who fled military operations in the north-western parts of Pakistan – the Federally Administered Tribal Areas and Swat valley – were sheltering in Kunar, Khost and Paktika provinces in eastern Afghanistan (see Pakistan entry).

Arbitrary arrests and detentions

Hundreds of Afghans continued to be arbitrarily detained, without clear legal authority and due process. Some 700 Afghans remained in detention at the US base at Bagram airport without charge or trial in "security internment" of indefinite length. On 15 November, the USA inaugurated a new "improved" detention facility adjacent to the Bagram facility but continued to withhold detainees' rights to due process (see USA entry).

NATO and US forces continued to hand over detainees to the National Directorate of Security (NDS), Afghanistan's intelligence service, where they were at risk of torture and other ill-treatment, arbitrary detention and unfair trials.

Law enforcement officials illegally detained – and in some cases even tried – people on charges not provided for in the Penal Code, such as breaches of contractual obligations, family disputes, as well as so-called "moral crimes". The NDS arrested and detained people, including journalists, for acts considered a "risk to public or state security and safety", which have been vaguely defined in Afghan law.

Justice system

In its national report to the UN Human Rights Council in February, the government acknowledged weaknesses in the justice system, including lack of access to justice for women, corruption and lack of presumption of innocence.

Trial proceedings fell below international standards of fairness, including by not providing adequate time for the accused to prepare their defence, lack of legal representation, reliance on insufficient evidence or evidence gathered through torture and other ill-treatment, and the denial of the defendants' right to call and examine witnesses.

Death penalty

The lower courts sentenced 133 people to death, of whom 24 had their sentences upheld by the Supreme Court of Afghanistan. At least 375 people remained on death row.

Amnesty International visits/reports

- Amnesty International delegates visited Afghanistan in April, May, October and December.
- Getting away with murder? The impunity of international forces in Afghanistan (ASA 11/001/2009)
- Afghanistan: Three concrete steps to improve conditions for Afghans (ASA 11/004/2009)
- Afghanistan: 10-point human rights agenda for President Karzai (ASA 11/017/2009)

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