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Human rights violations (1992-1999)

Delegations will find attached a report ¹ from the Netherlands delegation on the above subject.

¹ Translated into English only.
This report may be released to the public.

Hezb-i-Wahdat

Human rights violations (1992-1999)

Directorate for Movements of Persons, Migration and Consular Affairs
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Contents

page

1. Introduction	4
2. Hezb-i-Wahdat	5
2.1. Origin	5
2.2. Party structure	7
2.3. The Afghan civil war	10
2.3.1. Military developments 1992-1996	10
2.3.2. Military developments 1996-1999	13
3. Human rights violations	14
3.1. Introduction	14
3.2. Arbitrary arrests	15
3.3. Torture	15
3.4. Prisoners of war	17
3.5. Women	18
3.6. Extrajudicial executions	19
3.7. Responsibility for human rights violations	20
4. Summary	24
5. Bibliography	25

1. Introduction

This official report, which complements the previous official general reports on the "Situation in Afghanistan", deals with the *Hezb-i-Wahdat* for the purpose of evaluating asylum applications. *Hezb-i-Wahdat* is known to be one of the most violent politico-military movements in Afghanistan. This report focuses on the question of what human rights violations were perpetrated by this party between 1992 and 1999. In order to answer this question, the report begins by outlining *Hezb-i-Wahdat*'s origins and party structure. It also gives a brief description of the Afghan civil war that has raged since 1992. Chapter 3 deals with the human rights violations committed by *Hezb-i-Wahdat*. The report concludes with a summary.

This report was compiled on the basis of, inter alia, confidential reports from the Netherlands embassy in Islamabad. Use was also made of Amnesty International, Human Rights Watch and US State Department publications and, finally, of specialist literature on Afghanistan. A summary of the public sources consulted is given on page 22.

NB.

The Afghan names used in the text are phonetic transliterations into Latin script of Dari and Pashto terms. The spellings used in other publications may therefore differ to some extent.

2. Hezb-i-Wahdat

2.1. Origin

Hezb-i-Wahdat, or the "Unity Party", is a coalition of Shiite resistance movements which recruits its members among the ethnic group of Shiite Hazaras¹. The Hazara political parties that have since the eighties been active in the areas of Afghanistan where the Hazaras live ranged from ultraconservative to modern Islamic radical, even Maoist groups. This reflects the (original) lack of unity among the Hazaras. After the Soviet troops had withdrawn from Afghanistan in February 1989, the Hazara parties were amalgamated under pressure from Iran² to form Hezb-i-Wahdat in July 1989³. Iran considered it necessary to form a Shiite counterweight to the Sunni Mujaheddin fighters in Afghanistan.

¹ In addition to Hazaras, many *Qizilbash*, who originally belonged to Iran's Safavid dynasty, are members of the party. The Hazaras belong mainly to the "Twelvers", or Imamites, as they are also known, and some are Shiite Ismailis. They make up about 15-20% of the Afghan population and speak Hazaragi, their own Dari dialect. The Hazaras live mainly in the mountain region of Hazarajat (official Hezb-i-Wahdat publications refer to this region as Hazaristan) in Central Afghanistan, particularly in the provinces of Bamiyan, Uruzgan, Ghazni and Ghor. Groups of Hazaras also live in northern Afghanistan (inter alia, Mazar-I-Sharif) and in the (poorer) districts of West Kabul. As an ethnic group, Hazaras are recognisable by their Central Asiatic appearance. Prior to the civil war, the Hazaras were generally unwilling to identify themselves as Hazaras, probably because Hazaras in Kabul are associated with poverty.

The Qizilbash form a separate (minority) group within Afghanistan's Twelver Shiite community, which originally wore characteristic red clothing, freely translated as qizilbash. While there are no substantive differences in religious beliefs between the Qizilbash and the Hazaras, the term qizilbash continued to be used to refer to "other Shiite groups". The majority live in Kabul, Kandahar, Herat and Mazar-i-Sharif.

Amnesty International, *Afghanistan, The Human Rights of Minorities* (ASA(11/14/99), p. 1; Driessen H., *In het huis van de islam (In the House of Islam)* (Nijmegen 1997), p. 164; Dupree L., *Afghanistan* (Karachi 1997), p. 60.

² The Shiite government in Iran has supported the Hazaras in Afghanistan since the 1980s.

³ Although Hezb-i-Wahdat was officially proclaimed in Teheran on 16 June 1990, the critical decision to form a unity party was taken in July 1989. One publication gives 1988 as the year of its foundation.

Hezb-i-Wahdat was composed of the following eight groups:

Sazman-i-Nasr/Organisation of Victory (radical)
Pasdarani-Jihad-i-Islami/Guards of the Islamic Holy War
Daawat-i-Ittehad-i-Islami
Nazhat-i-Islami
Sazman-i-Nayro-i-Islami
Jabha-i-Mutahed-i-Inqelabi-i-Islami
Shura-i-Ittifaq/Council of the Union (ultraconservative)
Sazman-i-Mujahidin-i-Mustazafin/Organisation of Warriors of the Dispossessed

Of the eight movements which combined to produce Hezb-i-Wahdat, Sazman-i-Nasr was the largest and most influential. Almost all Hezb-i-Wahdat's political and military leaders had previously belonged to Sazman-i-Nasr. Abdul Ali Mazari ⁴, Abdol Karim Khalili ⁵ and Haji Mohammed Mohaqiq ⁶ were some of these prominent members. "Ustad" Mohammed Akbari ⁷, the founder of Pasdarani-Jihad-i-Islami, was another prominent member of

⁴ Mazari (Mazar-i-Sharif ± 1930*-1995†) received a religious education at various (Shiite) *madrassas* in Kabul. He also studied for several years at a Shiite *madrassa* in Najaf, Iraq. Mazari was initially active in the Shiite (Hazara) religious community. During the period of Mohammad Daoud's government (1973-1978), Mazari established Sazman-i-Nasr, a pro-Hazara Shiite movement that was radical and nationalist. Following the Soviet army's invasion of Afghanistan on 25 December 1979, Sazman-i-Nasr joined the Islamic resistance and Mazari spent ten years as military commander. (See also § 2.3)

⁵ Khalili was born in Behsood in Hazarajat and is now about 55 years old. He was educated at the Pul-i-Soghtar *madrassa* in Kabul. In about 1978, Khalili joined Sazman-i-Nasr, where he became a political official. Khalili never served in Sazman-i-Nasr's military wing.

⁶ Mohaqiq, who trained as a Shiite cleric and is now about 45 years old, has been active since the early 1980s as a mujaheddin fighter for the Hazaras. During the "holy war" against Afghanistan's communist government, he managed to create a significant power base within the military wings of the various Hazara movements.

⁷ Ustad means professor. However, it is a nickname and does not refer to an academic training. Akbari was born about 50 years ago in the Waraz district of Hazarajat. He joined the political movement Shura-i-Ittifaq as a resistance fighter, in this case military commander, in 1979. Around 1980/1981 he set up, independently, but with support from Iran, the Hazara resistance movement Pasdarani-Jihad-i-Islami. Within a short time this movement managed to recruit a reasonable number of adherents and took an active part in fighting Afghanistan's communist government.

Hezb-i-Wahdat. In addition, many ethnic Hazaras from the political Shiite movements *Harakat-i-Islami* (led by Ayatollah Asef Mohseni) and *Hezbollah* joined Hezb-i-Wahdat in 1989. Harakat-i-Islami and Hezbollah never formed part of Hezb-i-Wahdat. They continued to operate independently of it (see also §2.3.1).

Hezb-i-Wahdat has its home base in the town of Bamiyan in Bamiyan province. On 18 July 1989 a party agreement entitled *Meesaq-i-Wahdat* (Unity Convention) and consisting of twenty articles was concluded in Bamiyan⁸. The new party emphasised the Hazara identity above Islamic solidarity. Furthermore, the party's main aim was to forge a unity between all warring Shiite troops and install an Islamic government based on the rules of the Koran and the Sunna⁹. At a conference in 1991, Mazari was elected secretary-general of the party. Mohaqiq has been the Hezb-i-Wahdat's supreme military commander since 1992, when Hezb-I-Wahdat started to take part in the Afghan civil war as one of the warring parties.

2.2. Party structure

Hezb-i-Wahdat has the following hierarchical structure:

Shura Aali Nizarat (Monitoring Council/High Council)

In the formal sense, the Shura Aali Nizarat is the supreme body within *Hezb-i-Wahdat*. It performs a supervisory and advisory role and has no executive powers. The Shura Aali Nizarat is composed of between five and ten¹⁰ tribal elders and clerics. In practice, the organisation is virtually powerless and is never consulted on important decisions.

⁸ For the twenty articles of the Unity Convention see: Yunas S. Fida, Afghanistan, Political Parties, Groups, Movements and Mujahideen Alliances and Governments (1879-1997) Volume II, Pakistan, pp. 962-964.

⁹ The word *sunna* means "path, method, behaviour". It is understood as "the conduct of the Prophet that is to be emulated".

¹⁰ The number can vary.

Shura-I-Markazi (Central Leadership Body)

The Shura-i-Markazi is de facto the most important body within Hezb-i-Wahdat. All important decisions within the aforementioned political movement, including those on military matters and security issues, are taken within the Shura-i-Markazi, which has a total of 180 members coming from all eight political movements which amalgamated to form Hezb-I-Wahdat. Political power within the Shura-i-Markazi lies notably with the former members of Sazman-i-Nasr, Pasdaran-i-Jihad-i-Islami and Shura-I-Ittefaq.

Within the Central Leadership Body, the *hardliners* hold sway and the more moderate, consensus-oriented members are pushed into the background. Mazari, Mohaqiq, Mohammed Bashir Tawhidi and Qurban Ali Irphani were/are some of the *hardliners* within the organisation. Khalili is described as a moderate.

The Shura-i-Markazi had its original headquarters in Bamiyan City in the province of the same name and was headed by the Secretary-General of Hezb-i-Wahdat ¹¹. It is no longer fully functional as many of its members reside in Iran. Although formally Khalili is still Secretary-General of Hezb-i-Wahdat and the Shura-I-Markazi, political and military power within the Shura-i-Markazi currently lies with Mohaqiq and his personal assistant Irphani, who are in the province of Balkh.

The Shura-i-Markazi is divided into the following committees:

- Political Committee
- Military Committee (see below)
- Cultural Committee
- Public Relations Committee
- Public Services Committee
- Medical Committee
- Women's Committee
- Information Committee

The above committees are accountable to the Secretary-General. They can be regarded as the bodies which implement the policy and objectives of the Shura-i-Markazi. The committees had departments in the various provinces in which Hezb-i-Wahdat was active. They are no longer fully operational.

¹¹ Initially, this was Mazari. Khalili succeeded him after his death in 1995 (see also § 2.3).

Komiteh Nizami (Military Committee)

Hezb-i-Wahdat's military policy is shaped by the Shura-i-Markazi's Military Committee. This Committee is formally accountable to the secretary-general of the Shura-i-Markazi (Khalili). In actual fact, Hezb-i-Wahdat's military affairs are coordinated by its general military commander Mohaqiq.

The *Shura-i-Markazi's* Military Committee has about ten members and is under the day-to-day leadership of Mr Afkari. Hezb-i-Wahdat's troops are commanded by Mohammed Hashimi, who is accountable to the supreme military commander, Mohaqiq.

Despite the formal structure described above, the authority exercised by the Shura-i-Markazi's Military Committee over its forces was quite often marginal. Hezb-i-Wahdat's fighting force was not a regular army unit; on the contrary, it consisted of militias filled mainly with volunteers¹². These militias were not rooted in a formal military structure but established according to the local situation. The generally chaotic situation in Afghanistan, Hezb-i-Wahdat's organisational shortcomings and the prevailing political climate ensured that many of Hezb-i-Wahdat's commanders claimed considerable freedom of action for themselves and sometimes operated quite independently. This means that many Hezb-i-Wahdat militias were (briefly) active in Afghanistan between 1992 and 1999. However, that is not to say that the Shura-i-Markazi's Military Committee always advocated a violent solution to the conflict in Afghanistan and allowed force to be used against the civilian population.

Provincial representations

Hezb-i-Wahdat had provincial representations operating in various provinces in Afghanistan. The provincial representations were under the direction of a provincial council. Within this council a major role was reserved for the provincial representative of Hezb-i-Wahdat. For example, Mohaqiq was very influential as head of the Hezb-i-Wahdat representation in the province of Balkh, and Irphani managed to build up a large power base in the province of Ghazni. The provincial councils were accountable to the Shura-i-Markazi.

¹² The majority of the Hazara men volunteer for duty with Hezb-i-Wahdat's army. Only very seldom are soldiers forcibly recruited. In these cases, it is mainly a question of having to pay Hezb-i-Wahdat two years' salary to avoid service.

Between 1990 and 1998 Hezb-i-Wahdat had representations in the central and northern regions. The central regions (Hazarajat) covered the provinces of Bamiyan, Ghazni, Ghor, Parwan, Uruzgan and Wardak. These regions came under the direct supervision of the Shura-i-Markazi in Bamiyan. The northern regions (the northern zone) include the provinces of Baghlan, Balkh, Faryab, Jowzjan, Kunduz and Samanghan. Between 1992 and 1998 Mohaqiq, at that time head of the Northern Zone of Hezb-i-Wahdat, was directly responsible for these regions. Mohaqiq in turn was accountable to the Shura-i-Markazi. In many provinces Hezb-i-Wahdat no longer has any provincial representations.

2.3. The Afghan Civil War

2.3.1. Military developments 1992-1996

After the fall of the Communist regime of Najibullah in April 1992, the situation in Afghanistan became very violent and lawless¹³. Mujaheddin factions took power throughout Afghanistan. In an effort to restore unity, an interim government headed by Prime Minister Mojaddedi was formed at the end of April 1992. A consultative assembly subsequently elected as president Burhanuddin Rabbani, who took office on 28 June 1992. Hezb-i-Wahdat joined this interim government¹⁴.

Since Rabbani's nomination as president was not recognised jointly by all parties, the civil war flared up again in the summer of 1992. It led to bitter fighting between the Afghan resistance groups which had hitherto together waged a fourteen-year struggle against a communist government supported by the Soviet Union. The war began with a battle for Kabul, which resulted in the eventual devastation of large parts of the city.

¹³ For the history of the communist regime, see the official general reports on the "Situation in Afghanistan" of 4 March 1998 and 16 September 1999.

¹⁴ Mohaqiq, the military commander of Hezb-i-Wahdat, occupied senior administrative posts within Rabbani's coalition government in northern Afghanistan from 1994 to 1996. He was inter alia chairman of the *Shura-i-Tasmingiri Shomal*, the forum that coordinated government decisions in the six northern Afghan provinces of Baghlan, Balkh, Faryab, Jowzjan, Kunduz and Samanghan on behalf of the Rabbani Government.

The government of Rabbani's "*Islamic State of Afghanistan*" became involved in a bitter struggle with, among others, Hezb-i-Wahdat, *Hezb-i-Islami* (led by Gulbuddin Hekmatyar) and *Ittehad-i-Islami* (under Sayyaf), supported by the fighters of the *Shura-e-Nazar* ¹⁵ (led by Ahmad Shah Massoud) and the men of *Junbish-i-Melli wa Islami* (under Abdul Rashid Dostam) ¹⁶. The new civil war, now taking place between the Mujaheddin parties, some of which were represented in a coalition government, gave rise to a new tide of refugees.

Not long after the takeover of Kabul by the Mujaheddin movements, fighting broke out between Ittehad-i-Islami and Hezb-i-Wahdat for the control of West Kabul. On 11 February 1993 Ittehad-i-Islami, supported by Massoud, carried out a large-scale attack on the Afshar district in West Kabul, controlled by Hezb-i-Wahdat. This ended in a bloodbath, with hundreds of Hazaras either killed or disappearing within twenty-four hours ¹⁷. In January 1994, bitter fighting broke out in the north of Kabul between Massoud's supporters and Hezb-i-Wahdat. The summer of 1994 saw Shiite groups opposing one another for the first time. Hezb-i-Wahdat and Harakat-i-Islami fought for control of the districts and suburbs in the south west of Kabul. In that period the Taliban began their advance on Kabul from the south of Afghanistan ¹⁸.

Since May 1994 ustad Mohammed Akbari has been increasingly open in denouncing the policy of Secretary-General Mazari. The differences were due primarily to a personal power struggle within Hezb-i-Wahdat. Akbari stood as a candidate for chairmanship of the party. He also stated that Mazari was pursuing a racist policy and attempting to create discord within the Shiite community because Hezb-i-Wahdat appealed only to Shiite Hazaras and was somewhat hostile towards other ethnic and religious groups. According to Akbari, this attitude was leading to an increase in ethnic and religious violence. The fact that Akbari's view was hotly disputed by Mazari elevated an already existing personal conflict to a political level.

¹⁵ The military wing of the *Jamiat-i-Islami*.

¹⁶ For a description of the various Mujaheddin movements, see Annex 2 of the official general report "Situation in Afghanistan" of 4 March 1998.

¹⁷ US Department of State, *Afghanistan Human Rights Practices, 1993*. This incident is known as "the bloodbath of Afshar".

¹⁸ For more information concerning the Taliban's advance on Kabul, see § 2.3 of the official general report on the "Situation in Afghanistan" of 16 September 1999.

In September 1994 Hezb-i-Wahdat split into two rival factions. Akbari sided with Rabbani and entered into an alliance with the Jamiat-i-Islami and the Harakat-i-Islami. Mazari's faction, on the other hand, formed an alliance with the Hezb-i-Islami, whereupon there were two Hezb-i-Wahdat parties active in Afghanistan. Akbari's faction was numerically insignificant and had little influence in the civil war. Mazari's group remained the principal Hezb-i-Wahdat faction in the areas where the Hazaras lived. However, the coalition to which Akbari belonged in the 1994-1995 period engaged in bitter fighting with Mazari's Hezb-I-Wahdat faction. This fighting claimed many civilian casualties.

On Mazari's instructions, a Hezb-i-Wahdat delegation travelled to Kandahar in February 1995 to negotiate with the Taliban on the conclusion of a ceasefire. During these negotiations it was agreed that Hezb-i-Wahdat would afford the Taliban troops free access to West Kabul and that together they would join battle with Shura-e-Nazar's troops led by Massoud.

In accordance with the above agreement, the Taliban troops entered West Kabul at the beginning of March 1995. Contrary to the agreement, however, the Taliban began to disarm the Hezb-i-Wahdat troops. In the end, the Taliban proved unable to fight the Jamiat-i-Islami troops in Kabul. In mid-March 1995 West Kabul fell to Rabbani's government troops and Hezb-i-Wahdat was driven from Kabul ¹⁹, with Mazari and a number of his closest confidants being abducted by Taliban troops. They met their deaths under suspicious circumstances when they were being transported by helicopter to Kandahar ²⁰. The party chose Khalili as Mazari's successor.

¹⁹ In the process government troops committed human rights violations against the Hazaras. Amnesty International, Afghan Executions, amputations, and possible deliberate and arbitrary killings (ASA 11/05/95).

²⁰ Mazari's death was alleged by Taliban spokesmen to have resulted from an exchange of fire with Taliban guards. However, it is suspected that Mazari was executed by the Taliban.

After the Taliban succeeded in taking Kabul in September 1996, Khalili formed an alliance with General Dostam and commander Massoud on 10 October 1996. The Taliban's successes gave rise to an urgent need for cooperation between the various Mujaheddin factions. The alliance was known as the *Supreme Council for the Defence of Afghanistan*. In June 1997 this anti-Taliban alliance was extended. The coalition was renamed the *United Islamic Front for the Salvation of Afghanistan (UIFSA)*, or "*United Front*" or "*Northern Alliance*" ²¹.

2.3.2. Military developments 1996-1999

Since the capture of Kabul by the Taliban in 1996, Hezb-i-Wahdat has no longer had an official representation in Kabul. Most of its members had already left the city. After Mazar-i-Sharif was conquered by the Taliban in August 1998, Mohaqiq, the military commander, fled to the countryside in the province of Balkh. Akbari's largely uninfluential Hezb-i-Wahdat faction severed its links with the Jamiat-i-Islami and Harakat-i-Islami in August 1998 following the fall of Mazar-i-Sharif. Akbari sought refuge initially in Bamiyan, before joining the Taliban in November 1998. His Hazara militia ²² is now incorporated in the Taliban and as such is responsible for maintaining order in Hazarajat ²³.

On 13 September 1998 Bamiyan, the home base of Khalili's Hezb-i-Wahdat, fell to the Taliban. Hezb-i-Wahdat fighters recaptured the city on 21 April 1999. The battle was accompanied by arson attacks, arrests and executions. Partly on account of disunity within the UIFSA, the Taliban succeeded in retaking Bamiyan on 9 May 1999 ²⁴.

²¹ *The Far East and Australasia 1999, Afghanistan*, p. 67.

²² The militia comprises both Shiite and Sunni Hazara fighters who sided with the Taliban.

²³ Cf. Official general report on the "Situation in Afghanistan" of 9 May 2000, § 3.4.2 ("Minorities").

²⁴ For more information concerning the fighting in and around Bamiyan, see the official general reports on the "Situation in Afghanistan" of 16 September 1999 (§2.3) and 9 May 2000 (§2.2).

The areas in Afghanistan in which the Hazaras have traditionally lived (the provinces of Bamiyan, Uruzgan, Ghazni, Ghor, the southern part of Balkh province and the capital, Kabul) are now almost entirely in the hands of the Taliban. Hezb-i-Wahdat (Khalili) still holds sway in some areas, namely the north of the province of Uruzgan, the extreme south of Balkh, in Balkhab and Sangchark in the province of Jowzjan, Dar-i-Suf²⁵ in the province of Samanghan and La'al and Lah-i-Saijungle in the province of Ghor. Khalili allegedly fled to Iran in May 1999, where he is subsequently reported to have stayed. Since then, real power within Hezb-i-Wahdat has lain with Mohaqiq and his personal assistant, Irphani.

3. Human rights violations

3.1. Introduction

Since 1992, Hezb-i-Wahdat has been actively involved in the power struggle between the various Mujaheddin groups in Afghanistan. Hezb-i-Wahdat had at its disposal significant armed forces that were partly financed by Iran and controlled large parts of Hazarajat, the province of Balkh and Kabul. After these areas had fallen into the hands of Hezb-i-Wahdat in the course of 1992 and 1993, they were the scene of very serious human rights violations.

The severity of the human rights violations that took place under Hezb-i-Wahdat is evident from the following description of some of the practices that prevailed between 1992 and 1999. As Akbari's Hezb-i-Wahdat faction was very small and had little influence, the information in this report regarding human rights violations committed by Hezb-i-Wahdat in the period following the split in September 1994 concerns Khalili's Hezb-i-Wahdat faction.

The description of human rights violations given below is far from complete. It gives an idea of the most flagrant breaches that have been reported.

²⁵ Dar-i-Suf is currently the scene of heavy fighting between units of the Taliban and Hezb-i-Wahdat.

3.2. Arbitrary arrests

Hezb-i-Wahdat controlled West Kabul from 1993 to 1995. They were resisted by various Mujaheddin factions. During this period, Hezb-i-Wahdat fighters regularly arrested unarmed citizens for no reason ²⁶. Their mistrust was directed mainly at Pashtuns. As the Hazaras in Afghanistan traditionally occupy a marginal position, Hezb-i-Wahdat adopted a very hostile attitude to other ethnic groups. It was therefore dangerous for Pashtuns to move in areas controlled by Hezb-i-Wahdat. Apart from Pashtuns, Tajik ²⁷, Uzbek and Turkmen citizens and even many Hazaras became victims of the reign of terror. The fate awaiting the citizens arrested by Hezb-i-Wahdat was generally a gruesome one (see also §3.3) ²⁸.

3.3. Torture

During the civil war, all Mujaheddin parties committed acts of torture on persons of a different ethnic background or on putative opponents (see also §3.5). Torture took place routinely in the houses of the victims or in special torture chambers at improvised detention centres, mostly in the cellar of a house or in a steel container. In general, the prisoners were savagely beaten, exposed to extreme heat or cold and received no food or water. Some were tortured until they paid a large sum of money ²⁹.

²⁶ In May 1994, according to Amnesty International, a pregnant woman was arrested by members of Hezb-i-Wahdat in the Darl-Aman district of Kabul and disappeared. Amnesty International, Women in Afghanistan (ASA 11/03/95, May 1995).

²⁷ For example, Hezb-i-Wahdat troops were hostile to members of the Tajik minority living in and around Bamiyan. This resulted in hundreds of Tajiks leaving Bamiyan during 1996 and 1997. UN, Situation of Human Rights in Afghanistan. Note by Secretary-General (A/54/422, 30 September 1999).

²⁸ Amnesty International, Women in Afghanistan.

²⁹ In January 1994 a female journalist from Kabul was reportedly arrested and repeatedly beaten with a rifle butt by members of Hezb-i-Wahdat. She was accused of passing information to the enemy and threatened with death. In order to be released, she first had to have sexual intercourse with the guards. When she refused, she was subjected to a mock execution. After a large sum of money had been paid, she was released. Amnesty International, Afghanistan, International Responsibility for Human Rights Disaster (ASA/11/09/95, 1995).

Over the years the armed forces of Hezb-i-Wahdat developed new forms of torture. One method consisted of forcing prisoners to eat human flesh ³⁰.

A method of torture much used by Hezb-i-Wahdat entailed forcing an arrested person to kneel, handcuffed, in the street, whereupon nails were hammered into his head until he died.

In addition, members of Hezb-i-Wahdat have regularly skinned people alive. Occasionally only one part of the body (for example, an arm or leg) was skinned. The prisoner usually survived this partial flaying.

In West Kabul Hezb-i-Wahdat fighters regularly gathered together a number of manacled detainees in a room, where they were subjected to a form of torture known as the "dance of death". The Hezb-i-Wahdat fighters would pick out one of the detainees, who was then beheaded. The neck wound was immediately cauterised with boiling sheep fat. The lifeless body reacted by making jerking movements, was lifted up by the Hezb-i-Wahdat and pushed back and forth, hence the term "dance of death". The torture for the others consisted in making them not only witness the execution but also watch this spectacle. Many of West Kabul's inhabitants, particularly Pashtuns, fell victim to this and other forms of torture at the hands of Hezb-i-Wahdat.

³⁰ Amnesty International reports that in 1993 a taxi driver carrying a pregnant woman in Kabul was stopped by Hezb-i-Wahdat troops. The latter took them both to a house that Hezb-i-Wahdat used as a base and gave the taxi driver a piece of paper on which he had to write that he had sold his car to them. When the taxi driver refused, the Hezb-i-Wahdat fighters threatened to force him to eat human flesh and beat him. Cooked meat was brought in which he and the pregnant woman had to eat. The taxi driver and the woman were then ordered to leave. While they were going downstairs, the taxi driver heard a sound behind him and the woman had disappeared. Amnesty International, Afghanistan, International Responsibility for Human Rights Disaster.

3.4. Prisoners of war

Between 1996 and 1998 Hezb-i-Wahdat regularly won military victories in the north of Afghanistan, a process in which the military leader of Hezb-i-Wahdat, Mohaqiq, played a leading role. He is known as one of the most vicious and cold-blooded military leaders in Afghanistan's history: not only because of the Hezb-i-Wahdat militias' feats on the battlefield and the organisation's merciless way of settling scores with its political opponents, but also because of the crimes committed by the Hezb-i-Wahdat militias against the civilian population of Afghanistan.

Prisoners of war taken by Hezb-i-Wahdat fighters were regularly thrown alive into deep wells, dozens at a time, where they were left to their fate without any prospect of rescue. Hezb-i-Wahdat fighters also locked up prisoners of war in steel containers, inter alia in the district of Afshar in Kabul. These containers had been used by the Soviet army for transporting supplies. In addition to the lack of sanitary facilities, prisoners had to endure poor ventilation. Hundreds of prisoners of war died due to excessive heat or cold. The Hezb-I-Wahdat prisoners included many Taliban fighters.

Hezb-i-Wahdat prisons in the districts of Karte Char, Karte She and Dasht-e Barchi in Kabul were in use until March 1995, when the militia lost control of Kabul. In these prisons detainees were held for a long time and mistreated. According to Amnesty International reports, large ransoms were demanded from the prisoners' families for their release³¹. If the family could not afford the amount, the prisoner was again mistreated or even murdered. Many victims were Pashtuns or Tajiks.

In 1995 a large number of refrigerated bodies were found in the cellars of the Institute of Social Sciences in Kabul. They had probably been set on fire while alive by Hezb-i-Wahdat fighters after being chained together.

³¹ *ibidem*

3.5. Women

In areas in Afghanistan where there is fighting or where the authorities' writ hardly runs, women and girls are regularly victims of rape. Women have been tortured in this way for years by members of the armed forces of all the political parties involved in the civil war without the latter being called to account by their leaders.

Hezb-i-Wahdat fighters have also subjected women to mass rape on an equally large scale. A much-used method of torture was to maim very brutally a woman picked at random after she had been raped by a dozen soldiers. Her hands were then chopped off and the wounds cauterised with fire. Her arms were then pinned to her breasts with iron hooks. The woman was then revived and forced to parade naked through the streets. Bystanders who tried to help the woman would be killed. In West Kabul various women fell victim to this method.

In West Kabul pregnant women, particularly those of Pashtun and/or Tajik origin, were regularly detained by Hezb-i-Wahdat fighters. The women were then tied up and forced to the ground, whereupon the foetus was forced out of the pregnant woman's body. This usually resulted in the deaths of both the woman and the unborn child.

It is reported that during the fighting between Ittehad-i-Islami and Hezb-i-Wahdat in February 1993, some sixty women were seized, raped and murdered at the Institute of Social Sciences in Kabul ³². In April and May 1994 the combined forces of Hezb-i-Wahdat and Hezb-i-Islami attacked the houses of Panshiri families ³³ in Kabul. They raped many women, including one of sixty. The woman reportedly complained to the supreme commander of Hezb-i-Islami, to no avail. However, the commander is alleged not to have taken the claim seriously ³⁴.

³² US Department of State, Afghanistan Human Rights Practices, 1993.

³³ Panshiris are Tajiks from the Panshir valley. Dupree L., Afghanistan, p. 70. For information on the Panshir valley, see the official general report on the "Situation in Afghanistan" of 3 November 1998, pp. 8-9.

³⁴ Amnesty International, Women in Afghanistan.

3.6. Extrajudicial executions

During the civil war a large number of (political) murders were committed. Among the victims were well-known Afghan figures who supposedly constituted a threat to a specific political group³⁵.

The battle fought in 1997 and 1998 between the UIFSA and the Taliban for the northern provincial city of Mazar-i-Sharif was accompanied by excessive violence. In May 1997 the Taliban defeated the troops of Massoud and Khalili to seize Mazar-i-Sharif, but remained in control for only three days. During the bitter fighting that erupted between Hezb-i-Wahdat and the Taliban, many Taliban fighters were killed. Hezb-i-Wahdat reportedly killed over three hundred men belonging to the Taliban, and two thousand Taliban fighters were taken prisoner. Pillaging by Hezb-i-Wahdat members took place on a large scale.

³⁵ Najmuddin Musleh, an Uzbek and a personal assistant of President Rabbani, was one such victim. Musleh was a noted politician who had occupied high political posts, including that of governor during the Daoud presidency. On 31 December 1993 he was sent to General Dostam as a negotiator. When renewed fighting broke out on 1 January 1994, he was taken prisoner by the forces of General Dostam and Hekmatyar. Musleh's family was not informed of his place of detention. According to reports, Najmuddin Musleh was then transferred to the Hezb-i-Wahdat troops in West Kabul. In April 1994 Hezb-i-Wahdat allegedly demanded US\$ 5 million from Musleh's family for his release, assuming that the money would be provided by the Rabbani government. The latter, however, refused to pay. When the Hezb-i-Wahdat positions in West Kabul were taken in March 1995 by Rabbani's troops, the latter found eight bodies, including that of Musleh, at a detention centre where 1500 prisoners had been held. Musleh and others were said by witnesses to have been shot by armed troops of Hezb-i-Wahdat on 10 March 1995. Amnesty International, International Responsibility for Human Rights Disaster.

Members of Hezb-i-Wahdat are also held responsible for the murder, at the beginning of 1994, of Zaman Shoughi, a well-known Afghan singer. Shoughi was in front of his house when he was hit by a missile fired at him. His wife was then arrested, since when there has been no further news of her. Amnesty International, Women in Afghanistan.

While taking Mazar-i-Sharif in August 1998, the Taliban killed thousands of the city's inhabitants, in particular Hazaras, in revenge for the heavy losses which they had suffered in May 1997. Other inhabitants attempted to flee the city by heading north. This route was controlled by Hezb-i-Wahdat. Hezb-i-Wahdat fighters were prepared to let the refugees pass only on payment of a certain sum of money. If the refugees could not pay this amount, they were sent back and driven into the hands of the Taliban. This applied even to ethnic Hazaras ³⁶. When they withdrew from Bamiyan in September 1999, Hezb-i-Wahdat troops killed thirty Taliban supporters who were being held in the local prison ³⁷.

3.7. Responsibility for human rights violations

Hezb-i-Wahdat is regarded as one of the most violent groups in Afghanistan during the civil war. Not only on account of the deeds of its militias on the battlefield and the pitiless way in which it settled scores with its political opponents, but in particular because of the crimes committed by those militias against the civilian population of Afghanistan. The party conducted a real reign of terror in Afghanistan.

³⁶ For the battle for Mazar-i-Sharif, see also the official general report on the "Situation in Afghanistan" of 16 September 1999. On 30 April 1999 the UN High Commissioner for Human Rights set up an investigation team for Afghanistan. The team's brief was to investigate the mass murders committed in North and Central Afghanistan between 1 January 1997 and 21 December 1998. As none of the warring parties proved willing to cooperate in the investigation, it yielded few results. UN, Letter dated 23 November 1999 from the Secretary-General addressed to the President of the General Assembly (A/54/626, 23 November 1999).

³⁷ UN, Situation of Human Rights in Afghanistan. Note by the Secretary-General, 30 September 1999.

In any case, it is likely that the following members of Hezb-i-Wahdat bear responsibility for human rights violations in Afghanistan between 1992 and 1999:

- all members of the Central Leadership Body, Shura-i-Markazi
- the members of the Military Committee of Shura-i-Markazi
- the members of the Political Committee of Shura-i-Markazi
- the heads of the Provincial Representations
- all those in command of a *ferq'a*, a brigade of one thousand men
- senior officers (commander, general, colonel, major) of the armed forces of Hezb-I-Wahdat ³⁸.

The above persons held positions of authority within Hezb-i-Wahdat and were expressly involved in military decision-making and security questions. Consequently, they had specific knowledge of the human rights violations, in this case war crimes, that were committed. In many cases they had either given the order for the crimes to be committed or turned a blind eye while such crimes took place, deliberately creating within Hezb-i-Wahdat a climate of ruthless brutality to intimidate opponents.

It is unlikely that members of Hezb-i-Wahdat's supreme body, the *Shura Aali Nizarat*, bear responsibility by virtue of their position for human rights violations and war crimes. In practice, this was a powerless body that was never consulted on important decisions.

Given the important role of the Shura-i-Markazi, members of this council inevitably bear responsibility for human rights violations and war crimes, since they were expressly involved in political and military decision-making within Hezb-i-Wahdat.

³⁸ On account of the unstructured way in which many Hezb-i-Wahdat militias operated, no further information can be provided on the precise number of commanders and senior officers. The estimated number is several thousand.

Likewise, given the important role played within a province by senior officials of Hezb-i-Wahdat's provincial representations, the organisation's senior provincial representatives can almost certainly be held responsible for human rights violations and war crimes. The heads were expressly involved, via the Shura-i-Markazi, in political and military decision-making within Hezb-i-Wahdat. However, not all members of a provincial representation can be held responsible for human rights violations. Some provincial committee members were concerned solely with activities for, for instance, Hezb-i-Wahdat's Cultural Committee or Women's Committee.

During the 1992-1999 period, Hezb-i-Wahdat troops acted with such brutality that commanders who actively led Hezb-i-Wahdat militias cannot be regarded as having borne no responsibility for this brutality. All Hezb-i-Wahdat military commanders were aware of the human rights violations and breaches of international humanitarian law committed by their fighters. To a greater or lesser extent, all these commanders, regardless of the size of their military unit, were personally guilty of, inter alia, extortion from innocent civilians, abducting wealthy people, raping women, arbitrary arrests of unarmed citizens, torture and extrajudicial executions. The culture of violence which prevailed within the Hezb-i-Wahdat militias, and which was also directed against the civilian population, was such that it is considered unlikely that a person could hold the rank of military commander without having actively helped to put that culture into practice.

The military leadership of Hezb-i-Wahdat never attempted to call a halt to these practices. On the contrary, many human rights violations were committed under direct supervision and at the instigation of the military leadership. The leaders repeatedly told their troops that they could gain an independent position in Afghanistan only by the use of unbridled brutality. By such means militia members were also able to obtain their own income. Promotion to commander within Hezb-i-Wahdat was reserved either for people who had actively distinguished themselves (both on the battlefield and in their conduct towards the civilian population), or for those who had decided on their own account to take over the leadership of a Hezb-i-Wahdat militia by force. One way of doing so was by killing another commander.

In addition to the above-mentioned individuals, many lower-ranking officers and/or soldiers in the Hezb-i-Wahdat militias actively and independently violated human rights or committed war crimes, partly because central authority in many militias was lacking. Owing to Hezb-i-Wahdat's background as a resistance movement and partly on account of the chaotic situation in Afghanistan, its armed forces were not always characterised by a clear hierarchical structure. Not only could soldiers and non-commissioned officers sometimes gain rapid promotion; junior officers could also exercise considerable influence and power. In the military conflict, the law of the jungle applied, and all human rights guarantees were disregarded, as was law enforcement. It is not possible to indicate in general terms which junior officers and soldiers of Hezb-i-Wahdat can be held responsible for human rights violations committed between 1992-1999, as the situation during this period was much too chaotic. The fact that Hezb-i-Wahdat's junior officers and soldiers can also be held responsible for human rights violations and/or war crimes in no way absolves the organisation's senior political and military hierarchy from blame. The culture of violence, directed in part against Afghanistan's civilian population, that so typifies Hezb-i-Wahdat, was deliberately fostered by the Shura-i-Markazi and its Political and Military Committees.

4. Summary

Against the background of the widespread fighting between the various Mujaheddin factions and between the Taliban and the UIFS between 1992 and 1999, human rights were violated with impunity in Afghanistan and the rule of law in any form was virtually absent. In particular in the battle for Kabul, violent clashes between armed groups with various ethnic and religious backgrounds resulted inter alia in the rape of women, arbitrary arrest of unarmed citizens, torture and extrajudicial executions.

Hezb-i-Wahdat, the Shiite coalition formed in 1989, may be seen as one of the most violent political and military movements. Its administrative and military officials, senior officers and soldiers repeatedly committed gross violations of human rights and breaches of international humanitarian law, including intimidation, threats, extortion, torture, arbitrary arrest and extrajudicial execution. Broadly speaking, Hezb-i-Wahdat created a genuine climate of terror among the Afghan people, both in the north of Afghanistan and in Kabul, where it held power between 1992 and 1995.

Haji Mohammed Mohaqiq and other Hezb-i-Wahdat military commanders never called their troops to account for their violent behaviour towards the civilian population. On the contrary, the violence seems to have been instigated by those at the top. They repeatedly told their troops that they could gain an independent position in Afghanistan only by the use of unbridled violence. By such means militia members were also able to obtain their own income.

Hezb-i-Wahdat no longer plays an important role in the ongoing Afghan power struggle. Akbari's Hezb-i-Wahdat faction, which wielded little influence, joined the Taliban in November 1998. Since May 1999, the Taliban has also taken Bamiyan, the power base of Khalili's Hezb-i-Wahdat faction, after conquering Kabul and Mazar-i-Sharif.

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