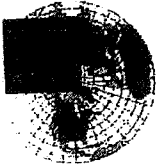


Afghanistan (1)



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Human Rights Watch



Human Rights Watch World Report 2002 - Afghanistan - January 2002

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Events in Afghanistan were changing daily as this report went to press. Before the September 11 terror attacks on the United States (U.S.), the main human rights concerns in Afghanistan were collective punishment by Taliban forces of civilians in areas that the opposition Northern Alliance (United Front) had briefly occupied or attempted to capture; systematic discrimination against women; harassment of international aid agency staff and other abuses; and continued arms supplies to parties responsible for human rights violations. After September 11, concerns focused on violations of the laws of war, including summary executions of prisoners by the Northern Alliance and use of cluster bombs by the U.S.; protection of millions of refugees and internally displaced; ensuring accountability for human rights violations; and instituting human rights safeguards for the future, including to protect women's rights.

Beginning on October 7 Taliban-held territory in Afghanistan became the focus of a U.S.-led military campaign to destroy the al-Qaeda network of Osama bin Laden, whom the U.S. accused of planning the September 11 attacks, and remove from power the core Taliban leadership that had sheltered bin Laden since 1997.

By late November, the Northern Alliance (United Front), backed by a U.S. bombing campaign, had recaptured virtually all of northern Afghanistan, and Taliban rule was rapidly collapsing in the south. The demise of the Taliban brought with it the immediate prospect of greater personal freedoms and opportunities for women. It also portended a return to the political fragmentation that marked the country before the Taliban's rise, and the reemergence of many of the same warlords whose fighting and disregard for international humanitarian law devastated Kabul between 1992 and 1996. Against this backdrop, the United Nations was seeking to broker negotiations among different Afghan factions for the creation of a viable transitional government.

The U.S. airstrikes against Taliban military targets entailed an undetermined number of civilian casualties, at least some of which resulted from mistargeting. The airstrikes also contributed to the humanitarian crisis, with thousands of Afghans fleeing their homes. Their flight swelled the ranks of hundreds of thousands who were already internally displaced because of drought, war, and conflict-related violence.

Human Rights Developments

Systematic human rights abuses were committed by both Taliban and

anti-Taliban forces. By late October, questions had also arisen as to whether any of the civilian casualties caused by the U.S. bombing campaign were possible violations of international humanitarian law, although there were no clear answers at the time this report went to press.

Reprisal Killings by the Taliban

In several areas of northern and central Afghanistan, Taliban forces subjected local civilians to a ruthless and systematic policy of collective punishment. Summary executions, the deliberate destruction of homes, and confiscation of farmland were recurrent practices in these campaigns. The Taliban's victims overwhelmingly belonged to ethnic minority groups predominating in those areas, including Aymaqs, Hazaras, and Uzbeks. The groups were suspected of supporting forces linked to the Northern Alliance in the Afghan civil war.

After retaking Yakaolang district in the central highland region of Hazarajat from Hizb-i Wahdat and Harakat-i Islami, two Shi'a Muslim parties in the Northern Alliance, on January 8, Taliban troops detained and then massacred at least 170 male residents of the town, all of them noncombatants. The men were herded to assembly points in the center of the district and several outlying areas, and then shot by firing squad in public view. The two Shi'a parties regained control of Yakaolang at the end of January, permitting human rights investigators to independently document the killings that had taken place. The Taliban retook the district in early May and carried out isolated killings of civilians; most of Yakaolang's civilian population, however, fled in advance to the surrounding hills.

On June 5, Hizb-i Wahdat recaptured Yakaolang but it fell again to the Taliban on June 10. Mullah Dadaullah, a Kabul-based Taliban commander implicated in previous abuses against civilians, was in charge of what the Taliban's official news agency termed a "mopping up operation." Over a two-day period, his troops burned over 4,000 houses, shops, and public buildings in central and eastern Yakaolang, including a medical clinic, twelve mosques and prayer halls, and the main *madrassa*, or Islamic seminary. As the Taliban troops retreated, they continued to burn villages and to detain and kill civilians. Some civilians were killed while trying to escape, and a number of detainees were held for a period of forced labor.

A number of villages around the town of Khwajaghar in Takhar province also changed hands several times. Taliban forces occupied the area from January 13 to 23. After Northern Alliance forces had taken control of the area, they discovered mass graves of civilians who had apparently been shot with their hands bound. Human rights investigators reported that at least thirty-four ethnic Uzbek civilians had been summarily executed and that forty-five others had been detained and were unaccounted for.

To the north of Bamiyan, in Zari district, Balkh province, similar reprisals were carried out by Taliban forces against ethnic Uzbek civilians in late May 2001. While most civilians fled to the hills, many of those who remained or who returned were reported to have been killed by Taliban forces reoccupying the district. There were also credible reports from Ghowr of summary executions, looting, and the large-scale burning of villages by Taliban forces between late June and mid-October.

Discrimination Against Women

Taliban decrees continued to restrict women's movement, behavior, and dress. In public, women were required under threat of severe punishment to wear the *chadari*, an all-enveloping garment, and to be accompanied by a close male relative at all times. Violations of the dress code, in particular, could result in public beatings and lashing by the Religious Police, who wielded leather batons reinforced with metal studs. Women were not permitted to work outside the home except in the area of health care, and girls over eight years old were not permitted to attend school. The decrees contributed to an illiteracy level for women of over 90 percent, while the restrictions on mobility meant that women did not enjoy satisfactory access to health care.

International relief agencies grappled with more rigorous enforcement of Taliban prohibitions on women working outside the home as well as heightened surveillance of the personal conduct of their employees. In May, an impasse between the Taliban and the U.N.'s World Food Program (WFP) over employing Afghan women to conduct household surveys threatened to close down bakeries feeding 300,000 vulnerable households in Kabul. On several occasions during the same month, police from the Ministry for the Prevention of Vice and Promotion of Virtue raided hospitals, beating several staff members and forcing the facilities to suspend surgical operations because male and female staff allegedly mixed in the dining area and operating wards. The Taliban also prohibited all female aid workers from driving cars.

As the Northern Alliance established control over areas once under the Taliban, Afghan women became able to move about freely in public. In Kabul, women were able to register to return to medical school for the first time in five years. At the same time, however, the Northern Alliance's interior minister, Younis Qanooni, citing security concerns, ordered the cancellation of a planned women's freedom march through the streets of Kabul. (See Women's Human Rights.)

Other Taliban Violations

The Taliban's increasingly confrontational posture toward the international community included moves that appeared calculated to provoke an international outcry. These included attacks on the country's architectural heritage as well as the proposal of laws discriminating against religious minorities.

On March 11, Taliban forces in Bamiyan destroyed two enormous statues of the Buddha, thirty-eight to fifty-three meters high, that had been carved into sandstone cliffs overlooking the city in the second and fifth centuries, A.D. A BBC report on the destruction, which included an interview with a prominent Afghan living outside the country, led to the expulsion of the BBC reporter from Taliban-controlled Afghanistan in April.

In May, the Kabul-based Council of the Ulema promulgated a new order requiring Afghan Hindus to wear distinctive clothing. Taliban representatives stated that the measure was intended to protect Hindus from being stopped by the religious police, although most local Hindus who interacted with the authorities already carried documentation attesting to their religious identity. The order met with widespread international condemnation, and subsequently appeared to have been withdrawn.

Also in May, the Taliban imposed new restrictions on foreign workers, placing them under the jurisdiction of the religious police of the Ministry for the Prevention of Vice and Promotion of Virtue, and requiring that they sign a letter undertaking not to violate prohibitions on adultery, consuming pork and alcohol, and proselytizing. Those found in violation could be imprisoned or deported. Twenty-four staff members of the German relief agency Shelter Now, including eight foreigners, were arrested by the Taliban on August 6, on charges of proselytizing. They were brought to trial in September. The foreign detainees were freed on November 15, when Northern Alliance forces took control of Ghazni, where they were then being held.

Security conditions for humanitarian aid agencies worsened sharply after September 11. On October 16, Taliban soldiers seized WFP food warehouses in Kabul and Kandahar, taking control of some 7,000 tons of food. Human Rights Watch also received credible reports of other incidents involving looting of vehicles and office equipment, as well as assaults on aid agency staff, from the Taliban-controlled cities of Kandahar, Kabul, Jalalabad, and Mazar-i-Sharif. While most of those responsible for the attacks appeared to be Taliban fighters, non-Afghan fighters (known in Afghanistan as "foreign guests") and rogue armed elements also appeared to have been involved.

On October 26, Taliban forces captured and executed Abdul Haq, a veteran commander from eastern Afghanistan who had returned to build opposition to the Taliban among local ethnic Pashtun commanders. Also executed were his nephew, Izzatullah and another companion, Commander Haji Dauran. The fate of eight others who were arrested by the Taliban following a confrontation between Abdul Haq and the Taliban was unknown.

Violations by Anti-Taliban Forces

There were several reported rights abuses by Northern Alliance forces in the wake of the Taliban retreat from Mazar-i-Sharif, Herat, Kunduz, and Kabul in November 2001. Scattered reports from aid agencies, refugees, and news correspondents indicated that Northern Alliance forces in newly captured areas summarily executed a significant number of Taliban troops who had surrendered or were captured, and engaged in looting of humanitarian aid compounds and commercial stores. In Mazar-i-Sharif, in early November, the siege of a school compound in which several hundred Pakistani Taliban fighters had taken refuge ended with the entire school being repeatedly shelled, killing the entire force inside. There were conflicting reports about whether some of the Pakistani Taliban forces attempted to surrender before the compound was shelled. In addition, there were outstanding questions about the events surrounding a prison riot in Mazar-i-Sharif which began on November 25. All of the prisoners, at least 120 and perhaps twice that many, were reportedly killed in the suppression of the riot, which entailed the use of Northern Alliance artillery and tank fire, and bombardment of parts of the prison by U.S. air support. In southern Afghanistan, a Northern Alliance commander claimed to have executed 160 captured Taliban fighters, according to a November 28 Reuters report.

United States Bombing Campaign

The US-led military campaign in Afghanistan began on October 7. In two separate incidents investigated by Human Rights Watch researchers, civilians were killed by bombs that had either been mistargeted or went

astray. On October 21, at least twenty-three civilians, the majority of them young children, were killed when U.S. bombs hit a remote Afghan village located near a Taliban military base in Thori, Urozgan province. The following day, at least twenty-five, and possibly as many as thirty-five, Afghan civilians were killed when U.S. airplanes first bombed and then strafed the village of Chowkar-Karez, near Kandahar.

On October 22, nine people died in the village of Shakar Qala near Herat after U.S. warplanes dropped cluster munitions in the area. Eight died instantly and a ninth was killed after picking up one of the bombs, according to a U.N. demining team which visited the village after the attack. Human Rights Watch called for a global moratorium on use of cluster bombs, which have a wide dispersal pattern and cannot be targeted precisely, urging the U.S. to desist from using them in Afghanistan. Cluster bombs also have a high initial failure rate, resulting in numerous explosive "duds" that pose the same post-conflict problem as antipersonnel landmines.

Other bombing raids hit facilities belonging to U.N. agencies and the International Committee of the Red Cross (ICRC). On October 9, U.S. bombs hit an office of a U.N.-backed demining agency in Kabul, killing four security guards. On October 16, U.S. bombs also struck the ICRC warehouses in Kabul, destroying supplies and injuring at least one worker. The ICRC said that it had provided the U.S. the locations of its facilities in Afghanistan before the bombing campaign began. Despite further consultations between the ICRC and U.S., the same compound was struck again by U.S. forces on October 26. According to the ICRC, food and non-food items meant for 55,000 people in Kabul were destroyed in the second attack.

Internal Displacement

Hundreds of thousands of Afghans were displaced during the year from their homes within Afghanistan, adding to the ranks of the millions displaced in previous years. Before September 11, the leading causes of displacement were food and water shortages, localized persecution by Taliban or Northern Alliance authorities, security concerns stemming from fighting between the Taliban and the Northern Alliance, and systematic destruction of homes and farmland by Taliban forces.

Most displaced families moved toward urban areas, especially Herat, Mazar-i-Sharif, Kunduz, and Kabul in Taliban-held areas, and Faizabad in the Northern Alliance held areas. In many parts of the north and west, displaced persons ultimately settled in unorganized and unsanitary camps without adequate shelter. Scores of these spontaneous camps sprung up outside Mazar-i-Sharif, Kunduz, and Pul-e-Khumri. Most of the displaced were forced to beg food and even water from other Afghan families, many of whom were themselves struggling to survive. Several independent reports from the north indicated that some families resorted to marrying off their daughters at young ages (between six and twelve years) for reduced dowries, essentially selling their children to survive. Other reports indicated that Taliban soldiers occasionally abducted young women from camps for the displaced. (See Refugees, Asylum Seekers, Migrants, and Internally Displaced Persons.)

Defending Human Rights

A number of Afghan human rights groups operated from Pakistan and issued reports on rights violations inside Afghanistan and against Afghan refugees in Pakistan. In October a new group, Citizen's Against War

Criminals, which included relatives and survivors of various civilian massacres, formed and issued statements calling for a war crimes tribunal for Afghanistan.

The Role of the International Community

United Nations

The U.N.'s peacemaking efforts – which had previously been thwarted by Taliban opposition to power-sharing – were revitalized after the rapid collapse of Taliban rule throughout most of Afghanistan in November 2001. The U.N. secretary-general's special representative to Afghanistan, Lakhdar Brahimi, who was appointed in October to oversee the U.N.'s political and humanitarian work in the country, convened a meeting in Bonn, Germany on November 27 of the Northern Alliance and three Afghan exile political groupings. As this report went to press, the meeting had made progress on a formula to establish an interim ruling council, to be followed by the convening of a *loya jirga* or Grand National Assembly that would elect a transitional government. The Northern Alliance, however, had rejected proposals to deploy an international peacekeeping force in Afghanistan.

The Taliban's collapse also enabled officers from the Civil Affairs Unit of the U.N. Special Mission to Afghanistan (UNSM) to resume work in some areas of the country. Following the Security Council-mandated closure of the Taliban's diplomatic offices abroad, in February the Taliban ordered the UNSM to close its offices in territory under its control. After negotiations with the Taliban, UNSM closed most of its offices in May, thereby curtailing much of the monitoring capacity of its Civil Affairs Unit.

A sanctions monitoring team was appointed on September 18, pursuant to U.N. Security Council Resolution 1333 in December 2000 which imposed an arms embargo on the Taliban, banned travel outside Afghanistan by Taliban officials of deputy ministerial rank, and ordered the closing of Taliban offices abroad. An earlier resolution had imposed an international flight ban on the Afghan airline Ariana and frozen overseas assets of the Taliban. After September 11, the Security Council issued resolutions calling on states to cooperate in preventing and suppressing terrorism (resolution 1373); supporting the establishment of a transitional administration that would lead in turn to the formation of a "broad-based, multi-ethnic and fully representative" Afghan government (resolution 1378). Resolution 1378 also said that the transitional administration should respect the human rights of all Afghans and called on all Afghan armed forces to refrain from reprisals.

Various U.N. human rights mechanisms directed greater attention toward civilian massacres in Afghanistan and the flow of arms to the warring parties. Early in 2001, the U.N. Commission on Human Rights, in resolution 2000/13, noted reports about the January 2001 mass killings of ethnic Hazaras in Yakaolang and urged an immediate end to the supply of arms and other military support, including providing foreign military personnel, to all parties to the conflict. The Commission's special rapporteur on Afghanistan, Kamal Hossain, included in his sixth report extensive details of both the January 2001 massacre and the Taliban's subsequent destruction of villages in Yakaolang and western Bamiyan in June 2001. He also recommended a comprehensive arms embargo on Afghanistan.

In November, U.N. High Commissioner for Human Rights Mary Robinson seconded a full-time human rights officer to a task force in New York that

was meant to facilitate a coordinated U.N. response to the crisis in Afghanistan. The United Nations High Commissioner for Refugees (UNHCR) was also actively engaged with the Afghanistan crisis. (See Refugees, Asylum Seekers, Migrants, and Internally Displaced Persons.)

Military Assistance

At a meeting in Tehran on December 28, 2000, Russia and Iran agreed to launch a new long-term program of political and military co-operation, including closer ties over Central Asia and in Afghanistan, where both sides had supplied arms and other assistance to factions opposing the Taliban. Such supplies increased after September 11. Beginning in October, the U.S. also began to supply Northern Alliance factions with food, ammunition, and air support.

The Taliban's principal supporter, Pakistan, continued to provide military support throughout the first half of the year. In direct violation of U.N. sanctions, in April and May 2001 as many as thirty trucks a day were crossing the Pakistan border, Human Rights Watch sources reported; sources inside Afghanistan reported that some of these convoys were carrying artillery shells, tank rounds, and rocket-propelled grenades. Shipments of fuel and other military supplies reportedly continued through September. (See Arms.) After joining the U.S.-led anti-terrorism coalition in early October, President Pervez Musharraf reshuffled Pakistan's army corps command, marginalizing several officers with close ties to the Taliban.

Donor Countries

The increasingly bitter confrontation between humanitarian organizations and the Taliban led many donors to exert pressure on the Taliban to ease its restrictions. At a meeting in Islamabad in June, the Afghanistan Support Group (ASG), a joint funding group made up of various donor governments and U.N. agencies, issued a statement urging the Taliban to co-operate with aid agencies working in the country or risk having vital humanitarian projects come to a halt.

International aid to Afghanistan in 2001 before September 11 amounted to approximately U.S. \$300 million. These funds were devoted primarily to short-term humanitarian projects and demining programs and to a lesser extent to development programs in agriculture, health, education, and income generation.

Following September 11, several countries have pledged additional emergency funds for humanitarian projects in Afghanistan. Two main funding conferences met to discuss future long-term funding plans for Afghanistan. A joint development conference hosted by the World Bank, the United Nations Development Program, and the Asia Development Bank, geared toward long-term economic development, commenced on November 27. The ASG convened a meeting that was geared toward humanitarian assistance but which also provided a forum for discussing long-term development strategies.

Detailed planning during both meetings was made difficult by uncertainty over the future Afghan government; and questions about how long current military activities in Afghanistan would continue. Nevertheless, participants noted in position papers the need for a comprehensive funding program going beyond the immediate humanitarian needs of the country. Donors at an ASG meeting in August were told by several U.N.

and nongovernmental agencies of the need for increased funding in development areas not previously funded in Afghanistan, including programs for rebuilding civil society and civil infrastructure, among them rule of law mechanisms and educational, health, and banking systems.

Relevant Human Rights Watch Reports:

Humanity Denied: Systematic Violations of Women's Rights in Afghanistan, 10/01

The Crisis of Impunity: The Role of Pakistan, Russia, and Iran in Fueling the Civil War, 7/01

Massacres of Hazaras in Afghanistan, 2/01