

AFGHANISTAN

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Islamic Republic of Afghanistan
Head of state and government: Hamid Karzai
Death penalty: retentionist
Population: 32.4 million
Life expectancy: 48.7 years

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October marked the 10th anniversary of the international military intervention in Afghanistan. The ongoing armed conflict between the Afghan government and its international allies on the one hand and the Taliban and other armed groups on the other, led to record levels of civilian casualties, prompting Amnesty International to reiterate its calls for the International Criminal Court to investigate suspected war crimes and crimes against humanity. According to the UN Assistance Mission in Afghanistan (UNAMA), 3,021 civilians were killed in the conflict during 2011, with armed groups responsible for 77 per cent of civilian deaths. The judicial authorities, the police and the Afghan National Army routinely committed serious human rights violations. Arbitrary arrests and detentions continued, with systematic use of torture and other ill-treatment by the intelligence services. Afghans, particularly women and girls, were deprived of their rights to health and education. Humanitarian aid remained inaccessible for most people in areas controlled by the Taliban and other insurgent groups. The Afghanistan NGO Safety Office documented 170 attacks on NGO workers – a rise of 20 per cent compared to 2010. Violence against women and girls was widespread and went unpunished, particularly in areas controlled by insurgents. Women reporting cases of gender-based violence received little redress.

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Background

Parliament was inaugurated on 26 January, four months after elections that had been marred by violence and electoral fraud. Amnesty International raised concerns over the inclusion of candidates suspected of having committed war crimes and other human rights abuses.

Nader Nadery, Fahim Hakim, and Mawlawi Gharib, prominent members of the Afghanistan Independent Human Rights Commission (AIHRC), were ousted on 21 December when President Hamid Karzai failed to renew their terms shortly before the publication of a report cataloguing past human rights violations.

In July, NATO and International Security Assistance Forces (ISAF) began transferring responsibility for security in seven provinces to the Afghan government, and a second phase of security transition commenced in November in 17 provinces.

Peace talks between the Afghan government and the Taliban and other insurgent groups continued, despite the 20 September assassination of former President Burhanuddin

Rabbani, ostensibly in charge of the talks, by two men pretending to be Taleban representatives. The UN Security Council de-linked the Taleban from al-Qa'ida in June, removing it from one UN sanctions list.

There were only nine women among the 70-member High Peace Council – the body tasked with negotiating with the Taleban and other armed groups. Afghan women's rights groups and civil society organizations voiced serious concerns over human rights and women's rights in particular, fearing these could be bargained away for the sake of expedience. The Afghan government and its international allies persistently failed to implement in policy and practice UN Security Council Resolution 1325, which calls for women to be meaningfully and adequately represented during all stages of peace talks.

Abuses by armed groups

The Taleban and other armed groups targeted civilians through assassinations and abductions, and harmed civilians indiscriminately in bombings (including multiple suicide attacks), violating the laws of war and committing a raft of human rights abuses. Targeted killings of Afghan civilians, including government officials and tribal elders, working for or allegedly supporting the government or international organizations increased.

According to UNAMA, the Taleban and other armed groups accounted for 77 per cent of civilian deaths. They increasingly resorted to using improvised explosive devices in mosques, markets and other civilian areas, contributing to a substantial rise in the number of civilian casualties.

Armed groups systematically targeted aid workers, killing 31, injuring 34 and kidnapping and detaining 140.

*On 28 June, Taleban gunmen and suicide bombers attacked the Intercontinental Hotel in the capital, Kabul, killing seven people.

*On 13 September, around 10 insurgents targeted the US Embassy, NATO headquarters and other high-profile targets in Kabul. At least 11 civilians, including students, and five policemen were killed; more than 24 others were injured. The Taleban claimed responsibility but the USA blamed the Haqqani network, believed to be based in Pakistan's tribal areas and supported by Pakistan.

*On 17 September, nine civilians, including five children, were killed when an improvised explosive device was detonated in Faryab province, north-west Afghanistan.

*On 31 October, Taleban gunmen and suicide bombers attacked UNHCR, the UN refugee agency, in Kandahar city, southern Afghanistan, killing three staff members.

*On 6 December, a suicide bomb attack on the Shi'a Muslim Abul Fazl shrine in Kabul killed up to 71 people. Another four people were killed in a near simultaneous bomb blast at a Shi'a mosque in Mazar-e Sharif. The attacks marked a serious escalation of previously rare sectarian violence. Lashkar-e-Jhangvi, a Pakistani armed group linked to al-Qa'ida and the Pakistani Taleban, claimed responsibility for the attacks which took place during the Shi'a rite of Ashura.

Violations by Afghan and international forces

ISAF and NATO continued to launch aerial attacks and night raids, claiming scores of civilian lives. According to UNAMA, at least 410 or 14 per cent of civilians were killed in ISAF, NATO and Afghan operations.

*On 20 February, the Governor of eastern Kunar province claimed that 64 civilians, including 29 children, had been killed during joint ground and air operations by Afghan and ISAF forces in the Ghazi Abad district over the previous four days. Senior ISAF officials disputed the account but agreed to a joint investigation. NATO officials later said that most of those killed were insurgents.

*On 23 March, Jeremy Morlock, a US soldier who confessed to participating in the 2010 murder of three Afghan civilians, was sentenced to 24 years in prison. He told the judge at his court martial at Joint Base Lewis-McChord, USA, that “the plan was to kill people”.

Arbitrary arrests and detentions, torture and other ill-treatment

The National Directorate of Security (NDS), Afghanistan’s intelligence service, continued to arbitrarily arrest and detain suspects, denying them access to a lawyer, their families, the courts or other external bodies. The NDS faced credible allegations of torturing detainees and operating secret detention facilities. NATO ceased transferring detainees to Afghan forces after a UN report, issued in October, documented the systematic use of torture by NDS officers. According to the report, prisoners had been tortured in 47 NDS and police detention facilities across 22 provinces.

*In August, family members of an Afghan man who had been detained by the NDS in Kabul for allegedly selling counterfeit currency told Amnesty International he had been arrested by the NDS in April and tortured into making a confession. The detainee, who cannot be identified for security reasons, was reportedly punched and kicked until he vomited blood and lost consciousness.

US forces continued to detain Afghans and some foreign nationals without clear legal authority or adequate legal process. Around 3,100 detainees remained held at the US Detention Facility in Parwan (outside the former detention facility at the air force base at Bagram airport). They were held indefinitely in “security internment”; some had been detained for several years. In January, the USA handed over one detention housing unit at the facility, with 300 inmates, to the Afghan authorities as part of its detainee transfer operations. The US Department of Defense stated that by May, the Afghan authorities had conducted more than 130 trials at the facility and the Afghan Justice Center in Parwan since these trials began in June 2010 (see USA entry).

Freedom of expression

Afghan journalists carried out their work despite pressure and violence, including from government institutions and other influential bodies. The NDS and the Ulema Council (Council of Religious Scholars) brought criminal proceedings against people for writing or talking about matters deemed a threat to national security or considered blasphemous.

*Three Afghan men arrested and detained in 2010 for converting to Christianity were released between March and April.

Journalists were abducted, beaten or killed in politically motivated attacks by government forces and insurgent groups. According to Nai, an Afghan media watchdog, 80 journalists

were attacked and three killed. In areas controlled by the Taleban and other armed groups, journalists were actively prevented from reporting and were frequently attacked.

The government failed to fully investigate and prosecute perpetrators of attacks on journalists, human rights defenders and others peacefully exercising their right to freedom of expression.

*On 18 January, Hojatullah Mujadedi, director of Kapisa FM radio based in the north-east, was released after four months in NDS detention in Kabul. He had been accused of acting as an accomplice to the Taleban.

*On 6 July, Taleban members threatened Ariana TV reporter Niamatullah Zaheer in Helmand province for reporting critically on attacks carried out by the Taleban.

Violence against women and girls

Afghan women and girls continued to suffer discrimination, domestic violence, forced marriages, trafficking and being traded to settle disputes. They were frequent targets for attack by Taleban forces. According to a joint report by UN Women and the AIHRC, 56 per cent of all marriages occurred when the bride was below the age of 16. The Ministry of Women's Affairs documented 3,742 cases of violence against women from 22 March to 31 December. In a positive move in September, the Attorney General's office agreed to create six provincial offices to fight violence against women.

The police and courts often failed to address women's complaints of abuse, so that allegations of beatings, rape and other sexual violence were rarely investigated. Women trying to flee abusive marriages were detained and prosecuted for alleged offences such as "home escape" or "moral" crimes, both of which were not provided for in the Penal Code and which were incompatible with international human rights law.

*In April, the Taleban abducted and killed a woman in Zurmat district, Paktia province. The Taleban claimed she was killed because she worked for an NGO, denying rumours that it had been an "honour" killing.

*Gulnaz, aged 21 and serving a 12-year prison sentence in Kabul for adultery, was released in December. Lawyers have said that such charges have no basis in Afghan law. Gulnaz had been jailed in 2009 after reporting a rape to the police. She faced pressure from the court and others to marry the man later convicted of her rape.

Right to health

Targeted attacks on aid workers and government workers, particularly doctors, deprived millions of people of health care, especially in areas most affected by the conflict and those controlled by the Taleban and other armed groups. Notwithstanding improvements to maternal and child mortality ratios in certain areas of the country, conditions overall for pregnant women and young children remained dire.

Right to education

The Taleban and other armed groups targeted schools, students, and teachers. In areas occupied by these groups, many children, particularly girls, were prevented from going to school. According to the Ministry of Education, more than 7.3 million children were enrolled

in school, 38 per cent of whom were girls. Official sources reported that more than 450 schools remained closed and around 200,000 children were unable to go to school due to insecurity mainly in the southern and eastern provinces.

*On 24 May, Taliban members shot dead Khan Mohammad, headmaster of Poorak girls' school in Logar province, south-eastern Afghanistan. He had continued to teach the girls despite receiving numerous death threats from the Taliban, demanding that he stop teaching them.

Refugees and internally displaced people

Afghans accounted for the highest number of asylum applications to industrialized countries between January and June, according to UNHCR. By the end of the year, UNHCR documented more than 30,000 Afghan asylum-seekers, while around 2.7 million remained refugees in Pakistan and Iran. The total number of people displaced as a result of the conflict reached 447,647.

Those displaced internally gravitated to the larger cities, particularly Kabul, Herat and Mazar-e Sharif. Many ended up in informal settlements where they were forced to live in crowded and unhygienic conditions with little or no access to potable water, adequate shelter and health services, and under the constant threat of forced eviction. In October, the ICRC reported a 40 per cent rise in the number of those displaced by conflict in the north compared to 2010.

*In early June, clashes between government forces and the Taliban in Faryab province reportedly displaced at least 12,000 people.

Death penalty

There were two executions. More than 140 people remained on death row and nearly 100 had their death sentences confirmed by the Supreme Court.

*In June, two men – one from Pakistan, the other an Afghan national – were executed in Kabul's Pul-e-Charkhi prison, after their appeal for clemency to the President failed. The men had been found guilty of killing 40 and injuring more than 70 people – mostly civilians – in a February attack on a bank in Jalalabad city, Nangarhar province.

Amnesty International visits/reports

#Amnesty International delegates visited Afghanistan from June to September.

£Afghanistan 10 years on: Slow progress and failed promises (ASA 11/006/2011)