

*Danish Immigration Service*

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**Report on fact-finding mission to Afghanistan**

**1 November - 29 November 1997**

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## Introduction

Over the period from 1 to 29 November 1997 the Danish Immigration Service and the Danish Refugee Council together carried out a mission to Afghanistan in order to investigate a number of matters of relevance for asylum purposes as regards the security, human rights and humanitarian situation in the country. The delegation's joint report is set out below.

The delegation carried out its investigations partly in Pakistan and partly in Afghanistan. In Pakistan a series of meetings were held in Islamabad and in Peshawar, where many of the international organizations and NGOs (non-governmental organizations) operating in Afghanistan have their headquarters, while information was gleaned on three trips into the country, to:

- Jalalabad and Kabul (8 to 13 November 1997);
- Kandahar and Herat (16 to 23 November 1997);
- Bamian (24 to 26 November 1997).

The trip to Jalalabad and Kabul was made by car, supplied by the UNHCR, via the Afghan-Pakistani border town of Torkham (at the end of the Khyber pass). The other trips into Afghanistan were made on UN flights departing from Islamabad. The destinations visited are shown on the map attached as Annex 1.

In addition to the places visited, the delegation also intended to visit Mazar-i-Sharif and with it other relevant destinations in territory controlled by the Northern Alliance (see section 3.B). In the light of a meeting with the UNHCR in Islamabad on returning from Bamian, however, it was decided for security reasons not to try and carry out that part of the mission at this juncture, particularly in view of the continued evacuation of UN personnel. As a result of that decision, reporting of conditions in Northern Alliance territory, apart from Hazarajat (Bamian), is limited.

During the mission, meetings were held both with representatives of the local authorities and with independent sources. Some interviews could be conducted in English, while others required the services of an interpreter. Interpreters were in all cases supplied by the UNHCR. In two instances, a female member of the delegation was not allowed to attend meetings with officials from the authorities in territory controlled by the Taliban militia. Male members of the delegation were also, for interviewees' safety, unable to attend two meetings with Afghan women in Kandahar and in Herat, nor could male members of the delegation visit the women's ward of the ICRC-aided hospital in Kandahar. Lastly, by mutual arrangement, as it was an all-male prison, the delegation's female member did not take part in the visit to Jalalabad's central prison.

A list of meetings held and positions of those met is attached as Annex 2. It should be pointed out that, in the interests of their relations with the local authorities, some of the independent sources wished to remain anonymous either entirely or for certain subjects, which was agreed to. All places visited and sources consulted were selected by the delegation itself in the desire to be able to compile as wide and comprehensive a range of information as possible on the matters set out in its terms of reference. In the areas visited, the delegation managed to hold all but three of the meetings that it wanted to and to visit all of the locations that it wanted to except for Pul-i-Charki prison in Kabul and the central prison in Herat.

The choice of sources, it should be added, was to some extent affected by the fact that the NGOs operating in Afghanistan, both inside the country and from Pakistan, were all, with one exception, aid-oriented and hence not specifically geared to human rights monitoring. The same applied to the UNHCR, which did not at present have any protection officers in Afghanistan. The delegation was told that the UN's direct input on human rights monitoring in Afghanistan thus consisted largely of the efforts of the special rapporteur appointed by the UN Commission on Human Rights, Mr Choong-Hyun Paik, on his periodic visits to the country.

It should also be noted that the delegation was well-received throughout Taliban-controlled territory and, apart from the points made above in connection with the Taliban view of women, contacts with the authorities did not give rise to any problem. The delegation was able to move about freely, without any official escort, and did not feel under surveillance. Transport throughout Taliban-controlled territory was by UN aircraft or UNHCR vehicles accompanied by UN personnel and accommodation was provided in UN guesthouses. On the other hand, the delegation went around everywhere without an armed escort and did not at any time feel in danger.

The delegation was also well-received in Bamian. There, however, accommodation was provided in the local authorities' official guesthouse and the delegation was for most of the time transported and accompanied by representatives of the local authorities, including for some of its meetings. There, too, the delegation went around everywhere without an armed escort and did not at any time feel in danger.

### **Political developments in Afghanistan up to the time of the mission**

Following the settling of Afghanistan's international borders by the Durand Line in 1893, albeit adjusted in relation to Russia in 1895, the country was a monarchy (officially recognized by the United Kingdom in 1919) up until 1973, with the same Musahiban royal family in power since 1929. The last king, Zahir Shah, ruled the country for 40 years from 1933 and worked energetically throughout that time to consolidate Afghan central government and thereby reduce dependence upon the strong tribal leaders, who were otherwise the real guarantors of the regime's stability. One of the means to that end was to strengthen the armed forces, cooperation with the Soviet Union on both supplies of equipment and military training being introduced for the purpose. Increased Soviet influence brought in its wake the establishment of a communist party in the country in 1965, the People's Democratic Party of Afghanistan (PDPA).

The monarchy was abolished following a coup in July 1973, which brought to power the Prime Minister at the time, one of the king's relatives, Muhammad Daoud, with the title of President. His period of office (1973-1978) was marked by growing international isolation, except for the relationship with the Soviet Union, which came to play an increasingly important role. On top of this, the state of the country's economy gradually deteriorated, especially after 1976, at the same time as a strong, left-wing opposition gained increasing influence. That political and economic crisis came to a head in the spring of 1978, when units of the armed forces staged a coup on 27 April, in which the President and his family were killed.

The new rulers comprised a Revolutionary Council made up of members of the Khalq faction of the PDPA and headed by the subsequent President, Nur Mohamad Taraki. The new regime straight away implemented socialist-style land reform, made the country a people's republic and proclaimed the PDPA the sole legal party. At the same time all opposition activity was firmly repressed. In the



summer of 1979 Taraki was overthrown by his Foreign Minister, Hafizullah Amin, and later murdered.

However, Hafizullah Amin remained in power for only a few months before the Soviet Union invaded Afghanistan in December 1979 and appointed Babrak Karmal of the PDPA's more pro-Soviet Parcham faction as President. Under the Parcham faction, efforts continued, albeit in somewhat moderated form, to turn the country into a socialist, secular state, without at any time finding broader-based support. The Soviet invasion proved the beginning of almost ten years of Soviet military presence in Afghanistan and at the same time sparked off the guerilla war which, through the efforts of various ethnically or religious-based partisan movements (known as the mujahidin), was to result in a major defeat for the world's number-two superpower at the time. In May 1986 Karmal was succeeded as President of Afghanistan by Mohamad Najibullah, who remained in office even after the Soviet withdrawal in 1989.

After for a while attempting, on the one hand, to continue the conflict without direct Soviet support and, on the other, to enter into alliances with various power groups in Afghanistan, on 16 April 1992 Najibullah was forced to resign and hand over power to a transitional government headed by Sibghatullah Al-Mojaddedi. Three months later, the latter handed over power to the leader of Jamiat-i-Islami, Burhanuddin Rabbani, who under the agreement reached between mujahidin leaders was to rule the country for a further transitional period of four months. Agreement between the mujahidin leaders proved short-lived, however, and as from early 1994 the situation, especially around Kabul, was marked by heavy fighting between the various groups attempting in shifting alliances to outmanoeuvre one another.

That year, 1994, was also the one in which a new force emerged in Afghanistan's complex power struggle, a player whose significant battlefield advances and political drive have since been of the greatest importance for the further course of the conflict. Since it burst upon the scene, that force, the Taliban movement, which is Pashtun-based with roots in Kandahar and Uruzgan provinces and whose leaders found their policy upon a strict Sunni interpretation of Islam, has gained possession of an estimated two thirds to three quarters of the country.

The culmination of that development for the time being came in September 1996, when in swift succession the Taliban seized control of Jalalabad (11 September) and Kabul (27 September), thereby driving out the previous regime, based on an alliance between the Tajik-based Jamiat-i-Islami (Islamic Society), led by Burhanuddin Rabbani and Ahmad Shah Massoud, and the Pashtun-based Hizb-i-Islami (Islamic Party), led by Gulbuddin Hikmatyar. Jamiat-i-Islami was then forced to fall back to its real core area in north-eastern Afghanistan, especially around the Panjshir valley, while Hikmatyar's power base was to all intents and purposes under Taliban control.

In addition to those already mentioned, the key players could be singled out as the Hazara-based Hezb-i-Wahdat (Unity Party), led by Karim Khalili, whose power base lies in the region of central Afghanistan known as Hazarajat, and the Uzbek-based Junbish-i-Milliyi Islami (National Islamic Movement), led by Abdul Rashid Dostum, whose power base lies in northern Afghanistan around Mazar-i-Sharif. In June 1997 Junbish, Jamiat, Wahdat and the somewhat smaller Harkat-i-Islami (Mohseni) joined forces in the Northern Alliance or UNIFSA (United National Islamic Front for the Salvation of Afghanistan).

The pattern of the civil war in 1997 up to the delegation's arrival in the area on 2 November 1997 was marked by a succession of fierce fighting in the area north of Kabul between Taliban forces on the one hand and Jamiat-i-Islami and Junbish-i-Milliyi Islami forces on the other, without either side making any decisive breakthrough, and by two sets of events in northern Afghanistan.

The first set of events began in late May, when one of Junbish-i-Milliyi Islami's senior military commanders, Abdul Malik, entered into an alliance with the Taliban, thereby causing the main town in northern Afghanistan, Mazar-i-Sharif, to fall into the hands of the Taliban and their newfound allies on 24 May 1997. At the same time, the previous Junbish leader, Dostum, fled to Turkey.

Straight away on 28 May, however, an uprising broke out in Mazar-i-Sharif, resulting in the expulsion of the Taliban forces, with great loss of life, and in a sizeable number of Taliban members being taken prisoner. At the same time Abdul Malik opted to return to the Junbish fold. Those Taliban members not killed or taken prisoner in the fighting around Mazar-i-Sharif then sought refuge in Kunduz province, a mainly Pashtun enclave bordering on Tajikistan.

The second set of events began in early September 1997, when Dostum returned to Mazar-i-Sharif. Shortly afterwards, Taliban forces and their local allies advanced on Mazar-i-Sharif from Kunduz and for a while fierce fighting raged in the immediate vicinity of the town. Gradually, however, the attackers were repelled and by the end of October the Taliban had by and large been pushed back to Kunduz.

### *Terms of reference*

Following discussions with the Refugee Board, the Ministry of Foreign Affairs and the police, the following terms of reference were established by the Danish Immigration Service and the Danish Refugee Council:

#### **1. The security situation in Afghanistan**

##### **A. Taliban-controlled territory**

1. Are the Taliban in full control of their territory, where applicable by way of allies, and what is its extent?
2. Are people generally armed?
3. The mine hazard
4. Crime trends over the last year for more serious offences (such as murder, kidnapping, robbery and rape), and policing
5. General security picture over the last year
  - (a) Is the security situation uniform or are particular groups especially vulnerable?
6. Internally displaced persons (IDPs)
7. Other points

## **B. Northern Alliance-controlled territory**

1. Is the Alliance in full control of its territory, where applicable by way of allies, and what is its extent?
2. Are people generally armed?
3. The mine hazard
4. Crime trends over the last year for more serious offences (such as murder, kidnapping, robbery and rape), and policing
5. General security picture over the last year
  - (a) Is the security situation uniform or are particular groups especially vulnerable?
6. Internally displaced persons (IDPs)
7. Other points

## **2. Military situation and other military matters**

### **A. Situation, control and front line**

1. Just north of Kabul
2. Around Mazar-i-Sharif
3. West of Kabul towards the Bamian pass
4. East of Herat
5. In other conflict zones

### **B. Recruitment of soldiers by the warring parties**

### **C. Position of prisoners of war (POWs)**

1. Number and treatment of POWs held by the combatants
2. Does the ICRC have access to POWs and are POWs exchanged?

## **3. Political and administrative situation**

### **A. Taliban-controlled territory**

1. Political system
  - (a) The Taliban movement
    1. Recruitment

2. Leadership and decision-making process
3. Political programme
4. Any factions or animosities

(b) Other groupings

2. Administrative system

**B. Northern Alliance territory**

1. Political system

(a) The Northern Alliance

1. The Alliance's individual components, including recruitment
2. The Alliance's leadership and decision-making process
3. Political programme
4. Any factions or animosities

(b) Other groupings

2. Administrative system

**C. Allies**

1. Taliban allies

2. Alliance allies

**4. Human rights problems in Afghanistan**

Extrajudicial executions, disappearances and detention, including politically motivated cases

**A. The authorities' response**

**B. Use of torture**

1. Torture

2. Degrading treatment, including the role of the religious police

**C. Application of Sharia law, including its procedural rules**

1. Structure of courts
2. Training and recruitment of judges
3. Procedural rules
4. Offences and penalties under Sharia law
5. Public executions and amputations of hands or feet
- Legal system in Hazarajat

**D. Freedom of movement**

**E. Position of women**

1. Schooling
2. Dress code and freedom of movement
3. Position of educated women
4. Participation in business and in social life generally
5. Penalties for women
6. Position of women in Hazarajat

**F. Religious matters**

1. Shia Muslims
2. Atheists
3. Others

**G. Political affiliation**

1. Association with the PDPA regime, including the KHAD
2. Others
  - (a) Links with Ismail Khan's regime

## **H. Ethnic background**

1. Hazaras

2. Ismailis

3. Others

(a) Other non-Pashtun groups, including Tajiks and Uzbeks

(b) Pashtuns in northern Afghanistan

## **I. Position of artists**

## **J. Other factors**

1. A lengthy stay in Russia (the Soviet Union)

2. Educated and secularly inclined people

3. People holding anti-Taliban views

## **5. The Taliban amnesty**

**A. Who is actually covered?**

**B. How is the amnesty viewed?**

**C. Has the amnesty actually brought any releases?**

**D. Has the amnesty persuaded refugees to return?**

**E. Other points**

## **6. Ways into and out of Afghanistan**

**A. Transit**

**B. Other aspects, including any need for identity papers and/or a link with the area to be entered**

**7. Issue of passports and other documents**

**8. Afghan refugees in neighbouring countries**

**A. Iran: increase/decrease?**

**B. Pakistan: increase/decrease?**

**C. Tajikistan: increase/decrease?**

**9. General living conditions in Afghanistan**

*The delegation's report*

The delegation's findings are set out below under the headings in its terms of reference. It should be noted with regard to the structure of the report that statements by the local authorities are as a rule given first, followed by independent international sources, such as UN sources, and lastly Afghan NGOs and other sources, such as private individuals.

**1. The security situation in Afghanistan**

***A. Taliban-controlled territory***

**1. Are the Taliban in full control of their territory, where applicable by way of allies, and what is its extent?**

The question was discussed with several of the delegation's interviewees from the Taliban, including the Deputy Minister for Foreign Affairs, Stanakzai, and the Governor of Kandahar, Mohammad Hassan. They stated that the Taliban now control 75% to 80% of the country. The Governor specified here that the Taliban do not operate with any allies in the military sense within Afghanistan's borders. When militias surrender or enter into alliances with the Taliban, this will always entail their disarming and disbanding or compulsory incorporation into the Taliban. Confronted with the fact that the delegation had been told by an international NGO wishing to remain anonymous in this respect that in Ghazni there was a Hazara militia which was to be regarded as an independent ally of the Taliban, the Governor denied that this was the case. Both men pointed to the high degree of security of life and property and hence control prevailing throughout Taliban territory and at the same time deplored the fact that, especially in the western world, far too little weight was attached to such progress in assessing the population's position and the Taliban themselves.

The UNSMA (United Nations Special Mission to Afghanistan) agreed that the Taliban now control most of Afghanistan and it assisted the delegation in drawing up a map showing front lines as at the end of November 1997, attached as Annex 3. The Taliban thus hold the area south of the main front line, which runs across the country from the Turkmen border in the north-west to the Pakistani border in the north-east, and also the Kunduz enclave in northern Afghanistan by the Tajik border. Nuristan, whose core area is the northern part of Laghman province in north-eastern Afghanistan, is

attempting to remain neutral, which seems to some extent to be accepted by the warring parties, not least because the area is one of the most inaccessible in the country. It should be noted that Annex 3 is to be regarded as no more than an outline map and the fronts etc. shown are accordingly approximate.

As to whether the Taliban are fully in control of their territory, the UNSMA pointed out that this of course depends to some extent on proximity to the front line, especially the more active sections of the front. It was added that the Taliban have recently had problems with guerilla activity in the northern part of Kunar province to the east of Nuristan (for further details, see section 2.A.5(b)).

Lastly, an independent source in Afghanistan who wished to remain anonymous said that the Chaborjak district of Nimroz province in the south-western corner of the country is controlled by anti-Taliban commanders.

### **2. Are people generally armed?**

The above Taliban spokesmen (Stanakzai and Hassan) and the Deputy Governor of Nangarhar province made the point that wherever they advance the Taliban disarm local militias and

individuals as one of their first steps in establishing control and security in an area captured.

The delegation discussed the subject with a series of independent sources, including the UNHCR local offices in Jalalabad, Kabul, Kandahar and Herat, and with a number of international NGOs, and they all agreed that, after the Taliban seize power in a given area, people are disarmed and fewer arms are on the whole to be seen on the streets. However, some took the view that people still hold considerable quantities of arms, but they are kept hidden at present for fear of the Taliban's tough justice if the law is broken. One particular organization, the FAO (Food and Agriculture Organization of the United Nations), said that, especially in rural areas where it is customary to carry weapons, armed civilians continue to be seen.

The delegation itself generally saw few armed people in Taliban-controlled territory, Kabul included, but it is unable to say whether any of them were civilians, as the Taliban armed forces have not actually been put in uniform.

### **3. The mine hazard**

In describing the mine hazard, it may in the delegation's view be helpful to consider the geographical and demographic context. Covering some 650 000 km<sup>2</sup>, Afghanistan comprises a land mass about 20% larger than France. However, the country is extremely mountainous and contains sizeable stretches of desert. According to the FAO (in the publication "Afghanistan Agricultural Strategy", January 1997), land under cultivation accounts for only about one eighth of the total surface area and only around 40% of that is intensively farmed. According to the same source, Afghanistan is unofficially estimated to have a current population of 18 to 20 million, of whom 70% to 80% live in whole or in part from the land.

The Deputy Minister for Foreign Affairs, Stanakzai, and the Deputy Governor of Nangarhar province both stated that the mine hazard remains a real problem, with accidents involving mines claiming victims daily. One of the difficulties is that not all minefields are marked. They expressed considerable satisfaction at UN mine clearance operations.



According to the delegation's UN sources, in particular the UNSMA and the MACA (Mine Awareness and Clearance Agency), the problem commonly referred to as the "mine hazard" comprises not just land mines but also a wide range of unexploded munitions, including artillery and mortar shells, missiles etc. Such munitions are often even more dangerous than mines themselves, both having greater explosive force and being unpredictable as to what is required to set them off. To show the scale of the problem, it was explained that, on a general assumption, 15% of artillery shells fired fail to detonate upon impact.

The same sources said that most of the mines found date back to the Najibullah regime and the Soviet intervention. The purpose of laying mines then was usually to protect the larger urban centres, such as Kabul, Kandahar, Jalalabad and Herat, from attack by partisans, which was why mines were often found laid in dense swathes around such centres. In rural areas, on the other hand, mines were relatively rarely laid, save where front lines passed nearby or for isolated important objectives. Generally speaking, it could be added that the mine problem was worst in the eastern provinces over towards the border with Pakistan, where fighting between the mujahidin and Soviet troops had been fiercest.

The MACA said that it was of course impossible to put a figure on the number of mines and unexploded munitions items, but there was now a fairly clear awareness of mine hazard areas. A total of 777 km<sup>2</sup> have at present been identified for mine clearance operations. Of those areas, some 350 km<sup>2</sup> have been singled out for high priority, e.g. residential districts, farming areas and irrigation canals. Over the last eight years efforts have succeeded in clearing of mines some 120 km<sup>2</sup> of land. In Kabul, reckoned to be the most mine-affected capital city in the world, for instance, efforts have succeeded in clearing of mines about 85% of the urban area. The number of victims of mines and unexploded munitions has thus been reduced over the last three years from about 50 or 60 killed and injured a week to two or three a week. Known uncleared minefields are signalled with red markers, while cleared minefields are indicated by white markers. In the urban centres visited by the delegation in Taliban-controlled territory (Jalalabad, Kabul, Kandahar and Herat), all sources questioned stated that there remain uncleared areas and they frequently cause deaths and injuries.

On the risk of new mine-laying, the UNSMA said that some mines are being laid in the course of fighting along the various front lines, but not on anything like the scale seen before.

The WHO (World Health Organization) regarded the mine problem as a continuing serious one and highlighted the fact that there are nowadays many children among the victims. The same view was taken by the head nurse at the ICRC-aided hospital in Kandahar, who found this state of affairs very sad and attributed it in the case of Kandahar, which she knew particularly well, to the more carefree, unwary attitude generally shown by children at play and in their other actions, rather than to failure to identify and mark off mined areas.

The FAO did not consider the mine hazard particularly serious in the areas covered by its projects, mostly in the countryside, except that mines were from time to time come across in irrigation canals. The ADA (Afghan Development Association), which was best acquainted with the provinces of Herat, Farah and Uruzgan, did not consider the mine hazard a significant problem either. CARE International thought that the actual mine problem was no longer such a great one. On the other hand, there is a considerable psychological problem related to the mine hazard that

prevents or delays many activities for fear that an area might be mined. Two of CARE's staff were killed in accidents involving mines in both 1996 and 1997.

An international NGO carried out a survey in 1997 of a total of 3 222 households with farming land, to find out their view of the mine hazard on individuals' plots. The households surveyed were from the provinces of Herat (587 households), Jalalabad (688), Kabul (717) and Kandahar (1 230). The survey showed that the households, whose average holdings are given in brackets, regarded the following percentages of their land on average as uncultivable on account of the mine hazard:

- Herat: approx. 5% (2 851 m<sup>2</sup>);
- Jalalabad: approx. 7% (3 018 m<sup>2</sup>);
- Kabul: approx. 15% (1 766 m<sup>2</sup>);
- Kandahar: approx. 54% (7 210 m<sup>2</sup>).

An Afghan NGO wishing to remain anonymous explained, as a more unusual effect of the mine hazard, that in some areas mine problems are or have been so great that the nomads, known as Koochies, have had to divert their customary migration routes between summer and winter grounds, which has in places brought problems of over-grazing.

The delegation saw for itself in its movements in Afghanistan both marked uncleared minefields and cleared minefields and it noticed in particular during the drive from the Pakistani border to Kabul that the land around villages was under cultivation and people were apparently not afraid to move around in the fields.

#### **4. Crime trends over the last year for more serious offences (such as murder, kidnapping, robbery and rape), and policing**

All sources with whom the delegation discussed this generally regarded the crime situation as having improved in Taliban-controlled territory in comparison with that found before the Taliban seized power.

The Governor of Kandahar, described by several UN sources as one of the five most influential figures in the Taliban movement, explained that the almost complete lawlessness prevailing in the country under Rabbani, who came to power shortly after the downfall of the Najibullah regime in 1992, had in large part acted as a contributory factor in the emergence of the Taliban movement and a very important condition for its success. Before the Taliban seized power, a town like Kandahar was divided between four rival commanders, each of whom had sole say over law and order in his own area. There were roadblocks everywhere on major thoroughfares and looting, killings and rape were the order of the day. After the Taliban seized power, the militias were disbanded, the roadblocks removed, the population disarmed and Sharia law tightened up, which led straight away to a notable fall in crime. That pattern had been repeated everywhere the Taliban advanced, with the result that the crime rate in Taliban-controlled territory was now very low.

The Deputy Minister for Foreign Affairs, Stanakzai, the Deputy Governor of Jalalabad and the Chief Justice of Jalalabad High Court all reported the crime rate to be very low in Taliban territory. The Chief Justice added that the serious criminal cases pending in Nangarhar province nearly all date back to before the Taliban seized power and the new cases arising are mostly civil ones, for instance involving property disputes.

The delegation's UN sources, including the UNHCR, UNOCHA (United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan) and UNSMA, agreed, as stated above, that crime is low in Taliban territory. There was also agreement that the disbanding of the many local militias, the disarming of the population and the strict application of Sharia law have been significant contributory factors. One UN source pointed out, however, that the Taliban's lack of openness in their exercise of authority meant that there was no firm knowledge of the true number of offences committed.

Before the Taliban seized power, free movement was greatly restricted and risky, with robberies from UN personnel and looting of UN offices also occurring. Nowadays there was

almost unrestricted free movement and the UN suffered hardly any robberies or looting. There had, however, been a few cases, for instance in Kabul. In Kabul, too, the presence of pockets of crime had been observed, i.e. areas with a relatively greater incidence of crime than the surrounding districts. It was also explained that there was a curfew in the towns and cities visited by the delegation, except for Kandahar. In Jalalabad and Kabul the curfew lasted from 9 p.m. to 4 a.m and in Herat from 9 p.m. to 4.30 a.m.

An Afghan NGO wishing to remain anonymous in this respect said that, while the situation had no doubt improved, there was of course still some serious crime such as murder, rape etc.

On the authorities' response to crime, one of the delegation's UN sources stated that, apart from a number of traffic police in some of the larger urban centres, there are no actual trained police in Taliban-controlled territory. Each province has a senior police representative and there are also police stations, but policing is carried out by ordinary Taliban members, usually from the armed forces. It was added that, as a result, police manpower seems to vary, depending on the front-line situation. The more active that is, the fewer people can be spared for policing. The normal staffing level for Kabul's 15 police districts was put at a total of 200 men. It was also pointed out that, particularly in the countryside, it is customary for minor criminal offences to be punished by way of local structures, such as a local village council (shura).

The delegation's independent sources, moreover, were generally in no doubt that the Taliban wish to prevent and solve crime but, firstly, several of the sources, who all wished to remain anonymous in this respect, were dubious about the ability of the current police forces to solve crime and, secondly, the view was taken that the willingness of the police to investigate an alleged criminal offence depends to some extent on the relationship between the person reporting it and the Taliban.

The FAO said that there are not many police to be seen in rural districts, but a few Taliban patrols are nevertheless noticed from time to time. The actual purpose of those patrols is uncertain. It is possible to report a criminal offence to the Taliban authorities and such cases will also, if appropriate, be investigated.

In addition to the above police forces, there is also an independent *religious police* corps (the *Department of Promotion of Virtues and Suppression of Vice*), which according to its head, Mawlawi Qalamuddin, reports not to the Ministry of Justice or any other ministry but directly to the Taliban's undisputed leader, Mullah Omar. The source added that the religious police are hierarchically structured, with their headquarters in Kabul and sections in provinces and districts. The religious police are only empowered to enforce the rules of conduct and dress established on the basis of the Taliban's interpretation of Islam, but do of course also take action against ordinary

offences if they notice any. In such instances, however, the case is transferred straight away to the ordinary police.

As to where the religious police fit in, the Governor of Kandahar explained that at provincial level they come under the governorship and that the Minister for Justice, Turabi, has authority to issue instructions to the religious police as such. That view was shared by the CCA, which believed the religious police to have been brought under the Justice Ministry in September 1997, whereas the UNOCHA, the DACAAR (Danish Committee for Aid to Afghan Refugees) and a member of staff at the US representation in Pakistan who wished to remain anonymous were of the opinion that the religious police still report directly to Mullah Omar.

Several of the delegation's independent sources, including UN sources, explained here that within their sphere of responsibility the religious police enjoy both executive and judiciary powers, being empowered both to detain people and to carry out corporal punishment, without the involvement of any court, as a penalty for breaches of the religiously motivated precepts and prohibitions introduced by the Taliban.

Both Mawlawi Qalamuddin and the Chief Justice of Jalalabad High Court said that it is possible to lodge a complaint against the religious police, either administratively or through the courts, if anyone feels unjustly treated. The Chief Justice knew of only one such complaint. In that case, a recent one, the head of the religious police in Jalalabad was removed from office precisely on account of a complaint about the performance of his duties. In response to questioning, however, Qalamuddin said he had no knowledge of the case in point.

A UN source wishing to remain anonymous said that in one particular case the organization had managed by means of a complaint to have some members of the religious police removed from their posts.

### **5. General security picture over the last year**

#### **(a) Is the security situation uniform or are particular groups especially vulnerable?**

The delegation's Taliban sources broadly regarded the security situation in Taliban-controlled territory as very good for all ethnic groups, adding that no-one had any reason to fear the Taliban as long as he did not get involved with opponents of the regime and otherwise complied with the laws and regulations enacted. There was, naturally enough, some unease about the military situation in Kunduz, but they nonetheless expected to be able to hold their ground.

The UNSMA said that in a general security assessment of the situation in any given area it is of course necessary to consider the area's location and strategic importance in relation to existing front lines. However, the front line runs mainly through relatively sparsely populated areas and so the civilian population potentially affected by changes in it is limited and also as a rule fairly easy to evacuate.

A special picture emerges, however, from Kabul and the Kunduz pocket in northern Afghanistan. With particular regard to Kabul, it was pointed out that large parts of the city are within range of Northern Alliance artillery and during the period following the capture of the city by the Taliban it was often shelled two or three times a day. Although military action had been decreasing in recent months, the situation was still described as tense and unstable. In the case of Kunduz, the area is surrounded on three sides by Northern Alliance forces.

The situation at the front, apart from the Kunduz area, had otherwise, as of late November 1997, been fairly quiet for the last few months and so the security impact of military operations on areas close to the front had been limited.

A source at the US representation in Pakistan expressed some disquiet about what might happen to the local population in Kunduz if the Northern Alliance were to gain control of the enclave. The reason for this was that the Kunduz Pashtuns had in fact supported the Taliban and there were reports of massacres perpetrated by the Taliban in Northern Alliance territory,

which might possibly bring reprisals. As in the account of crime trends, all interviewees also took the view that the general security situation in Taliban-controlled territory has improved since the Taliban seized power. However, a few sources stated that, although the security situation has at present improved, this can soon change. They pointed here to the unpredictability of the Afghan conflict, instancing the fact that up until September 1995 Herat was regarded as being safely held by Ismail Khan.

There was also broad agreement that the improvements relate in particular to protection of life and property and to greater freedom of movement. Several UN sources reported here that, as a result of the improved security situation, some economic revival has been observable in areas such as Kandahar, Jalalabad and Herat and they also had the impression that some spontaneous repatriation is taking place, at any rate to Kandahar, without UN involvement. A number of the interviewees, however, had some reservations, as outlined below, regarding that general assessment.

As a basis for understanding those reservations, several of the UN sources pointed out that the Taliban are in fact to all intents and purposes a Pashtun-based, orthodox religious movement, whose stronghold clearly lies in the rural areas of Afghanistan's southern and eastern regions and whose values and standards in large part stem from there. Any clashes there might be between the Taliban and the population could thus be politically, ethnically, culturally or religiously motivated. Lastly, there may also be geographical variations as well as variations due to individual Taliban members' attitudes and wielding of authority.

The same sources stated that, since the Taliban took Kabul in September 1996 and Hikmatyar was thus driven out, the war in Afghanistan has increasingly taken the shape of a showdown along ethnic lines, with Pashtuns the preponderant force on the Taliban side and the country's other main ethnic groups, Tajiks, Uzbeks and Hazaras, the strongest components of the opposing Northern Alliance. That ethnic divide is also reflected in the present front lines, with Taliban-controlled territory, Kabul and Herat being notable exceptions, on the whole covering those parts of Afghanistan in which Pashtuns have traditionally made up the majority of the population.

Both UN sources and international or Afghan NGOs singled out the Hazaras as potentially the most vulnerable ethnic group at present in Taliban-controlled territory. That position was attributed in particular to the very significant role played by the Hazara-based Hezb-i-Wahdat militia in the defeat of the Taliban force which occupied Mazar-i-Sharif in May 1997, in part to Hazaras traditionally not having enjoyed a very high status in Afghan society and lastly to Hazaras as a rule being Shia Muslims. At the same time, however, it was pointed out that there are considerable regional differences, with UN sources in Kabul and Herat reporting Hazaras to be vulnerable, while UN sources in Kandahar stated that Hazaras there, who form a very small minority, on the whole lead their lives, move around and do business without any problem. An international NGO

operating in Afghanistan and wishing to remain anonymous said that the situation is also difficult for Hazaras in Ghazni, which it put down in large part to the Governor, who was described as a real hard-liner.

In addition to Hazaras, mention was also made of Uzbeks, Tajiks (especially Panjshir Tajiks), Shia Muslims and people with PDPA links as groups which in various geographical areas and contexts and with differing degrees of intensity had been, were and could be expected to remain a focus of Taliban attention.

For a more detailed account of the problems faced by individual vulnerable groups, see section 4.

Given the situation in the Shomali valley, to the north of Kabul, from which over 200 000 people were expelled or compulsorily evacuated to Kabul and the surrounding area in 1997, the delegation discussed with sources including the UNHCR, UNSMA, UNOCHA and ADA whether this pattern of events could be described as ethnic cleansing or a prelude to it, or whether it might be possible to point to other occurrences or trends which might suggest ethnic cleansing carried out or in prospect on the Taliban's part. There was general agreement among those questioned that the situation in the Shomali valley is not a form of ethnic cleansing. It was also agreed that there is no sign at present of any being carried out by the Taliban, even though there is of course cause for concern in that, as stated above, the war has developed along ethnic lines. Afghanistan has been a multiethnic society almost since time immemorial, however, and there was no perceptible wish among the population to change that state of affairs. A tendency could perhaps be detected for ethnic groups to a greater extent than in the past to live alongside each other rather than together and for people to prefer their political representatives to come from the same ethnic group as themselves. See also section 4.H on the increased ethnic dimension to the war.

With specific regard to the situation in the Shomali valley, the UNSMA explained that the evacuation of the population was seen as a measure to prevent disturbances and infiltration by agents. The valley lies very close to the present front line to the north of Kabul and in previous Taliban advances the population, who are mainly Tajiks and thus potential Jamiat-i-Islami (Massoud) supporters, had in fact caused disturbances and contributed to the temporary repelling of the Taliban. The evacuees are not in fact living in camps but scattered among relatives and friends, in empty public buildings and anywhere else they can find room. The Taliban will still not allow them to return to their homes, but do occasionally permit individual members of families to visit their home village to see if all is well.

In discussions with the UNHCR in Kabul regarding the security situation there, the delegation was told that at the checkpoints located at Kotail-e-Khair Khana (north of Kabul) and Pul-i-Charki (south of Kabul) the UNHCR checks on numbers leaving or arriving in the city. Figures for entry and exit via those two checkpoints from 1 January to 31 October 1997 are attached as Annexes 4 and 5. The UNHCR in Kabul added that it is not of course possible to deduce from those Annexes anything about the composition of inflows and outflows, e.g. by sex, age or ethnic group, and also that some temporary seasonal migration out of Kabul at the approach of winter is customary.

One reservation regarding the security situation voiced very strongly by all independent sources, whether UN sources or international and Afghan NGOs, related to the rules introduced by the Taliban on dress (especially the requirement for women to be covered from head to toe, i.e. to wear a burqa), other aspects of personal appearance (especially the requirements for men's hairstyles and beards) and restrictions on women's involvement in social life (especially lack of access to

education, lack of opportunities for employment outside the home and limits on freedom of movement outside the home). Compliance with

these in Taliban eyes religious-based requirements, of which the above are but a sample, is enforced, as stated in subsection 4 above, by the religious police, who have authority to punish infringements on the spot.

Virtually all of the delegation's independent sources present in Taliban-controlled territory were able to report that those rules and Taliban enforcement of them had made it impossible or very difficult to employ Afghan women in organizations' offices or at all. They could also report male Afghan employees being caned on the hands or the soles of their feet, being detained for from several days to several weeks or having their head shaved bare, because their beard was too short, or had been trimmed, or their hair worn too long (especially in a fringe). In some cases in which employees had been caned, they subsequently had to seek medical assistance. See also section 4.B on the use of torture.

Several UN sources added that interpretation of the regulations governing dress, beards etc. seemed to vary at different times and depend to some extent on the person enforcing them. There had, for instance, been examples of employees' beards being found fully satisfactory in an inspection one day, only to get them arrested or caned on the hands the next, without any change to the beard. Occasional Taliban members unrelated to the religious police were also believed to carry out beard inspections etc. of their own accord at times.

According to the same sources, the present Minister for Justice, Turabi, is especially notorious for his zeal in enforcing the rules. A particularly (in)famous occurrence reportedly took place in Ghazni in September and October 1997, when a Taliban force led by Turabi in person set up a checkpoint across the main road from Kandahar to Kabul and then began carrying out beard inspections. The operation lasted for about ten days, during which time a total of around 7 000 were detained for up to four days because their beard was too short or had been trimmed.

The delegation itself often saw the religious police on the streets in Afghanistan, but did not witness them taking action against anyone. One of the delegation's Taliban interviewees in Jalalabad, however, with direct reference to Turabi's presence in town at the time, refused to meet the delegation if its female member attended, apparently for fear of Turabi hearing of it and punishing him.

There was, however, broad agreement as well among independent sources that Taliban enforcement of the rules on dress etc. is particularly intense in urban centres, especially Kabul and Herat. In rural areas, control is generally more relaxed, with people's everyday lives also being far more in keeping with the rules imposed on dress, hairstyles and beards, and women's role in society.

The delegation confronted the head of the religious police, Mawlawi Qalamuddin, with the information supplied to it on the scale and nature of the enforcement measures said to be used by the Taliban in order to ensure compliance with the rules on dress and beards etc. He said that 95% of beard inspections etc. are carried out by the religious police, but independent and hence unauthorized initiatives in this respect may occur. He was also at great pains to explain that the way in which the religious police performed their duties was

far more a reflection of the desire to promote virtue than to punish vice and they therefore first tried to talk people into mending their ways rather than punishing them.

Qalamuddin also confirmed, however, that the religious police are empowered to carry out corporal punishment of male offenders against the rules on beards etc. Such punishment may, for instance, take the form of caning on the hands. The normal course of events, in cases in which an oral reprimand is not deemed sufficient, however, is for the person to be detained, usually until the following day, and then released in return for a promise to grow his beard. On the other hand, the source denied that the police are empowered to cane women. In any cases in which this might nonetheless occur, there must be private disputes behind it. There is moreover no longer any great need to take action against women, since most now observe the rules. There had also been a few cases in which members of the religious police exceeded their powers. Such offences were usually punished by a few days' detention.

For further details of the rules on dress etc. referred to here and the penalties for infringing them, see the Taliban edicts attached as Annex 11; it should be noted that, according to those edicts concerning women which mention penalties, it is the woman's husband who is to be punished, not the woman herself. As can be seen from the account of the position of women in section 4, to which reference should also be made, this procedure does not seem to be universally followed.

### **6. Internally displaced persons (IDPs)**

According to an article on IDPs in the November 1997 issue of the UNHCR's "Refugees Magazine", spotlighting Afghanistan, the number of IDPs is unknown, but an estimated one million or so people have been internally displaced for varying lengths of time over the last five years.

The delegation visited IDP camps in Jalalabad and in Herat and also discussed the problems of internally displaced persons with the Minister for Repatriation, whose portfolio includes such persons in Taliban-controlled territory, and with his Ministry's branch offices in Jalalabad, Kandahar and Herat. The Minister generally voiced considerable concern at the plight of internally displaced persons and made it quite clear here that the Ministry's own aid budget is minimal and in practice it sees itself mostly as a coordinating link between international organizations and displaced persons. The Ministry does, however, run some guesthouses in Kabul, which can provide short-term accommodation for up to about 2 500 people. However, these are very primitive lodgings and of course, with an estimated number of IDPs in excess of 200 000 in Kabul alone, completely inadequate. The Minister said that the UNHCR, among others, has been called upon on a number of occasions to provide more assistance for internally displaced persons. The Ministry's branch office in Herat, in particular, was very worried as to how a sizeable number of new arrivals from Badghis province would manage to get through the winter.

According to the Repatriation Ministry and its regional branch offices (equivalent UNHCR figures shown in brackets), the heaviest concentrations of IDPs are to be found in:

Kabul	approx. 200 000 (approx. 210 000)
Jalalabad	approx. 77 000
Herat	approx. 43 000 (approx. 39 000)
Helmand	approx. 32 000



Kandahar approx. 25 000 (approx. 11 000).

The UNHCR explained that it is very hard to calculate true figures for internally displaced persons. This is partly because only a limited number of those internally displaced at any time are living in camps. The fact is especially noticeable at present, since over 200 000 internally displaced persons from the Shomali valley currently living in Kabul are not in camps. Another problem is that, as experience shows, the mere presence of IDP camps which, if run by international organizations, normally have water supplies, medical clinics etc., may prove distinctly attractive to an area's local population and thus prompt people who are not in the least displaced to register as such. In other cases, double registration has been encountered, with people registering at more than one camp at the same time. A last problem mentioned by the UNHCR was that the IDP issue was dealt with by a number of different organizations, with differing camp standards etc. as a result. Agreement had therefore been reached in the spring of 1997 that the ICRC is in future to take lead responsibility for assisting internally displaced persons, albeit of course in cooperation with the UN system.

The Repatriation Ministry and the UNHCR both agreed that displaced persons in Kabul are mainly Tajiks from the Shomali valley, those in Herat mainly Pashtuns from Badghis province and those in Kandahar mainly Pashtuns from the northern provinces (Kunduz etc.).

In the case of displaced persons in Jalalabad, the Repatriation Ministry's local branch office said that camps contained representatives of virtually all ethnic groups. Some of them had been in the camps for years, but there was also a constant fresh influx, especially from the northern provinces. Inflow was in fact at the time of the delegation's visit to Jalalabad (early November 1997) greater than outflow. One explanation given for this was that those already in camps are almost without exception the poorest of the poor among displaced persons. Hence, they really have no way of moving on, either back to where they came from or to Pakistan, without assistance.

Internally displaced persons in Helmand province are, according to the Repatriation Ministry, made up mainly of Pashtuns from Badghis province and the northern provinces of Fariab and Jawzjan (the Shihbargan district).

### ***B. Northern Alliance-controlled territory***

#### **1. Is the Alliance in full control of its territory, where applicable by way of allies, and what is its extent?**

As outlined in the introductory section on developments in Afghanistan up to the time of the mission, the political and military situation in Northern Alliance territory from May to late October 1997 was very unsettled. As stated, it involved an internal clash within

Junbish-i-Milliyi Islami between General Malik and General Dostum, a Taliban invasion and subsequent temporary capture of the main town in Northern Alliance territory, Mazar-i-Sharif, and lastly fierce fighting around the Taliban-controlled enclave in Kunduz.

In early November the delegation held a meeting with the Northern Alliance representative in Pakistan, General Fateh Khan, who first explained that since June 1997 the Alliance has been known as the UNIFSA (United National Islamic Front for the Salvation of Afghanistan).

As regards the political situation in northern Afghanistan, he said that there had recently been a reconciliation meeting between Malik and Dostum, at which they had buried the hatchet, for the time being at any rate, and they were now jointly leading Junbish. On the situation generally, he reported that military mopping-up operations were currently under way in areas around Mazar-i-Sharif and, with a view to finding a more lasting solution to the town's security problems, negotiations had been opened for the establishment of a combined UNIFSA force to be stationed in the area. The intention was that General Rozi, Junbish's main military leader and a trusted Dostum associate, should head that force. Khan also confirmed that events surrounding Dostum's temporary removal from power and the Taliban invasion had given rise to unrest and local disturbances at many points in north-western Afghanistan.

Also in early November 1997 the delegation held a meeting with the UNSMA, which broadly confirmed the information given by Khan.

In mid-November 1997 the BBC's Pashtu-language service broadcast a programme featuring General Dostum and General Malik. In it, Dostum stated that some mass graves had been found in the vicinity of Shihbargan and he believed them to contain up to 2 000 Taliban soldiers captured by Malik's forces in Mazar-i-Sharif in May. Dostum went on to accuse Malik of being responsible for their death.

In late November, immediately before it returned to Denmark, the delegation received confirmation from the UNSMA that this radio programme had sparked off a fresh wave of disagreement between Dostum and Malik, as a result of which General Malik and his family had just left Afghanistan. At the same time Dostum had seized control of Maimana, the main town in Malik's home province of Fariab, thereby in principle securing control of the entire north-western part of Northern Alliance territory.

A UN source wishing to remain anonymous in this respect said that Dostum was indeed engaged in re-establishing his hold on power in the north-west of the country but, for one thing, the degree of loyalty among Malik's former forces was likely to be open to question and, for another, there were still a number of commanders who saw themselves as independent and hence did not take orders from Dostum. An example given of Dostum's not yet fully restored authority was the WFP's attempt to get a convey of foodstuffs through to Bamian by road from Hayraton (on the border with Uzbekistan) via Pul-i-Khumri. It had been forced to drop the plan, as the necessary assurances of safety were not forthcoming.

On its visit to Bamian the delegation was told by the deputy head of Hezb-i-Wahdat, Qurhan Ali Airfani, that there is no internal opposition within its territory, where it is in full control. When asked about the position of Muhammad Akbari, Airfani said that Akbari has no support in Hazarajat now and moreover, to his knowledge, is no longer in Afghanistan at all (Akbari used to be a significant Hazara leader opposed to Khalili).

At the meeting in late November, the UNSMA pointed out more generally as regards control of Alliance territory that this of course depends to some extent on proximity to the front line, especially the more active sections of front. It added that control of territory held by Hezb-i-Wahdat and Jamiat-i-Islami was at present to be regarded as somewhat more secure than for that held by Junbish-i-Milliyi Islami.

The delegation's independent sources in Bamian, including the local UNHCR, generally agreed that Hezb-i-Wahdat is fully in control of its part of Northern Alliance territory.

For the extent of Northern Alliance territory and its breakdown between the main components of the Alliance, see Annexes 3 and 6, drawn up in conjunction with the UNSMA. As of late November 1997, the Alliance held the area north of the main front line, which runs across the country from the Turkmen border in the north-west to the Pakistani border in the north-east, except for the Kunduz enclave, which is under Taliban control. It should be noted that Annexes 3 and 6 are to be regarded as no more than outline maps and the fronts etc. shown are accordingly approximate.

## **2. Are people generally armed?**

The delegation did not receive adequate information to answer the question in full for Northern Alliance territory.

In the town of Bamian, which the delegation visited, there were, as a recurrent feature, considerably more armed people to be seen than in any of the localities visited in Taliban-controlled territory. As mentioned above for Taliban armed forces, however, uniforms are also lacking in the case of the Northern Alliance, making it difficult to distinguish civilians from military personnel. The delegation was also told at the meeting with Airfani that Bamian is a kind of mobilization centre for Hezb-i-Wahdat soldiers and the widespread carrying of arms has to be seen against that background.

## **3. The mine hazard**

The delegation did not receive adequate information to answer the question in full for Northern Alliance territory.

According to the UNHCR in Afghanistan, mines are generally far less of a problem in Northern Alliance territory than in Taliban territory. There have, however, been reports of some new minefields being laid in the course of fighting around Mazar-i-Sharif and the Kunduz enclave.

Hezb-i-Wahdat, represented by Qurhan Ali Airfani, said that there are of course mined areas in Hazarajat, but they are limited and on the whole identified and so the mine hazard is a relatively minor problem.

In the town of Bamian and its immediate environs, which the delegation visited, people were apparently also moving around freely in the fields. However, the delegation was shown a ruined town, described as a historical monument, which was mined. Mines had reportedly not been cleared there for the time being, for fear of damaging possible important archaeological finds.

The WFP confirmed that there are still mined areas in Hazarajat, but considered the problem a less significant one. Other NGOs, including the ARCS (Afghan Red Crescent Society), said that there is not generally any mine problem in those areas in which NGOs are working. Serious mine problems are to be found in the vicinity of the front lines. As far as those organizations knew, no NGO staff had suffered accidents involving mines. They said lastly that, on average, one or two mine victims, including civilians, are admitted to hospital each week.

#### **4. Crime trends over the last year for more serious offences (such as murder, kidnapping, robbery and rape), and policing**

For details of this, see section 5 on the general security picture.

#### **5. General security picture over the last year**

##### **(a) Is the security situation uniform or are particular groups especially vulnerable?**

General Fatch Khan, the Northern Alliance representative in Pakistan, stated that the general security situation in Northern Alliance territory up until May 1997 had been fully satisfactory for all ethnic groups. Unfortunately, the situation had significantly deteriorated following the Taliban invasion of the area, the dislodging of Dostum and subsequent fighting in and around Mazar-i-Sharif and near Kunduz. Now that Dostum is back, one of Junbish's first priorities is to restore security throughout the northern area and reintroduce law and order. The General strongly deplored the looting which had taken place, including that of international organizations' offices and stores, and hoped that the level of security would very soon be such that those organizations which had pulled their staff out could allow them to return.

Khan said that all ethnic groups are present in Northern Alliance territory. He did not regard any of them as being especially vulnerable and pointed out here that women are allowed to participate fully in social life.

Qurhan Ali Airfani said that the security situation in territory controlled by Hezb-i-Wahdat is entirely satisfactory and the crime rate low. The Chief Justice at the Supreme Court in Hazarajat reaffirmed that crime was rare and there had not, for instance, up to now been any cases resulting in a death sentence or amputation of limbs.

The WFP in Bamian confirmed that crime there is very low. Other NGOs, which wished to remain anonymous, also confirmed that crime is low, adding that none of them had ever, for instance, been stolen from. At the same time, however, they took the view that the situation could not be considered entirely uniform, pointing out that there was some crime associated with certain military units, such as extortion, unauthorized road tolls etc.

The UNHCR in Afghanistan regarded the security situation generally in Northern Alliance territory (especially the area controlled by Junbish (see Annex 6)) as considerably more unstable than in Taliban territory. Internal fighting among some of the Alliance commanders had been observed and parts of the area, especially around Mazar-i-Sharif, have seen extensive looting. The UN office in Mazar-i-Sharif has been closed and staff withdrawn.

The UN also faces the special security problem of rumours put about that it supported the Taliban in the events of May 1997 in Mazar-i-Sharif. Freedom of movement, particularly in Junbish-controlled territory, is restricted moreover, as individual commanders have in many places set up roadblocks and decide for themselves who and what is allowed to pass. The UNHCR in Afghanistan also had misgivings about the proper working of the legal system in northern Afghanistan. This was especially true in areas in which individual commanders had established independent power bases and accordingly acted as the legislative, judiciary and executive authority all in one. The administrative system generally was also described as weak and very inscrutable.

Another UN source, who wished to remain anonymous, considered the security situation in Northern Alliance territory generally poor, but with regional variations. In some areas, rape was common.

The CCA and ADA both considered the security situation in northern Afghanistan poor, with murder, looting, rape and kidnapping for ransom regular occurrences.

An NGO wishing to remain anonymous pointed out that a group of Tajiks totalling about 7 000, who had fled from Tajikistan to Afghanistan and were living in camps in the vicinity of Mazar-i-Sharif, were to be regarded as a particularly vulnerable group, as international aid to the area had virtually ceased and they were unable to support themselves or leave there. During its mission, the delegation continued to seek information on the fate of that group and, shortly before leaving Afghanistan, it learned from the UNHCR there that it had now been possible to get the entire group safely out of Afghanistan and back to their home country.

A source at the US representation in Pakistan, who wished to remain anonymous, said that there might be security problems in store for Pashtuns in Northern Alliance territory in the light of events in and around Mazar-i-Sharif in the summer of 1997, when local Pashtuns to some extent supported the Taliban.

## **6. Internally displaced persons (IDPs)**

The UNHCR in Afghanistan said that there are not at present any reliable figures on the number of IDPs in Northern Alliance-controlled territory. After the fall of Kabul in September 1996, some of its inhabitants headed north, especially for Mazar-i-Sharif. In the course of fighting to the north of Kabul in 1997, too, some of those living in the Shomali valley are also known to have headed north, either for the Panjshir valley or for other northern provinces.

During its stay in Bamian, the delegation discussed the IDP issue with Qurhan Ali Airfani, who said that there are many IDPs in Hazarajat, mainly Hazaras from Kabul, Ghazni and Mazar-i-Sharif.

The WFP in Bamian stated that there are some 37 000 IDPs in Hazarajat, all receiving assistance from the WFP.

In Bamian the delegation noticed that very many of the caves in the immediate vicinity of the famous statues of Buddha were inhabited. The local Hezb-i-Wahdat guide explained that the inhabitants were IDPs, about 1 000 of whom have settled in the caves. The area, which lies at an altitude of about 3 000 metres, normally has a very severe winter and at the time of

the delegation's visit it was already quite cold. The cold, coupled with the fact that winter was only just beginning, made the already primitive conditions in which those people were living seem even harsher than they otherwise would.

## 2. Military situation and other military matters

As stated in section 1.A.5 above regarding the security situation, developments on the war front have resulted in the four main ethnic groups in Afghanistan, Pashtuns, Tajiks, Uzbeks and Hazaras, now broadly holding those areas of the country in which they have traditionally been dominant in numbers. The main exceptions are Kabul and Herat, where, according to a number of the delegation's UN sources, who wished to remain anonymous in this respect, the Taliban are virtually to be regarded as an outright occupying power. The approximate course of the front line is shown in Annex 3.

Another factor in the situation, according to the UNSMA, is that the front line almost everywhere runs across mountainous terrain, which of course gives a defender significant advantages in that fighting usually has to be engaged in along a very narrow front or centring on individual natural or other features (such as a pass or a bridge). These points, together with a measure of parity between the two sides' military capabilities, are in the UNSMA's view the main reasons why, apart from temporary shifts of position, it has not proved possible, in spite of considerable efforts by both sides, to move the front line significantly since the Taliban gained control of Kabul in September 1996.

A further factor of relevance to the present military stalemate is that both sides, not least the Taliban, have often resorted to buying off or forming alliances with individual commanders on the other side so as to achieve military breakthroughs. The best-known example of this is no doubt Malik's alliance with the Taliban in May 1997, which led to the temporary capture of Mazar-i-Sharif. With the front line now lying at the border between the various main ethnic groups' core areas, that way of operating has become increasingly difficult.

Actual warfare on active sections of front is, in the UNSMA's view, being conducted with fairly small forces, usually not more than a few thousand men on each side. It also typically involves infantry fighting backed up by artillery and with some mechanized support in the shape of tanks and armoured personnel carriers. Military equipment on both sides is predominantly Soviet-made and usually ageing (for the benefit of the more military-minded, the commonest tanks and armoured personnel carriers seem to be T-55s and BTR 60 PBs). Both sides also possess rocket launchers as well as actual ground-to-ground missiles. Lastly, both sides have an air arm, capable of carrying out both spotting and transport or combat (bombing) missions. There were no reports of missile attacks or bombing raids by either side while the delegation was in Afghanistan, but since it returned home it has learned via the UN system that the Taliban have bombed Bamian airport.

According to information from the UN, the bombing of Bamian airport is presumably related to the total blockade of goods, including foodstuffs, operated by the Taliban since June 1997 against Hazarajat. The bombing was in fact carried out at a time when the WFP, fearing famine in the area during the winter, had set up an airlift for emergency supplies to the area

via Bamian airport. For a more detailed assessment of the effects of the blockade, see section 9.

The UNSMA took the view that total immediately mobilizable forces on both sides amount to about 80 000 to 100 000 men. However, such a strength takes a very considerable effort by their military and civilian structures and will therefore hardly be maintainable for any length of time. A typical strength in non-crisis periods might thus be 30 000 to 40 000 men on each side. The point was also made that both sides' armed forces are only to a limited extent made up of standing, regular military

units, which of course restricts the scope for conducting conventional military operations on a major scale.

Neither the delegation's Taliban sources nor Hezb-i-Wahdat sources were willing to comment on the strength of their own forces. A chart of the Taliban military structure can be found in Annex 9(c).

The Northern Alliance representative in Pakistan, General Fateh Khan, explained that the Alliance is at present (early November 1997) composed of military units drawn from Junbish-i-Milliyi Islami, Jamiat-i-Islami, Hezb-i-Wahdat, the branch of Harakat-i-Islami led by Ayatollah Muhseni and a number of independent commanders.

He put the strength of Junbish-i-Milliyi Islami's armed forces at about 80 000 men. He would not venture to put a figure on those of Hezb-i-Wahdat or Jamiat-i-Islami, although he regarded Jamiat's forces as smaller in number than Junbish's but larger than Wahdat's. The Harakat-i-Islami force was, according to him, considerably smaller than the others.

The Pakistani Foreign Ministry's estimates of the strength of the parties' forces were considerably lower than those of the UNSMA and General Fateh Khan.

A source at the US embassy in Pakistan, who wished to remain anonymous, took the view that the Northern Alliance's combined fighting strength is somewhat weakened by the fact that its components find themselves, as it were, in an alliance of necessity. Jamiat-i-Islami has in the past been involved in fierce fighting with Hezb-i-Wahdat and the Uzbeks under Dostum cannot agree among themselves.

## ***A. Situation, control and front line***

### **1. Just north of Kabul**

As can be seen from the UNOCHA weekly newsletters "Humanitarian Assistance for Afghanistan" for 1996 and 1997, after taking Kabul in September 1997 the Taliban quickly tried to follow up that success and therefore pushed forward north of the city. They fairly soon managed to push on right to the mouth of the Panjshir valley and at one point were also threatening the Salang tunnel. Those initial gains were, however, temporarily lost when the combined forces of Dostum and Massoud drove the Taliban back to Kabul in mid-October 1996. That offensive by the Taliban's opponents culminated in two assaults on Kabul itself, on 27 and 31 October 1996, both unsuccessful. The tide of the war then turned again, with Massoud and Dostum gradually being driven back towards the Panjshir valley. Jebul Seraj and Gulbahar, situated about 70 km and 90 km north of Kabul respectively, fell to Taliban forces on 23 January 1997.

During the spring of 1997, however, the combined forces of Massoud and Dostum once again managed to press the Taliban back towards Kabul, so that in early July the front line lay about 20 km to 30 km north of the city. Throughout July and August there was fierce fighting for the approach roads to the city, without either side finally gaining the upper hand. In September the focus shifted to the area near Mazar-i-Sharif and Kunduz and the fighting around Kabul calmed down.

When the delegation visited Kabul in early November 1997, the situation was completely quiet and there was in fact not a single shot to be heard, even though, according to the UNSMA, the front line lay just 22 km away from the city at the closest point. It was added that the lull on this section of front had lasted for the best part of two months and the front line on both sides was thought to be very lightly manned, probably with no more than a few hundred men on each side. The front line on the Northern Alliance side was believed to be manned only by forces loyal to Massoud. Both sides allow civilians to cross the front line from time to time.

There was considerable doubt as to likely future military developments around Kabul, but general agreement among UN sources was nevertheless that Kabul with its symbolic importance as the country's capital would remain a very important military objective, even though both sides' present number-one military priority is the Kunduz area. The view was also taken that, if it was to achieve a more permanent recapture of Kabul, the Northern Alliance would be required to attack in such great force as to drive the Taliban not just out of the city of Kabul itself but also out of its hinterland.

### **2. Around Mazar-i-Sharif**

As can be seen from the UNOCHA weekly newsletters "Humanitarian Assistance for Afghanistan" for 1997, the area around Mazar-i-Sharif was, initially in May and then in September and October, the scene of fierce fighting between Taliban forces and forces from the Northern Alliance, primarily from Hezb-i-Wahdat and Junbish-i-Milliyi Islami.

As stated earlier, the fighting in May sprang up after the Taliban managed to enter into an alliance with Junbish's General Abdul Malik, as a result of which the Taliban briefly captured Mazar-i-Sharif on 24 May. Over the following days, however, during rioting in the town, the Taliban suffered a significant defeat, forcing them to withdraw to the Kunduz enclave, inhabited mainly by Pashtuns. Fighting flared up afresh in early September, when Taliban forces pushed forward westwards and north-westwards from the Kunduz enclave and in fact advanced right to the outskirts of Mazar-i-Sharif before being repelled.

At the time of the delegation's visit to Afghanistan, the Taliban and their supporters in northern Afghanistan were again compressed in the Kunduz enclave. A UN source wishing to remain anonymous said that Jamiat-i-Islami (Massoud) was advancing towards the area from the east and had reached the gates of Khanabad. To the west and south were forces from Junbish-i-Milliyi Islami (Dostum). The Taliban force, put at 2 000 to 3 000 men, was thus cut off from the rest of Taliban-controlled territory and, according to the UNSMA, being supplied by air. However, Massoud was so close to the airport that supplies could only be flown in at night. In the UNSMA's view, the fighting in the Kunduz area was the fiercest in Afghanistan at present.

The UNSMA considered at the time (late November 1997) that, given the nature of the terrain, Kunduz would be hard to take from the east, whereas Dostum would stand a better chance. Such an assault, however, would require Dostum first to be in full control of Junbish as a whole, including units loyal to Malik, and then to have time for the necessary military build-up in the area. Whether Dostum could manage to carry out the necessary build-up before winter really set in and whether he was looking for a military solution to the Kunduz issue at all was unclear, since there had been some negotiating gambits, including releases of prisoners on Dostum's part. At the time of writing



(February 1998), the situation in the Kunduz area, as reported via the UN system, can be seen to be unchanged.

It should lastly be noted that, when visiting Bamian, the delegation discussed the military situation, including that in Kunduz, with Qurhan Ali Airfani. He stated that the Northern Alliance generally and in particular Hezb-i-Wahdat wanted a negotiated solution to the war, but when Kunduz was specifically mentioned he was unwilling to say whether such a solution should also include that area.

### **3. West of Kabul towards the Bamian pass**

As can be seen from the above account of the situation to the north of Kabul, Taliban forces succeeded in capturing Jebul Seraj and Gulbahar at the end of January 1997. This also opened the way for a push westwards along the road through the Ghorband valley towards the Shebar pass, which provides the real key to Bamian, Hezb-i-Wahdat's main town in Hazarajat. In late February 1997 Taliban forces were reportedly right up to the pass, which was even, according to some reports, in Taliban hands.

All that spring and most of the summer saw heavy fighting in the Ghorband valley between Hezb-i-Wahdat and the Taliban, without the Taliban managing to push on beyond the Shebar pass. From the beginning of July, Massoud's forces launched an offensive southwards from the Panjshir valley and succeeded, amid heavy fighting, in regaining control of Gulbahar and Jebul Seraj from the Taliban. On 20 July 1997 Massoud's forces reached Charikar, thereby cutting the main supply line to Taliban troops in the Ghorband valley. That development considerably weakened the Taliban's hand in the valley, where pressure on Hezb-i-Wahdat thereafter subsided.

At the time of the delegation's visit to Afghanistan, according to Qurhan Alia Airfani, the Shebar pass was safely held by Hezb-i-Wahdat and the Taliban had been driven back from the east-west road between the Shebar pass and Charikar. It was thus, according to him, entirely possible for Hezb-i-Wahdat and Massoud forces to conduct joint military operations with the road as their starting point. The Taliban had been pushed southwards, according to Airfani, so that the only real fighting in the area was taking place in the Sorkh Parsa district.

The UNSMA confirmed that the Shebar pass was in Hezb-i-Wahdat hands, as was presumably also the east-west road between Charikar and the Shebar pass. It added that the front in question had been fairly quiet of late.

### **4. East of Herat**

As can be seen from the UNOCHA weekly newsletters "Humanitarian Assistance for Afghanistan" for 1997, the spring and summer of 1997 saw extensive fighting in Badghis province to the east of Herat. The Taliban there faced Junbish-i-Milliyi Islami forces. Until Malik allied himself with the Taliban in May 1997, the head of Northern Alliance forces on that section of front was the former Governor of Herat province, Ismail Khan. However, he was taken prisoner when Malik changed sides, with overall command being taken by General Malik. For reasons which are not clear, but possibly because Taliban control of Mazar-i-Sharif was so short-lived, the Badghis front did not just crumple and later in the summer it had stabilized along the river Bala Morghab.

While in Afghanistan, the delegation was told by the UNSMA that the front line had now remained static at the river Bala Morghab for quite some while, with neither side apparently making any serious attempt to change the status quo. Another UN source, who wished to remain anonymous, said that the Taliban's strength in the area could be put at 5 000 to 7 000 men and the two sides mostly allowed civilians to cross the front line. In late November 1997, as mentioned above, Malik was forced to leave Afghanistan, together with his brothers, which would presumably mean that forces more loyal to Dostum came to lead the troops on that front. Qurhan Ali Airfani, with whom the delegation discussed the Bala Morghab situation, said that Hezb-i-Wahdat had been assigned one third of responsibility for defending the front in question.

### **5. In other conflict zones**

#### **(a) Behsoud and Jalrez districts**

The Behsoud and Jalrez districts are situated in Wardak province, just to the south-west of Kabul. Both districts lie near the strategically important main road connecting Kabul and Kandahar via Ghazni. According to Qurhan Ali Airfani, both districts form part of the area regarded by Hezb-i-Wahdat as Hazarajat. He added that in many parts of the two districts Wahdat forces are so close to the main road that traffic along it could be interrupted using long-range artillery.

According to UN sources wishing to remain anonymous, there had been fighting in the area for some while, with the opposing forces drawn from the Taliban and Hezb-i-Wahdat respectively. According to the same sources, however, this was a relatively minor battleground in the Afghan context.

#### **(b) Kunar province**

According to the UNOCHA weekly newsletters "Humanitarian Assistance for Afghanistan" for 1996 and 1997, Kunar province was captured by the Taliban in September 1996, with the Taliban themselves announcing its capture on 22 September. The province, which is very inaccessible, even by Afghan standards, soon proved hard to keep quiet, however, and throughout 1997 up until the delegation's arrival in the area there were regular reports of minor guerilla raids on the Taliban, primarily in the northern parts of the province and in Asmar, which lies just north of the province's main town, Asadabad, near the Pakistani border.

UN sources wishing to remain anonymous told the delegation that the forces attacking the Taliban from time to time were mainly led by independent commanders, who nevertheless to some extent received support from Massoud. Especially in Asmar, however, a number of the rebel commanders were also reportedly loyal to the former Governor of the Eastern Region, of which Kunar forms part, Haji Abdul Qadir. The latter, who after the fall of Jalalabad sought asylum in Pakistan, was in fact expelled from Pakistan while the delegation was in the area. The Pakistani Foreign Ministry told the delegation that his expulsion was due to activities incompatible with refugee status.

UN sources wishing to remain anonymous explained that Kunar province is one of the few remaining well-wooded parts of Afghanistan and intensive logging has been practised in the area for years. The timber was then extensively exported to Pakistan over rough mountain passes, often without the involvement of the authorities on either side of the border. According to the same sources, that timber trade provided a significant source of income for local commanders in Kunar province and much of the opposition to the Taliban was apparently due to the fact that, upon

capturing the province, they took charge of that business. It was explained that all timber exports now had to pass through Kandahar, which of course cut out the transport routes to Pakistan previously used.

According to the UNSMA, military action in Kunar province could best be described as pinprick operations, which naturally enough were a nuisance and gave rise to some insecurity, but could hardly pose any serious threat to the Taliban's hold on the area.

### ***B. Recruitment of soldiers by the warring parties***

#### **1. Taliban-controlled territory**

The delegation discussed the issue with several of the Taliban sources, including the Governor of Kandahar. He explained that all men aged over 18 can become soldiers and virtually all ethnic groups are represented in the Taliban armed forces. The Governor strongly emphasized that there is no conscription. He acknowledged that recruitment campaigns are carried out, in which of course attempts are made to persuade prospective recruits to join up. In doing so, for instance, the local mullah or head of the local shura is sometimes prompted to deliver a rousing speech. Confronted with information supplied to the delegation that individual villages were required to supply a given number of "volunteers", the Governor denied that this was the case, also denying that villages could buy exemption from that obligation for a certain sum of money. The Governor added that many of the Taliban's volunteers are recruited from madrasas (religious schools), in Pakistan among other places.

On conditions of service in the Taliban armed forces, the Governor said that soldiers do not receive any pay, only their keep, and there is no set length of service. Soldiers are thus quite free to leave their military unit if they wish, nor are there accordingly any penalties for deserters.

The Deputy Governor of Jalalabad explained that there is no actual enrolment of soldiers. The commanding officer who recruits a unit does of course know of whom it consists, but there is no central roll. As regards deserters, he said that soldiers are basically free to

leave the army and the problem is therefore only rarely encountered. In the case of ordinary desertions, the main thing from the Taliban's point of view is to ensure that the deserter is disarmed. He will then normally be expelled from the Taliban. Where anyone deserts in combat, however, especially if an area is lost to the enemy in the fighting, the penalty is severe. It may involve lengthy detention and possibly flogging.

The Pakistani Foreign Ministry confirmed that, according to its information, the Taliban only recruit on a voluntary basis.

A source at the US representation in Pakistan, who wished to remain anonymous, said that the Taliban were known to recruit soldiers both in refugee camps in Pakistan and within Afghanistan itself. There was, however, considered to be hardly any forced recruitment in camps in Pakistan. There was conscription in Afghanistan, but mainly of Pashtuns, as the Taliban did not trust other groups. Conscription was known to take the form of demands that a particular local community supply a given number of able-bodied men, whereupon it was up to the inhabitants themselves to select those men. It was also known to be possible to buy exemption by paying the equivalent of US \$200 to 300 per person.

Several UN sources wishing to remain anonymous confirmed that the bulk of Taliban soldiers are volunteers, while also adding that conscription does in fact take place from time to time, especially in critical situations. Examples given of these were the events in Mazar-i-Sharif in May and the situation around Kabul in July 1997. It was explained that conscripts might include Hazaras but were otherwise mostly Pashtuns. One source knew of villages in a particular area being required each to supply a man and a horse for military service. Those supplied then changed places every four weeks. Another of the sources reported there to be conscientious objectors among the prisoners in Herat prison.

Several international NGOs wishing to remain anonymous also confirmed that conscription is practised, with one of them adding that conscripts had included both Tajiks and Hazaras. It was also explained that it is often difficult for an outsider to know for what purpose people are in fact being taken away by the Taliban authorities. In some cases they are being arrested on security grounds, e.g. to counter potential insurrection, in others they are to serve as bargaining counters, in exchange for people held by the opposing side, and in others again they are simply being press-ganged.

The delegation also discussed the recruitment issue with a group of Afghan NGOs in Kandahar. One of them had come across conscription of health care personnel in Uruzgan province and knew of conscription in rural areas as well. On the question of measures against deserters, that NGO reported there to be military rules punishing desertion which are not publicly known. Some of the other NGOs said that there is no conscription and desertion goes unpunished.

## 2. Northern Alliance territory

The delegation did not receive adequate information to answer the question in full for Northern Alliance territory.

The Northern Alliance representative in Pakistan, General Fateh Khan, stated that Junbish-i-Milliyi Islami only uses volunteers, but he did not know how the other allies recruit their soldiers. On the composition of Alliance armed forces, he gave the following details:

- Junbish-i-Milliyi Islami has people from practically all ethnic groups, but with Uzbeks clearly predominant. More significant components of Junbish, apart from Uzbeks, include Ismailis under Sayed Mansur Naderi, who are well-represented around Pul-i-Khumri;
- Jamiat-i-Islami is made up mainly of Tajiks;
- Hezb-i-Wahdat is made up mainly of Hazaras;
- Harakat-i-Islami (Muhseni) comprises a mixture of the Qizilbash (a Shia Muslim, Dari-speaking ethnic group, descended from Persian soldiers), Pashtuns and Hazaras;
- Juma Hamdard Khan, who controls the town of Balkh and has some 500 soldiers, is now the only significant Hezb-i-Islami commander in Northern Alliance territory who supports the Alliance. He has close links with Junbish. He and his people are Pashtuns.

A source at the US representation in Pakistan said that Dostum, Massoud, Khalili and Malik have practised conscription.

Qurhan Ali Airfani, of Hezb-i-Wahdat, said that in Hazarajat soldiers are only recruited on a voluntary basis and there had never been any shortage of volunteers. There is no set length of service and soldiers needing to be sent home, e.g. for personal reasons, can be. Deserters are, however, punished, but Airfani did not know of any cases of desertion. He added that the military system has rules punishing desertion, depending on the circumstances. The usual penalty would be detention and corporal punishment.

UN sources said that, to the best of their knowledge, desertion is punished by detention.

### *C. Position of prisoners of war (POWs)*

#### **1. Number and treatment of POWs held by the combatants.**

#### **2. Does the ICRC have access to POWs and are POWs exchanged?**

None of the delegation's sources was in a position to give an overall estimate of the number of prisoners of war held by the warring parties.

The Governor of Kandahar said that the Taliban want to comply with international rules on the treatment of prisoners of war and have for that reason engaged in cooperation with international aid organizations, especially the ICRC, regarding POWs in Taliban custody. He acknowledged that the Taliban have very limited scope for meeting international standards, particularly as regards food and health care. They had therefore in Kandahar established cooperation with the ICRC so that sick POWs could be referred for treatment at the ICRC-aided hospital and had also for some while been attempting to get, say, the WFP to assume responsibility for food supplies. The Governor denied that POWs are subjected to torture. At the delegation's request, he arranged a visit to Sarpoza prison, Kandahar's central prison. For an account of the visit, see Annex 7.

Qurhan Ali Airfani said that Hezb-i-Wahdat was only holding a fairly small number of POWs and did of course treat them as well as Hazarajat's very limited resources permitted. At the delegation's request, he arranged a visit to Bamian's new prison. For an account of the visit, see Annex 8.

At a meeting in early November 1997, the ICRC said that up to that point in 1997 it had visited over 7 000 POWs throughout Afghanistan and the access allowed to prisoners was generally satisfactory and on the ICRC's own terms. It had not, however, been possible to visit the Taliban prisoners captured by General Malik in the May 1997 fighting. This was considered worrying as rumours had also been heard of prisoners from that group being executed. The ICRC added that it is always extremely reticent about commenting on matters relating to POWs, above all in the interests of the POWs concerned.

During its mission, the delegation was informed that about 2 000 bodies, presumably of captured Taliban members, had been discovered in mass graves near Shebarghan in northern Afghanistan. For further details, see section 4.A.1 on extrajudicial executions.

An Afghan NGO wishing to remain anonymous had been informed of prisoners of war being ill-treated, with the use of violence, at the central prison in Mazar-i-Sharif. Some of Massoud's prisons in the Panjshir valley were also said to be appalling. Another problem was that many individual commanders in northern Afghanistan had prisons of their own, to which only they had access and the location of which, e.g. in caves, was unknown to any outsider.

Reports had been heard as well of both sides summarily executing POWs in the fighting around Mazar in May. Hezb-i-Wahdat was also said to have transferred some 150 POWs from Mazar-i-Sharif to Bamian, at the same time releasing some 40 others.

The organization added that it was acquainted with conditions at Sarpoza prison in Kandahar, where about 1 500 prisoners were said to be held, mainly POWs from Herat, Kabul and Mazar-i-Sharif. POWs were housed 40 to 50 to a cell and food rations were to be regarded as inadequate. Prisoners could move around freely within the prison in the daytime and were allowed daily visits by relatives; it was also possible to earn income on the side by selling goods. About ten of the more prominent prisoners were kept in chains. Torture was apparently not practised at the prison, but a number of prisoners had, it was said, been tortured in Kabul.

Particularly prominent prisoners, such as the former Governor of Herat, Ismail Khan, were held in special prisons, which no one other than the Taliban knew the location of or had access to.

Then there were also the KHAD intelligence service prisons, to which no unauthorized person had access either.

Another organization wishing to remain anonymous was familiar with conditions at the central prison in Herat, which reportedly held about 1 500 prisoners, including some 600 POWs. Food rations were to be regarded as inadequate and some of the prisoners were housed in parts of the prison not normally used as cells. Torture was said not to be a regular occurrence, although the occasional beating-up took place. Some 20 to 30 prisoners were reportedly kept in chains. There were also, according to the source, occasional problems of access to prisoners in Herat's prisons, even for the ICRC.

With regard to exchanges of prisoners, the ICRC was able to report that in early November 1997 Dostum unilaterally released over 200 POWs captured by Malik in fighting around Mazar-i-Sharif in May, including several prominent Taliban members. Just before the delegation left the area, UN sources could report that the Taliban had reciprocated, releasing a number of prisoners from Dostum's Junbish militia.

Lastly, the governor of Kandahar prison said that during November 1997 (the meeting took place on 17 November) a total of about 120 POWs had been exchanged in four batches.

### **3. Political and administrative situation**

#### *A. Taliban-controlled territory*

##### **1. Political system**

###### **(a) The Taliban movement**

##### **1. Recruitment**

In an article in "Den Ny Verden", No 1/1997, Dr Asta Olesen writes that the Taliban movement has recruited its members first and foremost among Afghan refugees in Pakistan, taught at traditional

Sunni madrasa schools with links to the radical political party Jamiat ul-Ulema-i Islam in Pakistan. The ethnic recruiting ground has primarily been Pashtuns from southern Afghanistan. The bulk of the Taliban now appear to be young men, especially from southern rural areas, with an inadequate education and little knowledge of ordinary, modern-day social life. Like Mullah Omar, who is aged 35, most of the Taliban will barely be able to remember pre-war Afghanistan.

The Governor of Kandahar said that the Taliban admit and do have members from virtually all ethnic groups in Afghanistan.

Several UN sources wishing to remain anonymous confirmed that the Taliban also include Tajiks and representatives of other ethnic groups as ordinary members. The explanation for their membership of the movement, however, is in part to be found in conscription into the Taliban armed forces.

## **2. Leadership and decision-making process**

The Governor of Kandahar explained that Mullah Omar, who has now been appointed Amir al-Munimin, defender of the faithful, is the unchallenged leader of the Taliban and all important decisions require his personal ratification in order to be valid. Just below Mullah Omar in authority comes the Supreme Shura which is a six-member council headed by Mullah Mohammad Rabbani Akhund, who serves as Prime Minister and Vice-President. The Supreme Shura is based in Kabul and has under it a Cabinet Shura, composed of representatives of the Ministries, and a Military Shura, responsible for the war effort and made up mainly of military men (see Annex 9 on the structure of the Taliban).

The Repatriation Ministry's representative in Jalalabad further explained that power within the Taliban movement lies solely in the hands of Mullah Omar. No other figure and no body holds any powers which might encroach upon his position of overall authority. Individual Ministers have, however, been delegated powers within their respective spheres. Their Ministries are located in Kabul.

The Foreign Ministry's Herat branch office said that all Ministries have branch offices in all provinces. The senior administrative officer, however, is the provincial governor. At

district level within individual provinces there are district governors and in villages the authorities are represented by councils of elders. In dealing with items of business, members from lower rungs on the administrative ladder may be summoned before higher rungs as required. Members of the district shura are, for instance, summoned before the provincial shura and members of village councils of elders before the district shura. All shuras have been delegated certain powers to decide local matters. Decisions such as some appointments, e.g. to the post of head of police for a province, are nevertheless reserved for the central authorities.

A UN source said that the Taliban leadership consists, naturally enough, mainly of Pashtuns. Among the 17 identified members of the Cabinet Shura in Kabul, however, there were known to be two non-Pashtuns. Whether they were Tajiks or people from a multiethnic background was unclear. The source also pointed out here that the composition of the Taliban leadership is constantly changing, with individuals frequently switching from one sphere of responsibility to another. The ADA said that governors are replaced at particularly frequent intervals. The explanation for this is

that many governors are former commanders and, at times when things are going badly at the front, the Taliban want to send experienced commanders there to remedy the situation.

Several UN sources confirmed the formal structure of authority outlined above, as also shown in Annex 9. As to the real decision-making process and authority among Taliban leaders, on the other hand, opinions were more divided. One of the sources considered the Taliban power structure very inscrutable, but believed Mullah Omar, who was described as a somewhat shy person with no formal education, to be guided to a large extent by his closest advisers. Those advisers, comprising both politicians and military men, form a close circle around him and enjoy considerable influence over, for instance, who gets to meet him.

At lower administrative levels, the sources questioned, including UN sources, did not generally encounter any problems of authority and considered those levels to operate along quite normal hierarchical lines. However, one of the sources referred to occasional instances in which different authorities take directly conflicting decisions in the same case. For instance, one Ministry had authorized a given activity which the religious police then prohibited for no particular reason. Another difficulty is that many of the officials appointed by the Taliban lack relevant training and experience and it is hard to get their agreement in writing and hence difficult to hold them to earlier decisions.

A UN source also pointed to a problem in that the Taliban often take decisions on a religious or ideological basis without considering their practical consequences. As an example of such a decision, the source referred to the now resolved hospital dispute in Kabul, in which it was decided almost overnight to segregate the hospital service completely, so that in future men and women would not just be treated in separate wards but even in separate hospitals. Attempts were made to put that decision into practice regardless of the fact that the necessary hospitals, staff and equipment were not available and for a while in the autumn of 1997 it threw the entire hospital service in Kabul into chaos.

An international NGO pointed out lastly that there is no actual Taliban administration below district level, villages being run by traditional councils of elders.

### **3. Political programme**

When asked about the movement's political programme, the Governor of Kandahar made the point that the main thing is to bring peace to Afghanistan. There would be peace once the Taliban are in full control of the country. Then the people would decide. Elections would be held and a new constitution passed. Internationally, the Taliban want to be part of the world and not a country cut off from the rest of the world. However, the Taliban have a strong desire that the Afghanistan to be constructed after the war should be an Islamic state which can serve as a model for the rest of the Muslim world.

When asked whether, as part of the establishment of a political programme, the Taliban might be in the process of drafting a new constitution, the Governor stated that the Taliban regard the Koran as their constitution and hence there is no work under way on drafting a new one. The Repatriation Ministry's branch office in Jalalabad said that those articles of the previous constitution which tally with Sharia law are acceptable, while everything else stems from the Koran.



The delegation discussed the question of any Taliban political programme with several UN sources, none of whom was sure whether the Taliban actually have one.

However, the CHA was able to report that in 1997 the Taliban brought the previous constitution back into force with a few minor amendments. According to the CHA, this was publicly announced.

#### **4. Any factions or animosities**

Those interviewees with whom the question was raised were unable to give any precise answer as to how the Taliban movement is composed ethnically and politically and whether there would be any factions or animosities as a result. The Pakistani Foreign Ministry pointed out that the Taliban movement is a Pashtun one, united behind one man, Mullah Omar. That unity is its greatest strength and the Ministry did not see any fissiparous tendency.

Professor Mojaddedi took the view that some of the older Pashtun leaders out in the provinces may not be Taliban supporters, as they have now lost much of the power which they used to enjoy. He also saw a potential clash between ex-mujahidin and ex-PDPA members now admitted to the Taliban.

According to an Afghan NGO, the Pashtun tribe consists of two clans: the Durani and the Ghilzai. The senior Taliban leadership is made up solely of Durani clan members. In Kandahar province, where the Taliban have their main base, 98% of Pashtuns belong to the Durani clan. The source added that the Durani clan consists of two subclans: the Zirak and the Panshpaj.

The Zirak have traditionally been the ruling, intellectual branch of the Durani clan. The Musahiban royal family, for instance, belonged to the Mohamedzai subclan of the Zirak.

The Panshpaj comprise the subclans of Nurzai, Izhak, Alizaj, Maku and Khoginaj. With the Taliban, the Panshpaj have suddenly come to wield power, with both Mullah Omar and Mullah Rabbani being Nurzai members. The Zirak are, however, also represented among the senior Taliban leadership. For instance, the Governor of Kandahar, Mohammad Hassan, is a Zirak member.

The source took the view that the exclusion of Ghilzai Pashtuns from the senior Taliban leadership might constitute an embryonic source of division, should the movement meet with any serious setback.

A UN source explained that the Taliban have attracted a number of former mujahidin and former members of the PDPA, especially from the party's Khalq faction, whom the source regarded as potentially factious, should the opportunity present itself.

#### **(b) Other groupings**

The Governor of Kandahar stated that the Taliban do not allow any other political groupings or militias within their territory. Anyone wishing to enjoy political influence has to join the Taliban.

## **2. Administrative system**

See the account in subsection 1(a)(2) above.

### ***B. Northern Alliance territory***

#### **1. Political system**

##### **(a) The Northern Alliance**

###### **1. The Alliance's individual components, including recruitment**

The Alliance representative in Islamabad, General Fateh Khan, said that the Alliance, the United National Islamic Front for the Salvation of Afghanistan (UNIFSA), was established in June 1997. The Alliance is made up of the following political parties: Hezb-i-Wahdat, Jamiat-i-Islami, Harakat-i-Islami and Junbish-i-Milliyi Islami. It is also supported by a number of independent figures and militias unaffiliated with those parties.

The idea of that military alliance was hatched by General Dostum, the intention being to establish complete security in northern Afghanistan by combating the Taliban and keeping them out of the area.

###### **2. The Alliance's leadership and decision-making process**

The leader of the Northern Alliance is General Dostum. Hezb-i-Wahdat is led by Abdol-Karim Khalili and Jamiat-i-Islami by Professor Burhanuddin Rabbani and General Ahmad Shah Massoud. Harakat-i-Islami is led by Ayatollah Mohammad Asef Mohseni and Junbish-i-Milliyi Islami by General Dostum. The delegation did not obtain any information on the decision-making process or joint bodies.

###### **3. Political programme**

The delegation obtained no information on any Alliance political programme.

###### **4. Any factions or animosities**

A number of the delegation's sources, including UN sources, regarded the Northern Alliance as a joint defence force against a common enemy and nothing more. It was pointed out that several of the components have been in open conflict with one another on a number of occasions and there is considerable rivalry among the individual allies' leaders in gaining and maintaining maximum influence both within the organization and over a national solution to the civil war. A UN source stated outright that he regarded that rivalry as significantly weakening the Alliance's combined fighting strength. As an example of what he meant, the source referred to the situation around Kunduz, where he firmly believed that it would not suit Dostum at all if Massoud's forces were to capture the enclave and thus gain further influence in an area otherwise traditionally falling within Junbish-i-Milliyi Islami's sphere of influence.

The delegation asked Hezb-i-Wahdat, in the person of Qurhan Ali Airfani, about Mohammed Akbari's current position among Hazaras. Airfani explained that, after the Taliban killed Mazari in 1995, Akbari had for a while headed a faction of Hezb-i-Wahdat, in opposition to

Khalili. Now, however, Akbari is powerless and, according to Airfani, no longer living in Afghanistan.

**(b) Other groupings**

Qurhan Ali Airfani explained that Hezb-i-Wahdat is the one and only power in Hazarajat.

**2. Administrative system**

As mentioned earlier, the delegation was only able to assess the situation in any detail for one of the Alliance's components, Hezb-i-Wahdat, led by Abdol Karim Khalili, who has served as party leader since Mazari was killed in Kabul in 1995. Qurhan Ali Airfani explained that Hezb-i-Wahdat governs its territory, known as Hazarajat, the core of which is Bamian province in central Afghanistan, via a system of consultative councils. The system is shown in Annex 10. The High Consultative Council consists of Khalili and his closest advisers. Just below it comes the Central Consultative Council, consisting of ten members, who are the heads of the ten central committees covering justice, health, social affairs, economics, women, security (two separate bodies), culture, politics and the military. At provincial level there is a similar central provincial consultative council, composed of the ten heads of provincial commissions.

**C. Allies**

**1. Taliban allies**

The Taliban movement is recognized by just a few countries: Pakistan, Saudi Arabia and the United Arab Emirates. The Pakistani Foreign Ministry pointed out that, even though the Pakistani authorities have recognized the Taliban regime, Pakistan does not provide the movement with any military assistance.

Professor Mojaddedi, however, was aware that Pakistan does assist the Taliban, in both military and humanitarian ways, with Pakistani soldiers operating on the Taliban's side. He

even thought he could say for certain that whole Pakistani military units are or have been involved on the Taliban's side.

On its visit to the prison in Bamian, the delegation was told that about 50 of the prisoners of war at the prison were Pakistanis, as they themselves in some cases confirmed. It remained unclear, however, how many were in fact Pakistani nationals and how many Afghan refugees from camps in Pakistan.

**2. Alliance allies**

Several sources, including UN sources, said that Iran is assisting the Northern Alliance, especially Hezb-i-Wahdat. In particular, it provides military training for young Afghan males from the Alliance.

During the delegation's visit to Bamian, members saw in several places posters showing the Hezb-i-Wahdat leader, Khalili, together with prominent Iranian statesmen such as Khomeini and Khamenei.

#### **4. Human rights problems in Afghanistan**

It should first be noted that all of the delegation's independent interviewees pointed out that investigating and taking an interest in human rights matters is a highly sensitive issue in Afghanistan and it is thought that comments on the subject considered by either side in the conflict to be unfair or unfortunate may adversely affect the ability of a person or organization to work in the country. One NGO had experience of staff who confronted the authorities with abuses being arrested. For that reason, comments in this section are unattributed to a greater extent than elsewhere in the report.

As stated in sections 1.A.4 and 1.A.5, all of the delegation's interviewees from the Taliban movement made the point, in discussing the crime rate and the security situation, that since the Taliban seized power there have been considerable improvements in people's security of life and property and their freedom of movement has also significantly increased. When human rights issues were raised, those points were brought up again as an illustration that the general human rights situation is also much better than it was.

In a general discussion of the human rights situation in Afghanistan, a high-level UN source observed that the country does not at present have any formal state or official authorities and hence has no real human rights provisions either. Afghanistan is in fact a country plunged into civil war, where the rule of law does not run.

In Taliban-controlled territory the issue of women's position has received particular media attention, but protection of human rights is not much better in a number of other areas. The source conceded that the Taliban must of course be given credit inasmuch as the improved security situation has brought considerable progress in safeguarding basic human rights such as the right to life, but still thought the human rights situation generally open to criticism, especially in some geographical areas, e.g. Kabul, and for some ethnic groups, e.g. Hazaras.

In large parts of Northern Alliance territory there had, in the source's view, been a significant decline in the most basic human rights since the events of May 1997 in Mazar-i-Sharif. Women in northern Afghanistan are certainly still not deprived of access to education and employment, nor are people there subject to restrictions on their behaviour in the form of a dress code or hairstyle and beard requirements, but in other ways the human rights situation overall is now almost poorer in Northern Alliance-controlled territory than in Taliban-controlled territory.

Commenting on the human rights situation in Afghanistan generally, an Afghan NGO said that gross human rights violations in the form of murder and rape are committed by all political forces: the Taliban, Wahdat, Junbish and to a limited extent Massoud.

#### **Impact of the civil war**

A UN source pointed out that the human rights situation is of course to some extent directly affected by the fact that the country has long been in the throes of a civil war as well as by the latest advances or reverses at the front. It was, for instance, as stated in section 1.A.5 on the security picture, generally felt that the position of Hazaras in Taliban-controlled territory had not exactly been improved following the events of May 1997 in Mazar-i-Sharif.

### **Regional differences: urban as against rural areas**

A number of both UN sources and international NGOs commented that the human rights situation in Taliban-controlled territory shows regional differences, with Taliban restrictions being enforced more strictly and more intensively in urban centres, especially Kabul and Herat. An international NGO described how in Kabul there could be felt "an almost tangible fear in the population", whereas in rural areas there was less confrontation, with the atmosphere accordingly more relaxed. A UN source also considered that life in rural areas has not changed greatly for ordinary people with the advent of the Taliban.

The above independent sources attributed the "rural versus urban" aspect of the conflict to the inherent clash between the Taliban movement, representing a traditional Pashtun lifestyle, and the secular, modern, multiethnic society found especially in large urban centres. A UN source pointed out here that the Taliban regard towns and cities as places of sin and therefore feel the need for tough action to discipline the population and restore respectability. Some of the restrictions imposed could probably also be seen as revenge against an intellectual elite which, when in power, had little time for the values and lifestyle of the Taliban.

Having been unable to visit areas controlled by the Northern Alliance, apart from Bamian, the delegation received only limited, general information on and assessments of the human rights situation in *northern* Afghanistan. Information on the human rights picture in that area is thus sparser and also obtained at a distance. Such information as the delegation managed to glean on the human rights picture in the north is included in the following sections, which otherwise deal mainly with conditions in Taliban-controlled territory.

In discussing the human rights situation and documentation of it, the delegation met with concern on the part of independent interviewees throughout Afghanistan at the limited monitoring, as pointed out in the introduction to this report, of the country's human rights situation.

#### ***A. Extrajudicial executions, disappearances and detention, including politically motivated cases***

The delegation's Taliban and Hezb-i-Wahdat sources generally ruled out the possibility of extrajudicial executions, disappearances and detention in their own areas and assured it that, should any such abuses come to the authorities' notice, action would be taken. Each of them was, however, highly critical of conditions on the other side.

##### **1. Extrajudicial executions**

Several sources, including UN sources, stated that occasional reports are heard of extrajudicial executions on both sides of the front line, including one case involving Hazaras in Herat, but such reports are of course normally hard to check out. One older example given was the summary execution of Najibullah and his brother by the Taliban, upon seizing control of Kabul. More recently, mention was also made in particular of two incidents perpetrated by the Taliban and the Northern Alliance respectively in the course of fighting in northern Afghanistan earlier in the year.

The incident involving the Taliban concerned massacres of civilians in a number of Shia villages on the outskirts of Mazar-i-Sharif, said to have taken place during fighting in September 1997. An Afghan NGO reported the location to have been Alidjaban village and Kalijabad. In a press release of 15 October 1997 (attached as Annex 12), however, the CCA stated that the massacres took place

in three villages, named as Qesel Abad, Gangal and Dehdadi, all situated in Balkh province near Mazar-i-Sharif. According to the CCA, over 150 civilians were killed in those villages. A list of names of alleged identified victims of the massacres, received by the delegation, contains 114 names, including 5 women and 20 children.

The other incident, involving the Northern Alliance, was mentioned to the delegation early in November, when several sources reported rumours of executions of captured Taliban prisoners of war in the desert near Mazar-i-Sharif. An NGO wishing to remain anonymous said in particular that an attempt had been made to confront the Northern Alliance with the unknown fate of a number of Taliban members, but the matter had been dropped, not least on account of the security problems for the organization's staff to which proceeding with an investigation might give rise. The ICRC in Islamabad also expressed concern about those Taliban prisoners of war held in Malik's custody, to whom the ICRC had been unable to obtain access despite several appeals.

During the delegation's subsequent stay in Kandahar, the above report of the execution of Taliban prisoners of war was confirmed in a very direct way at a meeting with the Governor of Kandahar on 17 November 1997. The meeting was in fact interrupted by one of the Governor's aides handing him a switched-on transistor radio. The interpreter explained that the radio was tuned in to the BBC's Pashtu-language service and the programme being

broadcast was an interview with General Dostum, who related that his men had found a sizeable number of bodies, perhaps about 2 000, buried in mass graves in the desert outside Shehbargan. Dostum presumed them to be murdered Taliban members.

The Governor commented after the programme that in his opinion there would probably be some 4 000 people in the mass graves, since a large number of Pashtun civilians had also been taken prisoner by Malik in the course of fighting for Mazar-i-Sharif.

Just before leaving the area, the delegation learned from the UNHCR that it had recently had a chance to see the mass graves in question and could thus confirm their existence. However, no further details were forthcoming as to the number of victims or manner of their death.

## **2. "Disappearances"**

As to whether there have been any "disappearances" in Taliban-controlled territory, several independent sources, including UN sources, could confirm that there were reports of them. According to a UN source, cases had been heard of in Kabul in which people were fetched from their home at night by unidentified persons and subsequently proved untraceable. An international NGO in Kabul was able to add that, especially in the summer, when the Taliban for a while evidently feared a serious attempt by the Northern Alliance to recapture Kabul to be imminent, there were many reports of arrests and "disappearances", with the Hazara population apparently particularly at risk. Several hundred Hazaras had reportedly then been taken to Kandahar, their precise whereabouts being unknown.

An NGO wishing to remain anonymous had made enquiries about 700 people reported missing over the period from 1992 to 1995 in Kabul. Some of the missing persons had been found subsequently to have been released from Taliban and Jamiat prisons, but the fate of 500 remained unknown. The NGO had tried, without success, to get the Taliban to tell it whether any of them were in Taliban custody. The missing persons were said to be mainly Hazaras, but also Tajiks and Pashtuns.

All sources which commented to the delegation on this issue pointed out that it is of course extremely difficult to check out reports of disappearances and there are obviously other possibilities.

On disappearances in Northern Alliance territory, see the following section on detention.

### 3. Detention

Several independent sources from both the UN and local or international NGOs in Taliban-controlled territory reported arbitrary arrests and detention of private individuals, including Afghan local staff, in 1997. Such detention was commonest in Kabul and Herat, with Panjshir Tajiks, Uzbeks and especially Hazaras at risk. The main reasons given for the action taken were preventive custody to thwart any insurrection plans, vague suspicions of

opposition membership and holding for conscription into the army, exchange or extortion. Cases were reported from Herat of detention of Shia Muslim minorities on account of their political, ethnic and religious background. A few interviewees also stated that Pashtuns, too, sometimes face arbitrary detention, e.g. ostensibly on suspicion of opposition to the Taliban.

To illustrate the number of cases of arbitrary detention in *Kabul*, a UN source said that at times, especially in the summer of 1997, there had been reports of from 20 to 50 such arrests a day. In Kabul there were known to be various examples of civilians being arrested, including at night in their homes. Some lost their homes as a result of such detention. According to one source, there are unconfirmed reports of the arrest of as many as 3 000 Hazaras in Kabul during 1997, some of them apparently sent to prison in Kandahar to work. See also section 4.H on ethnic background.

As regards the situation in *Herat*, several UN sources and international NGOs reported cases in 1997 of detention of members of the Shia Muslim community, usually religious leaders. A UN source said that such apparently targeted arrests of Shia Muslims began in July. Another UN source knew of all religious leaders in a village being arrested, thereby effectively preventing the people of the village from practising their religion. An NGO pointed out that 100 to 150 Shia Muslims from Herat had been arrested two months earlier, many of them leading figures, some of whom were sent to Kandahar. See section 4.F on religious matters.

In a more general discussion of the question of arbitrary detention in Taliban-controlled territory, an international NGO said that several instances had been heard of in Kabul of civilians being dragged out of buses or their own homes and arrested, possibly on trumped-up charges, with a view to extortion. It was not entirely clear whether this was individual Taliban members engaging in "private enterprise", or a more organized business. The same source had also heard of civilians in some cases, as part of private disputes, falsely reporting others to the Taliban for, say, being in possession of arms. Such reports had then led to the arrest of those others and in some cases there had been no other way of getting them set free than for their family to obtain a weapon to be handed over to the Taliban.

On the situation in Northern Alliance territory, UN sources and NGOs alike said that both arbitrary detention, e.g. for extortion purposes, and disappearances are quite common. This was put down in particular to the extensive fragmentation of the area, both between the various allies and between individual commanders, each responsible with their own forces for maintaining law and order.

The delegation discussed with several interviewees the holding of prisoners of war by the warring parties and the treatment of such prisoners. See section 2.C as a whole.

### *B. Use of torture*

#### **1. Torture**

The delegation discussed the use of torture on detainees with a number of sources. The ICRC commented that there are instances of torture, but it is not generally practised and depends largely on those in charge of prisons. There are, however, individual special cases.

The Governor of Kandahar, Mohammad Hassan, denied that torture is used on prisoners in Taliban-controlled territory. An NGO wishing to remain anonymous was familiar with conditions at Kandahar's central prison, Sarpoza prison. Torture was apparently not practised at the prison, but a number of prisoners had, it was said, been tortured in Kabul. When the delegation visited Sarpoza prison, a group of Hazara prisoners said in reply to questioning that they had not been tortured in Kandahar, but some of them had been subjected to torture at an earlier stage of imprisonment. See the delegation's note on its visit to Sarpoza prison (Annex 7).

As regards conditions in Northern Alliance territory, the delegation did not receive adequate information to clarify the matter.

During the visit to Bamian, the governor of its new prison denied that torture is used on prisoners. The prisoners themselves said that their only major problem was a lack of warm clothing. See also the delegation's note on its visit to the new prison (Annex 8).

Shortly before leaving the area, lastly, the delegation learned from a UN source that some of a group of Taliban prisoners held in Mazar-i-Sharif, whom Dostum had unilaterally released, had been in a terrible state when set free, partly as a result of torture. See also section 2.C on the position of prisoners of war.

#### **2. Degrading treatment**

In discussions with a number of the delegation's Taliban sources, including the Chief Justice of Jalalabad High Court, on the application of Sharia law in the administration of justice, it emerged that an important aspect of punishment is its exemplary effect. If that effect is to be achieved, it is important for punishment to be carried out in public and any consideration of the interest of the individual in not being made a public spectacle has to give way to that higher design. Such public display is practised as widely as possible, both for executions and for amputations and floggings.

Several of the delegation's independent sources, including UN sources, pointed out that this way of thinking may provide part of the explanation for the behaviour of the religious police towards offenders against the religiously motivated precepts and prohibitions introduced by the Taliban, as the punishments imposed often seem to involve an element of humiliation.

One of the more obvious examples of this was that contravention of the rules on hairstyles, e.g. too long a fringe, is often punished by the offender having his head shaved bare in full public view, which for an Afghan is very humiliating. In other cases, such as too short a beard or one which has been trimmed, offenders have their hands caned in full public view. That method of punishment



may, it was pointed out, in itself be painful enough, but the associated humiliation often seems to be the real purpose of the penalty. It was added that

in their punishments the religious police at times use methods more in the nature of actual torture, including caning on the soles of the feet (*balanda*) and holding the head under water until just short of suffocation. See also section 1.A.5.

### ***C. Application of Sharia law, including its procedural rules***

The delegation's Taliban interviewees all agreed that Islamic *Sharia* law is now the basis on which judgment is given in courts in the Taliban-controlled part of Afghanistan.

The delegation enquired of a well-placed UN source how the system of punishments applicable in Taliban-controlled territory at present can be compared with the situation in the past. The source explained that, in the period after the downfall of Najibullah but before the advent of the Taliban (1992 to 1994), much of the country had been governed by what was described as "commander's law", meaning that individual military leaders had their own say over law and order. Some of those commanders opted for a legal system based on *Sharia* law, while others gave completely unpredictable, arbitrary rulings in any legal disputes arising. Under the PDPA, there had been a system based in part on *Sharia* law and shortly before he left office Najibullah did in fact, presumably in an attempt to satisfy more radical Islamic groups in the mujahidin, introduce a rule whereby no case could be resolved in a manner contrary to *Sharia* law.

A Kabul lawyer trained in both *Sharia* law and common (or customary) law explained that for the last 50 or 60 years Afghanistan has operated a justice system based both on the Islamic *Sharia* school of law and on common and civil law, which have thus been complementary. This is still the case, but with the proviso that no judgment is allowed to run counter to *Sharia* law.

#### **1. Structure of courts**

Taliban spokesmen, including the Chief Justice of Jalalabad High Court, a Foreign Ministry representative in Herat and the Governor of Kandahar, said that the courts are organized in a three-tier system, the first tier being at district level (local courts), the second at provincial level (high courts) and the third (the Supreme Court) in Kabul. The Chief Justice of Jalalabad High Court further explained that it serves the entire Eastern Region, comprising Nangarhar, Kunar and Laghman provinces, with a similar structure applying in other regions under Taliban control. It has cases referred to it from the first tier, made up in Nangarhar province of local courts in the province's 21 districts.

The Chief Justice of Jalalabad High Court stated that there are 250 judges attached to the Supreme Court in Kabul and from 3 to 30 judges sit to rule on individual cases. In cases in which a firm death sentence has been imposed, it is open to the Taliban leader, Mullah Omar, holding the title of *Amir al-Munimin*, defender of the faithful, to grant a reprieve and cases have to be referred to him before a death sentence can be enforced.

The Kabul lawyer mentioned earlier said that the Taliban have not altered the organization of the court system and he confirmed that the courts are structured in a three-tier system, as

described above. He added that a final ruling in minor financial cases is given by the first tier, with no appeal thus lying to a higher level. He went on to say that the Supreme Court in Kabul merely considers whether a ruling by lower courts runs counter to Sharia law. The Supreme Court in Kabul has nine divisions, each with four judges, broken down into criminal, commercial and security cases. Before the Taliban gained control of Kabul, cases were not referred to the Supreme Court and people were executed after their cases had only been heard at two levels.

The lawyer lastly confirmed that it is open to Mullah Omar to grant a reprieve in cases involving execution and such final review of a death sentence is compulsory.

### **2. Training and recruitment of judges**

As regards their training, the Chief Justice stated that judges as a rule require a university course in law and religious instruction in the Koran and Sharia law. He explained that a law course in Kabul takes four years. Judges at high courts and the Supreme Court also require experience of judging in lower courts, so that a Supreme Court judge should have at least ten years' experience with lower levels of court.

On Taliban recruitment of judges to the bench, the same source commented that many judges who served under the mujahidin regime and before are still sitting. The Chief Justice himself, however, was an exception to that normal career pattern in the legal system, being a Taliban commander, appointed to his present post after having been wounded. He studied at a religious madrasa school in Pakistan, but had no experience at all as a judge on taking up his present position.

The delegation discussed the situation regarding training and recruitment of judges at ordinary courts with a number of independent sources. The UNHCR local office in Kandahar expressed the view that all previous judges in Kandahar have been replaced, with few exceptions. A well-placed UN source commented regarding the training and recruitment of judges that this is in fact the most disturbing point in the legal system introduced by the Taliban. Recruitment is usually from among local mullahs, whose religious training within Islamic legal traditions and practice leaves much to be desired. They received such training either at mosques in Afghanistan or at madrasa schools in Pakistan. In the source's view, judges are usually not adequately trained in *Sharia* law to be able to give rulings on a sound basis. A UN source in Islamabad added that, with Taliban mullahs sitting as judges, legal proceedings take on the nature of a show trial.

The above Kabul lawyer also said that many judges from the mujahidin period fled Kabul, fearing abuses by the Taliban. They had spoken out against the Taliban and their policy and therefore, in the lawyer's view quite rightly, feared personal persecution by the movement. The Taliban appointed mullahs to the vacant judgeships, accounting in the lawyer's assessment for at least 50% of seats on the bench. Those mullahs have merely a religious training in the Koran and can therefore only give rulings on the basis of Sharia law and not civil law. It is thus up to the lawyer, if any, to invoke relevant sources under common law and civil law.

Generally speaking, the lawyer was not uneasy about the state of the legal system and did not see any significant decline at present in comparison with the legal situation in the past.

He took the view, however, that there is a lack of transparency in the administration of justice, while pointing out that he had not himself been involved in any cases since the Taliban seized power or otherwise had access to material from such cases, including copies of judgments, grounds

of judgment and other procedural documents. Nor was he particularly concerned about legal security for the accused, except perhaps for the very poorest people, who cannot afford any kind of legal counsel in court.

### **3. Procedural rules**

The delegation discussed procedural issues with various Taliban spokesmen and independent sources.

On access to defence counsel for the accused, the Chief Justice of Jalalabad High Court and the Governor of Kandahar, in particular, pointed out that defendants may make use of a lawyer in all cases, but they have to pay for one themselves.

The Kabul lawyer referred to above confirmed that defence counsel is permitted in criminal cases, but defendants have to pay for their own. As stated above, the lawyer expressed concern about legal security in this respect, since in his view it gave rise to a risk of miscarriages of justice in some cases. He added that there are not any laymen involved in the administration of justice, nor have there ever been. Rules governing the burden of proof are laid down in Sharia law and may possibly involve a confession, two eyewitnesses or various circumstantial evidence of an offence.

### **4. Offences and penalties under Sharia law**

In discussing offences and penalties under Sharia law, the Chief Justice of Jalalabad High Court stated that Sharia law imposes penalties in the form of fines, corporal punishment, imprisonment, including life imprisonment, and execution.

Several Taliban sources said with regard to execution that this removes "diseased" elements from society, thereby preventing crime, and capital punishment thus provides a way of protecting society.

As examples of corporal punishment, the Chief Justice of Jalalabad High Court mentioned that the penalty for consumption of alcoholic beverages is 80 lashes, irrespective of the quantity consumed. A woman is given 100 lashes for having sexual intercourse with a married man. The maximum number of lashes is 100. Corporal punishment, he explained, should actually be carried out in public so as to set an example, but this is not usually the case. It is imposed all over the body, except for the head and the male abdomen. The convicted offender is dressed, but in prostitution cases may be punished undressed. As regards the force of the blows, he pointed out that convicted offenders usually require hospital treatment after 40 lashes. In punishing a weakly person, the judge may opt to have corporal punishment carried out over two days. At the meeting with the Chief Justice, the delegation was shown a leather whip about a metre long, with a lash about ten centimetres wide, said to be used for floggings.

The Deputy Governor of Jalalabad explained regarding penalties under Sharia law that theft for a value of over ten Koranic dinars is punishable by amputation of a hand. In order to grasp what kind of sum thus warrants such harsh punishment, the delegation asked about the penalty for someone stealing, say, a refrigerator. Neither the Deputy Governor nor the Chief Justice was in any doubt; such cases would incur amputation. The same sources explained moreover that the amputation rules are applied with some flexibility. Sometimes that penalty is not imposed for a first offence and on other occasions only a finger or two may be amputated. On the other hand, they could also

report that for serious crimes against property, such as robbery, both a hand and a foot would be amputated.

From an independent source wishing to remain anonymous, the delegation learned that there are clear signs of amputation sentences being carried out by people with at any rate some medical knowledge.

### **5. Public executions and amputations of hands or feet**

During its visit the delegation heard a number of reports of public executions and amputations of hands or feet. While in Jalalabad, for instance, it was told of a public execution by beheading, carried out in the town the previous Saturday. Several Taliban spokesmen, including the Chief Justice of the High Court, explained that in that case the executed offender had killed a man two years earlier, he had made a confession and his case had been heard at three levels and also referred to Mullah Omar for clemency. Both the police and the public prosecutor's office had conducted investigations, lasting seven months, into the case. Mullah Omar had not seen any reason to grant a reprieve. In accordance with Islamic legal traditions, the last avenue open had then been to ask the deceased's next of kin whether they were willing to accept payment of compensation for the murder or were able to pardon the offender. As they had wanted the death sentence enforced, however, it had gone ahead.

As regards the actual carrying out of the sentence, the Chief Justice pointed out that, according to the Koran, the execution should take place where the crime was committed. In that particular case, however, it was not possible to provide suitable conditions for spectators at the scene of the murder and the actual execution was therefore carried out in an open space by a major bridge in Jalalabad. A UN source in Jalalabad said that the Taliban enjoined shopkeepers by loudspeaker to shut up shop in the bazaar and attend the execution. People on the streets were forced to attend the execution, but people's homes were not raided to drum up spectators. From talking to Afghan friends and members of staff, the same source considered that there would not otherwise have been many spectators at the execution.

The Deputy Governor of *Jalalabad* stated that there have not been any amputations of hands in Jalalabad under the Taliban.

A UN source in *Kandahar* was able to report that in 1996 there had been one stoning of a man and woman for adultery and two or three other executions in Kandahar. In 1997 there had not been any stonings, but there had been two other executions and two amputations of limbs, one of a hand for theft and one of a hand and foot for robbery.

A Foreign Ministry representative in Herat said that on 29 October 1997 there was an execution, by stoning, in *Farah*. In *Herat* there had in 1997 been two executions, one for rape and one for a double murder. The executions were carried out at Herat's stadium. There had also been a hand amputated in January 1997. The DACAAR in Herat confirmed that there had been two public executions by hanging and believed there to have been two or three amputations.

The *Kabul* lawyer referred to above commented that there have been a number of public executions, around ten, since the Taliban captured the city. No stonings have been carried out in Kabul.

## 6. Legal system in Hazarajat

As illustration of the legal system and the application of *Sharia* law in northern Afghanistan, the delegation only managed to obtain information on conditions in central Afghanistan, in Hazarajat, controlled by Hezb-i-Wahdat under Khalili.

The delegation met the Chief Justice of the Supreme Court in Bamian, who explained that the legal basis for hearing criminal cases is a combination of *Sharia* law and common law.

### (a) Structure of courts

The Chief Justice explained that the legal system is subdivided into military, criminal and political cases. The criminal-law system is a three-tier one, with first-tier courts at district and provincial level and with appeal lying to the Justice Committee of the Central Consultative Council and lastly to the Central Consultative Council itself. Owing to the war, the Supreme Court in Kabul does not act as an appeal court for cases from Hazarajat.

### (b) Training and recruitment of judges

The Chief Justice said that judges require at least a bachelor's degree or equivalent academic background in law, as well as practical experience of judicial decision-making. There is no law faculty in Hazarajat, judges being trained in Mazar-i-Sharif or in Pakistan.

### (c) Procedural rules

The Chief Justice pointed out that the accused has access to defence counsel (a *vakil*), who can plead the party's case and carry out independent investigations. However, there are no financial resources to provide the defendant with a defence lawyer free of charge and so the cost of legal assistance has to be met by the defendant.

Legal proceedings are put in writing, with records kept of statements made and rulings given. The defendant has to sign his statement, failing which it cannot be entertained.

### (d) Offences and penalties under Sharia law

The Chief Justice explained that the penalties usually imposed are corporal punishment and imprisonment. Punishment by amputation of limbs and execution is officially also possible, but no such punishments have been imposed since the present legal system was established in Hazarajat 17 or 18 years ago. For repeat offences of theft, for instance, amputation may be a possibility and such cases do occur. However, a number of aspects are taken into consideration in sentencing, including the offender's age, maturity, financial position and social status generally, for which reasons among others amputation has never been imposed.

The final decision as to whether a sentence of execution is to be enforced depends ultimately, under *Sharia* law, on whether the victim or the victim's surviving family are willing to pardon the offender and, where appropriate, accept compensation. If the victim or the family demand that the sentence be enforced, the offender will be shot. As already stated, however, there have not been any executions.

A number of UN sources did not know of any executions or amputations in Hazarajat. The delegation was moreover unable to shed any light on the legal system in Hazarajat by way of other independent sources.

### *D. Freedom of movement*

As stated in section 1.A.4, there was broad agreement among the delegation's UN sources that freedom of movement generally has greatly improved in Taliban-controlled territory in comparison with the period before the Taliban seized power. Checkpoints on roads are now very rare and there is brisk traffic both within the area and into and out of it, especially via Pakistan. The UN in Peshawar reported that there is a considerable daily flow of people back and forth across the Pakistani-Afghan border, with border controls on both sides being very limited.

The delegation itself crossed the border into Afghanistan by land at Torkham, at the end of the Khyber pass, and could see that there was very brisk traffic across the border, with only sporadic Pakistani border controls. On the Afghan side there were at that time no border controls at all. Very close to the border on the Afghan side could be seen a major terminal for buses, lorries and pick-up trucks and the delegation was told by accompanying UN personnel that this was a kind of bus station where, for instance, buses arrived from and left for Kabul daily. The delegation went on to drive all the way to Kabul by road and could see that throughout that stretch, over 225 km long, there was only one checkpoint, at Pul-i-Charki, some 20 km short of Kabul.

The delegation's UN sources also agreed, however, that freedom of movement is greatest and most unhampered for the Pashtun population group. Ethnic minorities generally, in particular Hazaras, attract rather more Taliban attention. An example given was that Hazaras now no longer usually return home via Quetta, if heading for Hazarajat, but choose as short a route as possible, apparently so as to have to spend the least possible time in Taliban-controlled territory.

At the border with Iran, as the situation stood when the delegation visited Herat in north-western Afghanistan, the border was open for people but closed to goods.

As described in subsection H of this section, Hazaras and to some extent Tajiks and Uzbeks were at that time being routinely detained upon crossing the border from Iran and UN sources in Herat reported that Hazaras were not generally allowed to travel on from Herat to Hazarajat. It should also be pointed out here that the Taliban have maintained a total blockade of Hazarajat since July 1997 and, as the delegation was told, only in quite exceptional cases allow people or goods into the area. The blockade, enclosing Hazarajat on three sides, thus only leaves access by air or from the north, mainly through Dostum's territory.

On freedom of movement for women under the rules on dress, social behaviour, etc. introduced as a result of the Taliban view of women, see subsection E of this section.

### *E. Position of women*

As stated in section 1.A.5, in that part of Afghanistan which they control the Taliban have issued a series of decrees (or edicts) imposing, on the basis of interpretation of the Koran, a raft of rules and restrictions on people's behaviour, dress and personal development. Some of those edicts are specifically aimed at women and are described in more detail below. See also Annex 11, setting out those edicts which came into the delegation's hands during its mission.

The delegation discussed the position of women in Taliban-controlled territory with a number of prominent spokesmen for the movement, including the Governor of Kandahar, the Deputy Foreign Minister, Stanakzai, and the Mayor of Kabul, who all concurred in attributing the policy followed on women to:

- Koranic writings on women's place in society;
- the poor security situation, in other words for their protection;
- shortage of resources.

As regards the position of women in society, it was commented in general terms that women's place is basically in the home, with the male being the breadwinner. The point was also made that the security situation had been and in part still was so bad for women, who especially in the past had risked both rape and kidnapping, that in order to safeguard their honour and security it had been decided to impose certain limits on their freedom of movement. Lastly, the restrictions introduced on women's education were, for instance, in part attributed to the country's shortage of resources at present, with most of the state's resources going to the war effort and those resources left over for education, etc. having to be used for the primary breadwinners, i.e. the menfolk.

The Taliban spokesmen also gave assurances that a number of the restrictions affecting women are only to be regarded as temporary and will be relaxed or dropped altogether once the Taliban hold power throughout Afghanistan.

The delegation discussed the issue of women with a number of independent sources from UN agencies and international or Afghan NGOs, who were generally in marked disagreement with Taliban policy on women. An international NGO in Kabul commented that the legal status of women in Kabul is abysmal and a UN source in Islamabad stated graphically that "a basic part of the population is imprisoned". A number of NGOs in Peshawar thought it absurd to exclude 50% of Afghanistan's population at a time when there is a need for the reconstruction and development of the country.

Several UN sources took the view that there is no support for Taliban policy on women to be drawn from exegesis of the Koran, which does not, for instance, discriminate against women in access to employment and education. As they saw it, the Taliban view of women is rooted rather in traditional, tribally-based customs, of which the Pashtun version, Pashtunwali, in particular shows strong patriarchal traits. As stated in section 3.A.1(a)(1), the Taliban's origins and power base lie in the Pashtun rural population. The sources also doubted whether the Taliban really will relax the restrictions imposed on women at a later juncture, pointing in particular to the favourable security conditions which have prevailed in the southern part of the country without any change there as a result.

Several sources, including a source at the US representation in Pakistan and the CCA, commented that Taliban policy on women is the same throughout Taliban-controlled territory, but is implemented more restrictively in urban areas. The reason for this is of course that urban areas, especially major towns and cities, have to a far greater extent than rural areas developed a more secular, western-influenced lifestyle and it is there that educated, working women are found in greatest numbers. In rural areas, on the other hand, people's attitudes and way of life generally

come far closer to those of the Taliban with, for instance, in many places no tradition of education for girls or women.

The same sources, however, took the view that the Taliban movement's restrictions radically alter the situation for women in rural areas as well, *cultural and traditional restrictions* and customs being one thing, but actually *making them law* another thing altogether. They then prevent women themselves or local communities as a whole from choosing for themselves whether it is open to women to participate in business and social life, while also leaving no scope for influencing attitudes by means of education

### 1. Schooling

The delegation discussed access to school education for girls with a number of Taliban spokesmen, including the Taliban Ambassador in Islamabad, the Deputy Governor of Jalalabad and the Governor of Kandahar. The Governor of Kandahar, Mohammad Hassan, pointed out here that the word *talib*, from which the Taliban take their name, means "student", the movement is not opposed to education for girls and there are in fact girls' schools. The Deputy Governor of Jalalabad commented that the Taliban allow girls to be educated for up to six years in Herat, Kandahar and Kabul.

The Taliban Ambassador in Islamabad referred to a recent report by the Swedish Afghanistan Committee, showing that the organization supports schools teaching over 7 000 girls in Taliban-controlled territory, and emphasized that the Taliban will in future allow schooling for

girls. On prospects for further education for women, the Governor of Kandahar said that the Taliban are not yet clear to what extent it may be permitted. They have recognized that there will be a need for female doctors and nurses, but whether other courses may also be opened up to women will have to be seen in future.

The delegation discussed the same issue with a number of independent sources, including UN representatives and international or Afghan NGOs. Several of those sources told the delegation that all girls' schools, even private ones, were closed when the Taliban captured major towns and cities. In the case of Kabul and Herat, this involved a large number of both primary and secondary schools for girls. Several sources in Herat added that Herat has a reputation as a commercial and cultural centre with a high level of education for both the male and the female population.

A UN source reported that all female teachers at state schools were dismissed by the Taliban and, as they made up the vast majority of teaching staff in the school system, education standards generally have fallen.

Girls are at present taught mainly in *home-run schools*. All independent sources, including UN sources, pointed out that education for girls is only permitted at primary level. A member of the US representation in Pakistan pointed out here that schooling for girls is very limited in scope, covering only the teaching of basic proficiency in reading and arithmetic in private homes. An NGO in Kabul said that the Taliban allow home-run schools, but that type of school will never be able to satisfy education needs.

Several independent sources, including UN sources, added that Taliban toleration of home-run schools for girls is a regional variable, with girls' schools more widely permitted in *rural areas* than in urban centres, especially Herat and Kabul. A member of the US representation in Pakistan said



that there are such home-run schools for girls in Kandahar, at secondary level even, whereas schooling for girls is not permitted in Kabul. Various NGOs in Peshawar confirmed that in some areas, particularly in the countryside, the Taliban tolerate home-run schools, adding that such schools are found in Herat, Kunar, Laghman and Nangarhar, but not in Kabul. An Afghan NGO had fared badly with an attempt to operate a home-run school in Farah, which the Taliban closed down after a few months, and the comment was made generally that Taliban reactions to girls' school projects were unpredictable.

In August 1997 the Swedish Afghanistan Committee carried out a survey, as referred to above, of the number of girls taught at schools supported by it in rural areas of nine provinces in Taliban-controlled territory. Its report shows that 7 341 girls received tuition at a total of 100 schools, 58 of them home-run schools, 19 girls' schools and 23 mixed-sex schools, in the provinces of Kabul, Kunar, Laghman, Nangarhar, Ghazni, Logar, Paktia, Paktika and Wardak.

A UN source was aware that Mullah Omar has been presented with a proposal to establish ten schools, half of them to be girls' schools, and has left a final decision on the matter to the Supreme Shura in Kabul.

The female member of the delegation visited a home-run school for girls in Kandahar. The school had been launched at the instigation of a woman schoolteacher, with three girls of her own, who had returned from Quetta three months earlier. Tuition was given in the woman's own home and the school currently had 65 girl pupils. However, there was potential for a further 200 to 300 pupils. The school had three teachers, two of them actually trained as

teachers and one a trained agronomist. The pupils were aged from seven to thirteen and the syllabus consisted of tuition in the Koran, Pashtu, Urdu and the English alphabet. The girls were also learning basic proficiency in arithmetic. The Taliban were initially unaware of the school's existence, but they now knew of the teaching of girls and permitted it.

As regards the situation in the city of *Kabul*, a UN source there could report that, apart from the teaching of street children referred to below, there is no access to schooling for girls in the city, as ordinary schools do not admit girls as pupils and home-run schools are not at present tolerated by the Taliban.

The delegation visited ASCHIANA, a project for street children in Kabul. In addition to two meals a day, street children receive tuition in basic reading and arithmetic, health education and various training in practical skills such as paper-flower arrangement etc. When the Taliban took control of Kabul, ASCHIANA was not allowed to work with girls and all women teachers, making up the majority of the project's teaching staff, were dismissed. ASCHIANA subsequently managed to persuade the Taliban that girls should be included, as they do anyway work on the streets. The project currently involves 125 boys and 43 girls and the school syllabus is the same for boys and girls. The Health Ministry in Kabul has given permission to work with children up to the age of seven, but the Department of Promotion of Virtues and Suppression of Vice has given permission for ASCHIANA to work with girls aged up to nine or ten if they are not physically developed. After introductory tuition, ASCHIANA has managed to place 47 boys in ordinary schools, but no girls as that is not allowed by the authorities.

On the situation in the town of *Herat*, a UN source commented that the Taliban tolerate home-run schools for girls, but ordinary schools only admit boys.

Several sources, including UN sources, noted as regards the differing reaction to home-run schools that the Taliban movement is divided in its attitude towards education for girls. In their view, more moderate forces even among leading Taliban members want to see schooling for girls and they knew of instances of some sending their own daughters to school in Quetta, in Pakistan.

On the wishes of the population generally for girls' education and in particular the attitude of the rural population to this, opinions among the delegation's independent sources were divided.

A UN source referred to a survey among Pashtun women from rural areas of Afghanistan, showing that a majority of women regarded schooling and education for girls as a matter of the utmost importance. Another UN source and a member of the US representation in Pakistan believed lack of access to education for girls to be a contributory factor in the present low repatriation figures for Afghan refugees in Pakistan. An international NGO had heard of cases in which parents dressed their girls in boys' clothing and registered them with schools as boys. An Afghan NGO lastly pointed out that Afghans are concerned at the situation of teenage girls especially, as the lack of opportunities for education and personal development, coupled with other restrictions on women's behaviour, may give rise to psychiatric problems.

A UN source and an international NGO, on the other hand, commented that life in the countryside has not changed much with the arrival of the Taliban, views on education for girls included. With reference to the situation in Afghan refugee camps in Pakistan, where there is equal access to schooling for boys and girls, another UN source said it had been

found that only 5% of girls were sent to school by their parents. Following a targeted campaign, that figure had now been raised to 10% and the UNHCR was currently having difficulty in meeting the demand for tuition.

## **2. Dress code, restrictions on freedom of movement and penalties for infringements**

The following edict of 17 December 1996, addressed to local units of the religious police, concerns restrictions on women's behaviour:

### ***"To prevent sedition and female uncoverers (Be Hejabi):***

*No drivers are allowed to pick up females who are using the Iranian burqa [chador]. In the case of violation, the driver will be imprisoned. If such kind of females are observed in the street, their house will be found and their husbands punished. If the women use stimulating and seductive cloth and there is no accompanying close male relative with them, the drivers should not pick them up."*

See also Annex 11.

### **(a) Dress code**

The delegation discussed the Taliban's various restrictions on women's behaviour, including dress requirements, with the Deputy Governor of Jalalabad, the Mayor of Kabul, the Repatriation Ministry representative in Kandahar and a Foreign Ministry representative in Herat, among other sources. The Deputy Governor of Jalalabad made the general comment that the dress code stems from the Koran, with the Repatriation Ministry representative in Kandahar adding that Islamic dress for women is the *burqa* (covering them from head to toe, with the face concealed by a piece of embroidered cloth), but the Taliban now also allow the use of the *chador* (covering the body and head, but leaving the face free in whole or in part). The Foreign Ministry representative in Herat

described in more detail how the *burqa* has to cover the entire body and not be transparent or too tight so that the shape of the body can be made out. That Taliban spokesman said that only in urgent cases may it be necessary for a woman to uncover her face, e.g. for medical treatment. The reason for this was that a woman's eyes may have a sexually stimulating effect. Women might also have a disturbing effect on soldiers supposed to be concentrating on fighting for the movement.

On *penalties* for failure to observe covering dress requirements, the head of the Department of Promotion of Virtues and Suppression of Vice, Mawlawi Qalamuddin, pointed out, as stated in section 1.A.5 (q.v.), that the religious police are not empowered to impose corporal punishment on women, although this may occur on account of private disputes. He also knew of Taliban members having beaten women for failing to observe the covering dress requirement, but they had not been members of the religious police.

The same subject was discussed with a number of independent UN sources and NGOs. The independent sources generally agreed that the strictness with which covering dress requirements are enforced is a regional variable, with the Taliban's religious police implementing their policy more restrictively in urban areas than in the countryside. Several of the sources noted that the imposition of penalties by the religious police is arbitrary and unpredictable, depending to some extent on Taliban success at the front. For instance, the religious police marked the capture of Mazar-i-Sharif in May 1997 with a crackdown on the population of towns and cities, involving widespread punishment of infringements, including those of covering dress requirements.

One point made by a number of UN agencies in *Kabul* was that a group of women received corporal punishment in January and February 1997 when they tried wearing the *chador* instead of the *burqa* and women now have to drape themselves in the head-to-toe *burqa* in order to escape punishment by the religious police. An NGO in Kabul described abuses by the religious police as institutionalized repression of an occupied people, at times even systematic repression. The same source pointed out that women are in constant danger of corporal punishment if they fail to observe the covering dress requirement. Since early October 1997 it had been quieter in Kabul, although the source did not see that as reflecting any liberalization by the Taliban. It was probably no more than a temporary state and anyone believing conditions would radically change was in for a disappointment.

Two women to whom the delegation's female member talked in Herat, one of whom had studied in Kabul, explained that in the Najibullah period (up to 1992) women could dress just as they liked in Kabul and many wore short skirts and no veil. In the mujahidin period (1992-1996) dress requirements were tightened up and skirts gave way to baggy trousers and shawls. That style of dress was worn by about 50% of women, while the remainder did in fact wear a veil.

As regards implementation of covering dress requirements in *Herat*, an international NGO there and several Afghan NGOs stated that women risk corporal punishment for failure to comply with those requirements. It was pointed out that, except for Koochies (nomads), older women and Shia Muslim women, all women must be fully covered by a *burqa*.

On the meaning of "older" women, the delegation was told that this is not a question of age, but merely of whether a woman is considered potentially sexually attractive to men or not. In the case of Shia Muslim women, it was told that in recent months they have been seen wearing the *Iranian burqa (chador)*, which does not cover the face, and this was apparently accepted by the Taliban. In

Herat the delegation itself saw a number of women in a chador and noticed that they are easily recognizable not only by their uncovered faces but also because the shawl is usually blue with small white flowers on it.

On the situation for other women, an international NGO in Herat reported that a few months ago there had been an incident in which some women tried to contravene the dress code. The authorities intervened and one woman was seriously hurt. An Afghan NGO stated that, when punishing women, the religious police usually beat them with a leather-covered stick, preferably across the back. The religious police carry out regular patrols in the town and as recently as a fortnight before the delegation's arrival there was a mass raid.

As regards *covering dress prior to the Taliban*, the DACAAR in Herat commented that 90% to 95% of women used to go around draped in a *burqa* or a *chador* in Herat. The CHA in Herat stated that many Shia Muslim women wore a *chador* before the Taliban seized control,

but there were also many women not covered up. At the above meeting between the delegation's female member and two educated women from Herat, the latter considered that prior to the Taliban about 30% of women, usually older ones, wore a *burqa*, 50% used a *chadornamaz* (covering the body and head, with the face left open but veivable) in Herat and a smaller group of 20%, usually women in education, covered themselves with a jacket and headscarf.

Various independent sources, including the DACAAR in Herat, said that covering dress requirements were more relaxed in the countryside, where women usually wore either a *burqa* or a *chador*, according to local community tradition.

An Afghan NGO told the delegation that a *burqa* costs from 2 500 to 3 000 afghanis and in poor families there will therefore be five or six women to a *burqa*, which in itself limits their freedom of movement.

### **(b) Accompanying male relative requirement**

The Mayor of Kabul explained as regards implementation of this requirement that women can now go about unaccompanied on the streets and in shops but, if they take a taxi or drive around in a private car, the Taliban recommend accompaniment by a male relative. The Repatriation Ministry representative in Kandahar added that the Taliban have instructed taxi drivers not to carry women unaccompanied by a male relative.

With regard to the accompanying male relative requirement, the delegation's own observation, including when driving around Jalalabad, Kabul, Kandahar and Herat, was that the Taliban apparently do not uphold that restriction on women's freedom of movement, since there were women to be seen in the streets on their own or more usually in pairs.

The UNHCR local office in *Kabul* noted here that up to March or April 1997 women would be accompanied by a male relative, but the Taliban now no longer react to unaccompanied women, who nevertheless usually go around in pairs. The UNOCHA in Kabul also stated at a meeting that women are not required to be accompanied by a male relative, but they usually go around in twos and threes.

Two educated women in *Herat* met by the delegation's female member reported that, upon seizing control of the town of Herat in September 1996, the Taliban announced on the radio that women

were only allowed on the streets accompanied by a close male relative. Immediately afterwards the religious police punished breaches of that order, but it was simply impractical to maintain the restriction and the Taliban therefore no longer generally crack down on unaccompanied women. However, according to the women, fear of ill-treatment remains, as the edict on accompaniment of women has not been repealed and the religious police may react suddenly and unpredictably, usually after a success at the front. A source at the US representation in Pakistan was able in early November 1997 to report corporal punishment a few months earlier of a woman walking around unaccompanied in Herat.

In *Kandahar* a UN source commented that there had been problems with women employed at Kandahar hospital being intimidated if they went to work and back unaccompanied. However, this does not now pose any great problem.

A UN source in *Jalalabad* stated that women must wear a burqa and failure to do so is usually punished by beating across the back. Women are also required to sit at the back of cars and buses and, if they sit beside the driver, he may also be punished by the religious police.

### **3. Position of educated women**

As stated above in describing Taliban attitudes to schooling for girls, the Governor of Kandahar told the delegation that the Taliban see only a very limited immediate need for women with higher education, primarily in the health service. Whether other higher education courses will be opened up to women is uncertain and will have to be decided in future. A representative of the Foreign Ministry's branch office in Herat commented that the Taliban will not allow women to get themselves educated or to work, apart from Koranic studies and special occupations such as nurses and doctors.

The delegation also discussed conditions for educated women with a number of independent sources. Several sources stated that a relatively small proportion of the female population of Afghanistan have received higher education. The UNOCHA said that for the country as a whole the figure was probably about 2% and two educated women in Herat thought that about 10% of the female population of Herat had received higher education. According to an international NGO, there have been grammar schools in Herat for 70 years and women have traditionally been able to get an education in the town. The same source added that the first restrictions barring women from education in Herat sparked off demonstrations by women.

A UN source in Islamabad noted that educated women are a vulnerable category in Taliban-controlled territory and pointed to the curious fact that Afghans in rural areas referred to women educated in the former Soviet Union as "Soviets". According to the same source, educated Afghans, women included, generally risk reprisals from the authorities, being the first to be suspected of failing to support the Taliban, who recruit their members particularly from among the Pashtun rural population.

An Afghan NGO pointed out that, besides women teachers, the purge of people educated in the former Soviet Union from public service also included women involved in health care. See section 4.G.1 and the following subsection on participation by women in business and in social life.

According to a source at the US representation in Pakistan, educated women in general are at risk, with educated women in Kabul being in danger of abuses daily. The same source knew of cases in

which husbands and sons of educated women had been physically manhandled because the women had continued to work from home. The source pointed out lastly that educated Afghan women stand a good chance of being accepted as refugees in the USA.

#### **4. Participation in business and in social life generally**

As stated above, the Taliban's basic view is that a woman's place is in the home, with the male being the primary breadwinner. As the Governor of Kandahar told the delegation, they are aware of the need for female doctors and nurses, but whether and, if so, to what extent access is to be allowed to other further education courses requires closer consideration. Asked whether the Taliban would, for instance, permit a woman to keep a shop in the bazaar, the Governor answered that no doubt they would not. The delegation enquired specifically about the situation for the many war widows and their chances in society. The Governor replied firstly that the late husband's family have a duty to look after his widow, secondly that she can remarry and lastly that widows are able, for instance, to buy clothing in the bazaar and resell it in the villages. A new marriage cannot, however, be contracted until the death of the former husband is firmly established, which in a country where many men are killed in military action may give rise to problems.

On employment opportunities for women in general, several Taliban sources, including the Deputy Governor of Jalalabad, said that women are allowed to work in the fields and at home, e.g. as carpet-weavers or for that matter as schoolteachers at home-run schools.

The Taliban have made their policy in this area into law with a series of edicts. Of particular relevance is edict No 77/50 of 20 July 1997, in which the Department of Promotion of Virtues and Suppression of Vice addresses the UN system. In it, the Taliban state in general with regard to access for women to employment that:

*"1. Unconditional humanitarian assistance from foreign organizations is acceptable, provided it conforms with the Islamic Sharia.*

*2. The Islamic rules of our country regarding not employing women and confining them to their homes are an obligation to be observed by foreign and Afghan organizations.*

*3. Women have no right to work in any office, other than in medical institutions and hospitals."*

(see also Annex 11).

In discussion of the above issue with a large number of independent sources, including UN sources, they made it clear without exception that the Taliban in effect deny women access to all but quite elementary education and to employment outside the home other than in a few special professions, usually in the health service. The exceptions to that otherwise total ban on employment are due merely to an insoluble conflict between the Taliban's wish to see women mainly stay at home and look after their family and their wish that women should not show themselves to any men other than their husbands, not even for instance in consulting a doctor. One particular source mentioned that the police force is also exempt from that general ban on employment of women, precisely on account of the need for policewomen to look after female detainees.

The independent sources all agreed as well that women have been systematically excluded from institutes of higher education, e.g. in Kabul and Herat, one example given being that women students on an engineering course in Herat had to abandon their training after

studying for 1½ years. They also reported the closure of a nursing college for women in Kandahar, in spite of the recognition, as mentioned above, of a need for female nursing staff.

On the position of widows, a UN source was one to confirm that Islamic family traditions require the late husband's family to assist his widow, who is also able to remarry. Unfortunately, owing to the lengthy civil war and the many men killed in it, the family network is in many cases no longer able to provide the assistance to be expected. Especially in Kabul, this has now resulted in the quite unparalleled phenomenon of women being seen begging in the streets, something otherwise completely unthinkable. While in Kabul, the delegation itself saw a number of women begging.

Similarly, all women schoolteachers were dismissed and, as they made up the bulk of primary school teaching staff, several sources made the point that the decision in question has significantly lowered the standard of primary school tuition. The ASCHIANA street children project, referred to earlier, could also report that it had been forced to send home all its women teachers, who made up the bulk of the project's teaching staff. When the delegation visited the project in early November 1997, it was still not possible for ASCHIANA to employ women.

Several independent sources pointed out that the Taliban's ban on employment of women was at first absolute, but after a while the movement allowed *employment in the health service*. According to the sources, that easing of the ban is due to Taliban health policy, under which hospitals are divided into all-male and all-female wards, preferably with staff similarly segregated, and the Taliban thus recognized a need for women nurses and doctors.

There are now women nurses and doctors in Kabul, whereas in Kandahar, for instance, it has not been possible to recruit any Afghan woman doctor at the town's ICRC-aided hospital, reportedly for fear of reprisals. An NGO in Herat had also experienced difficulty in finding women doctors for health projects in Farah province.

The Taliban's exclusion of women from the labour market has of course affected all UN agencies and NGOs operating in Afghanistan and a number of them told how they were forced to send home their female staff, who thus had to continue their work from home as far as possible.

The ACBAR produced the following declaration by the Department of Promotion of Virtues and Suppression of Vice:

**"DECLARATION**

*We kindly request all our Afghan sisters not to apply for any job in foreign agencies and they also should not go there. Otherwise, if they were chased, threatened and investigated by us, the responsibility will be on them.*

*We declare to all foreign agencies that they should respect the issued regulation of the Islamic State of Afghanistan and should strictly avoid employment of Afghan female staff."*

(see also Annex 11).

Any employment of or assistance to women also requires permission from the Department of Promotion of Virtues and Suppression of Vice, under section 7 of its edict of 20 July 1997 (see Annex 11).

A number of independent sources explained that Taliban policy on women and the resulting restrictions on behaviour and freedom of movement may hamper employment of Afghan women and even prevent it altogether, despite the fact that such employment is officially permitted by the Department of Promotion of Virtues and Suppression of Vice. Several UN agencies and NGOs pointed out, for instance, that the requirement for Afghan women not to ride with a male driver without being accompanied by a close male relative has effectively prevented employment of women in many cases.

Various UN sources and NGOs reported that the religious police do not allow women to work in an office environment, despite the fact that no male staff go into the office. Several organizations have tried to set up offices with female staff only, so that they can benefit from working as a team. However, this has been stopped by the Taliban, who only allow women, apart from those employed in the health service, to work from their own homes. This of course hampers women in their work, with management and supervision of them being hampered as well by having to be carried out by other women.

Both UN agencies and NGOs could also report *arbitrary harassment* of their female staff by the Taliban. A UN source in Kabul related that six female staff on a project approved by the Repatriation Ministry were for no known reason arrested on 1 October 1997 by the religious police, acting on orders from the Minister for Justice, Turabi, and detained for 30 hours. When the delegation visited Kabul, the assurances of security required in order to venture to reopen the project were still not forthcoming from the religious police.

Five women working on an emergency aid project for war widows, started up by an international NGO, had also been stopped in the street by the religious police in Kabul in May 1997 and had corporal punishment inflicted upon them for no particular reason.

A UN source made the similar point that, in spite of official permission to work, health care staff fear abuses by the religious police, which is one reason for difficulty in recruiting and retaining Afghan women doctors in particular.

It should lastly be noted that, in the bazaar near the Blue Mosque in *Herat*, the delegation saw a small group of women selling their wares from makeshift street stalls. The delegation asked through its interpreter whether they had permission to do so and was told in reply that the Taliban had given them permission and they had not experienced any problems since they began trading.

### **5. Penalties for women**

See the account given in subsections 2 and 4 of this section.

### **6. Position of women in Hazarajat**

As stated earlier, the delegation only had a chance to visit Bamian in Northern Alliance-controlled territory. The area forms the core of Hazarajat, which as the name

suggests is the homeland of the Hazaras, and political and military power there is held by Hezb-i-Wahdat. The situation for women in Hazarajat was discussed with a number of representatives of the authorities and independent sources, including UN sources.



Qurhan Ali Airfani, deputy head of Hezb-i-Wahdat, explained that women and men have equal rights in Hazarajat, including political rights. Women can thus become members of Hazarajat's central governing bodies and a special Women's Committee has been set up, reporting directly to Hezb-i-Wahdat's Central Consultative Council, with the task of ensuring equality for women.

The delegation met two leading members of the Women's Committee, both from an academic background, who confirmed that Hazara women enjoy political equality with men. They added, however, that women are under-represented numerically in all public authorities, chiefly because women have not traditionally received higher education in any numbers.

On *schooling*, the women reported that there is equal access to education for girls and boys, but with serious inadequacies in the school system generally. They estimated the illiteracy rate in Hazarajat to be about 90%. Bamian has eight girls' schools and four mixed-sex schools. In some parts of Hazarajat, separate education of girls and boys used to be the custom, but the trend in recent years has been towards co-education. Children are usually taught together up to the age of nine. After that, they are segregated in separate-sex classes. Of the girls receiving education in Hazarajat at present, some are IDPs from Kabul and other parts of Afghanistan.

For *further education*, the women explained that Bamian has a university with four faculties. Admission requirements are the same for both sexes. Yet, out of the university's 300 or so students at present, only 13 are women. The explanation given for this was that, as stated above, women have traditionally not been encouraged to go in for education. Most of the university's current female students are in fact IDPs from Ghazni and Kabul.

On access for women to *employment and participation in social life generally*, the Women's Committee representatives stated that there are female lecturers at the university, women and men have equal access to academic employment, women can run businesses, e.g. shops in the bazaar, they can buy and drive cars and they also work on a par with men in farming.

There are no restrictions on women's *freedom of movement* or other special behaviour requirements. In accordance with custom, most women wear a chador (in the form of a headscarf covering their head) and some opt for further covering.

On *civil rights*, the Women's Committee members explained that parents share parental authority over children of the marriage. In divorce cases, which are extremely rare, custody of children goes to the man. Marriages in Hazarajat are usually arranged by the families, but in better-educated circles it is normal for both men and women to choose their own marriage partners.

The delegation's independent sources, including UN sources, broadly confirmed the above information on the position of women in Hazarajat. However, they also pointed out that illiteracy is a huge problem among both sexes, with educated women forming a very small minority in Hazara society.

### ***F. Religious matters***

Islam is the official religion in Afghanistan and 80% to 85% of the population belong to the Sunni Muslim branch, while Shia Muslims (both Imamis and Ismailis) make up about 15% of the population. The bulk of Shia Muslims are Hazaras, with the Qizilbash and Ismailis forming other significant Shia Muslim groups. The country also has smaller groups of Sikhs, Hindus and Jews.

### 1. Shia Muslims

The Governor of Kandahar stated that the Taliban do not persecute Shia Muslims, who are on the whole left to themselves, as long as they do not go working for the other side. A UN source in Kandahar did not know of any ill-treatment of Shia Muslims in the town either.

The UNHCR local office in Herat reported that there are a number of Shia Muslims in the town of Herat, most of whom are ethnic Hazaras, although some Tajiks are also Shia Muslims. The town has five mosques and five Shia schools, which appear to operate on a day-to-day basis without hindrance.

Another UN source, who wished to remain anonymous in this respect, made the general point that there has been a certain amount of discrimination against and ill-treatment of Shia Muslims in Herat province, practices which seem to be deliberate and systematic on the Taliban's part. In the source's view, they have in many instances constituted religious persecution and mention was made here of a specific detention case which had been further investigated and in which the Taliban had stated that the person was arrested "for the crime of being a Shia". The Taliban have also prohibited some traditional religious ceremonies at Sufi shrines in Herat and the surrounding area, under threat of punishment if the ban is contravened. The UN source emphasized that there has not historically been any Sunni-Shia conflict in Herat; it arose with the arrival of the Taliban.

See also subsection A.3 of this section, on detention, which includes an account of the detention of religious leaders and other prominent figures from the Shia community in Herat and the detention of Hazaras in Kabul.

See lastly section 4.H on ethnic background and treatment of the Hazara population.

### 2. Atheists

The delegation received extremely little information on the position of atheists in Taliban-controlled territory. A UN source made it clear, however, that any there are must be keeping a very low profile.

### 3. Others

The delegation sought information from various sources regarding the situation of *Ismailis* in the Taliban-controlled part of Afghanistan.

The Ismailis are a Shia Muslim sect, which broke away from mainstream Shias in 765. They are named after a son, Isma'il, of the seventh of the Shia Muslims' imams, Ja'far al-Sadiq. A well-placed UN source likened the situation of Ismailis to that of other Shia Muslims, while pointing out that Ismailis are mainly to be found in northern parts of Afghanistan, i.e. not in Taliban-controlled territory.

A UN source in Kandahar, lastly, was not aware of any problems for Sikhs and Hindus in the town.

## *G. Political affiliation*

### **1. Association with the PDPA regime, including the KHAD**

The delegation discussed the situation for people associated with the former PDPA regime, including that for returning refugees, with the Taliban, in particular with the Repatriation Ministry representatives in Jalalabad and in Kandahar and the Governor of Kandahar, Mohammad Hassan. Those Taliban spokesmen all agreed that people with former political affiliations, hence also former members of the communist party, are covered by the Taliban amnesty and thus have nothing to fear from the Taliban. Mohammad Hassan stated here that all are free to return to Afghanistan if they are willing to work for the country and observe Islam. The spokesmen pointed out that only those responsible for criminal acts will be prosecuted under Sharia law, since such acts are not covered by the amnesty. For a more detailed account of the Taliban amnesty, see section 5. The Governor confirmed in reply to the delegation's enquiry that there are now very many former PDPA members among the Taliban's ranks. When questioned, the Repatriation Ministry representative denied that public service employees who also held their posts under the PDPA regime are now more likely than others to face sacking or other measures by the Taliban.

The delegation discussed the same subject with a number of independent sources, including UN sources and various international or Afghan NGOs, and there was broad agreement that people associated with the former PDPA regime form a special risk group for the purposes of harassment and persecution by the Taliban. As examples of people in that risk group, the interviewees mentioned former employees of the PDPA administration and people holding references from the former government or belonging to the communist party. According to the interviewees, that risk group also included people educated or trained in the former Soviet Union, Central Asia or the former German Democratic Republic.

While the delegation was visiting Peshawar, it was told by a number of international or Afghan NGOs of rumours of the dismissal of as many as 2 000 public employees on account either of membership of the former communist party and employment in the PDPA administration or of education or training in the former Soviet Union or Central Asia. The CCA added that past paid official trips to the Soviet Union and possession of references from the PDPA have resulted in dismissal.

In Afghanistan the delegation received reports, from several independent sources, of the Taliban having carried out a *purge* of the public service in Kabul. A number of

UN representatives in Kabul informed it of a major round of sackings from public service, said to have taken place just before the delegation arrived in the city. Those affected, it was told, were people educated or trained in the former Soviet Union or German Democratic Republic and/or awarded distinctions for their good work under the PDPA regime. The number of dismissals was unknown, but estimated to be in the hundreds.

The delegation lastly learned, in part by reading local Pakistani newspapers, that in late November 1997 the Taliban carried out a purge of 70 teaching staff from Kabul university on account of their association with the former communist regime. According to newspaper reports, a further 50 teaching staff risk dismissal and the Taliban are considering similar purges at Nangarhar university in Jalalabad and at the university in Herat.

The delegation discussed the question of any *arrests or detention* of people associated with the former PDPA regime with representatives of the Taliban and a number of independent sources.

The Kandahar head of the KHAD, which now serves as the Taliban security service under the name of Estikhabarat, said that the Taliban have detained people from the PDPA and former members of the KHAD. They were particularly interested in laying hands on former KHAD members, who had been guilty of widespread torture and killings. The difficulty was, however, that many of them had left the country or changed their place of residence and possibly their appearance. There was also very little archive material available on the KHAD, partly because a great deal had been destroyed even before Najibullah fell from power and partly because members of the Rabbani regime were still in possession of most of the rest.

The UNSMA was aware that, on taking Kabul, the Taliban gained access to old KHAD archives, held by Massoud, and carried out arrests on that basis. An independent source wishing to remain anonymous in this respect added that there are people suspected of PDPA links among the political detainees in Taliban prisons. The CCA had no specific knowledge of persecution or harassment of PDPA or KHAD members, apart from dismissal from public employment, but pointed out that most high-ranking PDPA and especially KHAD personnel have already left the country.

As to whether *PDPA membership in itself* may attract harassment and persecution by the Taliban, a well-placed source at the UN wishing to remain anonymous in this respect could confirm that it may. The source commented that the question of the risk faced by those associated with the PDPA regime is full of contradictions, with a number of senior members of the Taliban movement, including various military commanders, having previously been communists and members of the PDPA. The protection enjoyed by such figures apparently stems, according to the UN source, from their clan membership and links with influential ethnically and family-based groupings (*qawms*). Members of influential *qawms* will thus be able to achieve rehabilitation in Afghanistan under the Taliban to a greater extent than those from less influential ones. Conversely, anyone without such cultural and social protection risks harassment and persecution by the Taliban merely on account of membership of the PDPA.

The importance of that cultural and social protection was highlighted by interviewees at a UN source in Herat, who considered that anyone associated with the PDPA may run into difficulties with the Taliban. The pattern of Taliban reactions is in fact so arbitrary,

unsystematic and unpredictable that social power structures and private links with the Taliban may be the decisive factor as regards the risk of ill-treatment. An Afghan NGO had no specific knowledge of ill-treatment of low-ranking PDPA members. According to the same source, high-ranking PDPA figures might face problems with the Taliban and most of them had left the country.

A UN source in Kandahar similarly stated that those with links with the former PDPA regime generally face security problems. At the same time, however, the source could also confirm that a number of PDPA members are now in the Taliban, who in some cases even actively attempt to recruit members to the movement from among former PDPA people. Those cases heard of by the source, however, had mainly involved individuals with especially valuable qualifications, in particular people having undergone lengthy training in the use of military technology, such as fighter pilots. Several other sources pointed out that such former PDPA people may of course,

should the Taliban, say, meet with a serious setback, risk finding themselves under suspicion on account of their PDPA past.

On the significance of *level of prominence* within the former PDPA regime for the risk of ill-treatment by the Taliban, a well-placed UN source stated that any such level of prominence is hard to pin down and the whole question equivocal. On the one hand, prominent PDPA members are apparently in greater danger of persecution while, on the other, high-ranking members are probably among those best able to avail themselves of the social protection mentioned above. The UN source considered, however, that it is true to say high-profile PDPA members are generally in greater danger of persecution than low-profile ones. The same UN source did not think it possible to rule out persecution on account of Taliban suspicions of former PDPA affiliation, regardless of whether there was any objective basis for such suspicions, nor was collective persecution on account of individual actions, e.g. in the case of PDPA members' relatives, inconceivable in the Afghan context.

The delegation discussed the situation for *those suspected of having committed criminal acts* under the PDPA regime, including former KHAD members, with a number of Taliban spokesmen, among them the head of the Estikhabarat in Kandahar, the Governor of Kandahar, Mohammad Hassan, and Repatriation Ministry representatives from Jalalabad and from Kandahar.

As stated above, they explained that those responsible for criminal acts would be held to account for them under Sharia law. The Governor pointed out here that there would be demands from the public for those who have committed crimes and wrecked the country to be held to account. The Repatriation Ministry representative in Kandahar added that only political affiliation is covered by the amnesty declared by the Taliban. The head of the Estikhabarat in Kandahar said that those responsible for abuses by the former KHAD security service would be imprisoned, this would be a very serious matter and the public would be baying for their blood. His explanation for this was that many Afghans had been imprisoned, tortured, e.g. with the use of electric shocks, and killed by the KHAD.

The delegation also discussed this subject with a number of independent sources. A UN source wishing to remain anonymous in this respect reported that those with links with the former KHAD are roundly hated in Afghanistan and therefore generally in great danger of persecution. The CCA confirmed that former KHAD employees face special security problems, still being regarded by the public as primarily to blame for their woes.

Several independent sources, including a UN source in Kandahar, told the delegation that a person with links with the former PDPA regime, accused of murder under the communist regime, was executed by hanging in Farah province in early November 1997.

On the risk of *revenge attacks* by the members of the public on people associated with the PDPA and the KHAD, the Repatriation Ministry representative in Kandahar said that the Taliban protect such people against private vengeance.

A well-placed UN source did not know of any recent cases of people taking the law into their own hands against PDPA members or otherwise and considered that this would not be tolerated. In Taliban-controlled urban areas, moreover, law and order is strictly upheld and there is thus little incentive for people to take the law into their own hands, whether against the Taliban or against others. Official policy is for the Taliban, hence above all the Department of Promotion of Virtues

and Suppression of Vice, to have sole control of all action relating to public security, crime and enforcement of Islamic law. There may be regional variations, however, with the situation in, say, Jalalabad and Kandahar differing from that in Kabul and Herat.

The CCA, on the other hand, took the view that anyone with links with the PDPA, especially with the KHAD, who is suspected by the public of direct involvement in torture and killings may risk acts of vengeance in the form of, for instance, kidnapping and murder.

Both UN sources and international or Afghan NGOs stated lastly that most people with a PDPA past have left the country, are in IDP camps or have gone to live in Northern Alliance territory for fear of the Taliban. A UN source in Herat commented that a number of PDPA people were back in Herat in Ismail Khan's time, but they left the country when the Taliban captured the town.

## 2. Others

### (a) Links with Ismail Khan's regime

The delegation discussed the situation for people who had links with the former Ismail Khan administration in Herat with various UN sources and both international and Afghan NGOs in the town. Several of those sources believed that officials of the former Ismail Khan administration still work in the administration, run businesses and do not generally have any problems with the Taliban.

One NGO, however, knew of a past holder of a post in the Jamiat government being detained by the Taliban twice on the same day. Another NGO pointed out that people having links with Ismail Khan certainly did get killed when the Taliban seized the town in September 1995. The town was undefended and therefore fell without a fight. Nevertheless, just after the Taliban moved in, there were about 30 dead bodies lying in front of the Governor's residence. According to a third NGO, the political leadership under Ismail Khan have fled to Iran and prominent officials still living in the town are kept under Taliban surveillance.

It should lastly be noted that Ismail Khan himself is in fact in Taliban custody and the governor of Sarpoza prison in Kandahar stated that one of the main groups of inmates of the prison were supporters of Ismail Khan.

## *H. Ethnic background*

### *Increased ethnic dimension to the war*

As stated in section 1.A.5, the delegation discussed the military conflict and the situation for Afghanistan's various ethnic groups with a number of interviewees from the Taliban and independent sources. Discussions covered the position of minorities within regions and whether such minorities face any protection problems. Discussions also dealt with possible trends towards an increased ethnic dimension to the civil war and any future implications of this, e.g. the risk of ethnic cleansing.

In discussing the above issues, the Governor of Kandahar, Mohammad Hassan, pointed out to the delegation that the Taliban movement is open to all ethnic groups. Confronted with reports of protection problems for Hazaras in Taliban-controlled territory, the Repatriation Ministry representative in Herat said that they were untrue and emphasized that Hazaras can live in

Taliban-controlled territory without any problem, e.g. in Ghazni. He added that any reports to the contrary were propaganda on the part of the Iranian authorities.

All independent sources, including a wide range of UN sources and both international and national NGOs, on the other hand, stated that there is an increased ethnic dimension to the civil war in Afghanistan. Several sources referred to abuses and protection problems for minorities within regions, especially for non-Pashtuns in Taliban-controlled territory and for Pashtuns in Northern Alliance-controlled territory. Material put forward by the sources included information on massacres of Shia Muslims, some of them reportedly Hazaras, in the north, arbitrary arrests and detention of ethnic minorities as well as executions and ill-treatment of prisoners of war.

A UN source further explained that the ethnic dimension to the war runs along political lines, with the parties and military alliances being based on ethnic background. For instance, a Pashtun would never now agree to be represented politically by a Tajik and vice versa. Such ethnic polarization makes it difficult belonging to a minority in the country. This is particularly true for Hazaras in Kabul and other areas outside Hazarajat and for Pashtuns in northern Afghanistan. It was pointed out here that Kunduz Pashtuns in Pakistan are loath to return home because they form a minority in the area.

Another UN source made no secret of the fear that the war is moving in the direction of an ethnic conflict and pointed out that there were a number of abuses committed against Tajik civilians when the Taliban captured Kabul. The source described the civil war as a power struggle in which attempts to conquer territory are developing into an ethnic conflict.

A source at the US representation in Pakistan could endorse concern about the Pashtun population group in northern Afghanistan, on the grounds that a reaction to the Taliban's violent action in the area was to be feared, e.g. in the form of massacres of the Pashtun

civilian population or ethnic cleansing, should Kunduz be taken by Northern Alliance forces. According to the same source, Hezb-i-Wahdat is strong in Mazar-i-Sharif, which adversely affects the treatment of the Hazara population outside Hazarajat, especially in Kabul, Herat and Ghazni. Another source at the representation took the view that the Taliban leadership are not necessarily endeavouring to turn Afghanistan into a Pashtun state, but rather into an Islamic state. Lower down in the movement's hierarchy and among the rank and file, however, a strong Pashtun streak is discernible.

On the question of *ethnic cleansing*, a well-placed UN source stated that Afghanistan has not experienced any ethnic cleansing, but there has been an ethnic polarization, especially as between the Taliban and the Hazara population. The trend, however, according to the source, is worrying. The recent killings of Sunni Muslim ulemas (religious teachers) in Karachi in early November 1997 have adversely affected Taliban attitudes towards Shia Muslims, especially the Hazara population, the perception being that only Shia Muslims can be responsible for them. Ethnic polarization is also discernible in the north, with Pashtun civilians automatically being regarded as Taliban members.

A number of UN agencies in Kabul took the view that the enforced expulsion of over 200 000 inhabitants of the Shomali valley, as referred to in section 1.A.5, was not really ethnically motivated, but rather a military strategic move by the Taliban. However, the Kunduz conflict and

the arrests of Hazaras in Karte Seh, in Kabul, in 1997 have ethnic overtones and it is uncertain whether this may develop in a systematic way nationwide.

An Afghan NGO, the ADA, did not see any examples of ethnic cleansing at present and considered that the population themselves do not want to see an ethnically divided Afghanistan.

A number of both international and Afghan NGOs in Peshawar commented that, as a result of the ethnic polarization, agencies are no longer able to get Pashtuns to go to Bamian, which is Hazara territory, as they fear reprisals on account of their ethnic background. The NGOs were of the opinion that the war in Afghanistan has taken on an ethnic dimension which it did not use to have. The ACBAR noted that above all the recent fighting around Mazar-i-Sharif, in which the Taliban suffered a defeat in May, has heightened ethnic conflicts.

### **1. Hazaras**

An account of the situation for the Hazara population could usefully, in the delegation's view, begin by looking at the historical and social background. The Hazara population, currently numbering about 1 to 1,5 million, are of unknown Central Asian, probably Mongolian, descent and have traditionally lived in their homeland of Hazarajat in central Afghanistan. Hazarajat consists of the northern part of the Helmand valley and parts of the provinces of Ghor, Uruzgan and southern Bamian (see Annex 6). There are also smaller Hazara communities in northern Bamian and Badakhshan. Since the middle of this century, quite a number of Hazaras have emigrated to Kabul and other major urban centres, in the first place as labourers or servants for the urban population, but since going on to get themselves educated and hold down more skilled jobs in towns and cities. Especially in large urban centres, however, the Hazara population have traditionally formed the lowest rung in the ethnic hierarchy. Both in their physical appearance and in their cultural customs, Hazaras show their Asian origins, but they speak a variant of Persian and most of them are Imami Shia Muslims.

In discussing the situation for ethnic minorities in a future Afghanistan under the Taliban, the Pakistani Foreign Ministry stated its firm belief that the Taliban would respect the various ethnic groups if it were to win control of northern Afghanistan. The Taliban had assured the Ministry that, in establishing state authorities in Afghanistan, they would consult all ethnic groups on a proportional basis, including Hazaras, since the Taliban's aim is merely to introduce an Islamic regime in the country.

The delegation also discussed the position of the Hazara population with various Taliban spokesmen. As stated earlier in section 4.H, confronted with reports of protection problems for Hazaras in Taliban-controlled territory, the Repatriation Ministry representative in Herat said that they were untrue and emphasized that Hazaras can live in Taliban-controlled territory without any problem, e.g. in Ghazni.

The question of protection problems for the Hazara population was also discussed with a number of independent sources, including a wide range of UN sources and international or Afghan NGOs. Those sources all took the view that Hazaras are a vulnerable group, albeit of course with regional differences. They concurred in reporting "disappearances", arrests and detention of members of the Hazara minority, especially in Kabul, Herat and Ghazni. The reasons for such abuses were generally explained as suspicion of belonging to the Wahdat opposition and detention for conscription into the army or exchange with Taliban prisoners of war. According to a few sources,



Hazaras are also detained merely on account of their membership of that ethnic group, as they are automatically suspected of opposing the Taliban.

In discussion of the situation for that ethnic group in *Kabul*, as also stated in section 4.A.3, a UN source noted that in the summer of 1997 there were reports of from 20 to 50 Hazaras a day being detained. The source added that one likely reason for this is that Hazaras are prime suspects for having links with the opposition. There were unconfirmed reports of the arrest of as many as 3 000 Hazaras over the summer and of some of them having been sent to prison in Kandahar to work. One reason given by an NGO for the vulnerable position of Hazaras was that the Hazara-based Hezb-i-Wahdat killed quite a number of Taliban members in Mazar-i-Sharif in May, thereby heightening ethnic polarization with Pashtuns in general and the Taliban in particular.

With regard to the situation in Kabul, a well-placed UN source explained that in the last three months there had been a number of abuses against Hazaras and a significant cause of the tension between the Taliban and the Hazara population in Kabul probably lay in the killing by the Taliban of the Wahdat leader, Masari, in March 1995. That explanation for the particularly vulnerable position of the Hazara population in Kabul was in part corroborated by an Afghan NGO, which took the view that the marginalization of Hazaras was due firstly to the present state of the civil war but also to the havoc wreaked in the Karte Seh district of Kabul by Wahdat under Masari.

The delegation discussed the situation for the Hazara population in *Herat* with a number of independent sources, including both UN sources and international or Afghan NGOs. All took the view that the Hazara population, both Hazaras from Herat and the surrounding area and any Hazaras from other parts of the country who might be present in the region, e.g. when returning from Iran, are a vulnerable group.

As regards detention of local Hazaras, a UN source could report in particular the arrest of almost the entire male population of one Hazara village and of all the village leaders in

another. The source also considered discrimination and abuses against Hazaras to be deliberate and systematic in nature.

With regard to reports of the detention of Hazaras, as well as some Tajiks and Uzbeks, returning from Iran, it was noted that they were civilians deported from Iran. The people in question were known to have been held for about three months at detention centres in Iran before their enforced expulsion. The point was made that the detention centres were not military training camps for, say, Wahdat soldiers. General information suggests that there have been from 400 to 700 such deportations a month, but the true numbers deported may be higher. Most deportees are detained straight away upon expulsion from Iran at the official border crossing, Eslam Qal'eh, about 120 km west of the town of Herat, although some Tajiks and Uzbeks have managed to buy their way out. Local Hazaras from Herat will normally be set free after a fairly short while in detention, while Hazaras from other parts of the country may be held for weeks or months. About 700 of those detained in this way have reportedly been transferred to the central prison in Kandahar.

An NGO considered that a Hazara returning to Herat, possibly from another country, would ipso facto attract suspicion merely for being a newcomer.

A well-placed UN source reported, after the delegation had returned home, that the number of people expelled from Iran via Eslam Qal'eh totalled about 8 000 in 1997, but the figure had now (January 1998) considerably declined.

An Afghan NGO's head office in Peshawar knew of the arrest of 200 to 300 Hazaras, some of them taken to Kandahar. The same organization's Herat office was also aware of the detention of about 100 returning Hazaras in a village in Herat province two months earlier. The organization had received unsubstantiated reports, too, that Hazaras in the Pushtoon Zarghoom district of Herat province had been compulsorily relocated. It added that Hazaras are not allowed by the Taliban to move on from Herat to Hazarajat. Lastly, it had been learned by way of connections in the Taliban that Hazara detainees from Herat have been killed.

The delegation discussed the situation for Hazaras in *Ghazni* with a number of independent sources, including UN sources and international NGOs, who said that Hazaras and Tajiks have suffered political and religious abuses, including conscription.

Several of the sources also pointed out to the delegation that the brunt of the incident referred to in section 1.A.5 above, in which the religious police, led by the Minister for Justice, Turabi, in person, carried out mass arrests in Ghazni of from 700 to 850 people for four days at a time (about 7 000 people in all) for wearing their beard too short, had largely fallen upon Hazaras.

A source at the US representation in Pakistan noted that Tajiks, Pashtuns and Hazaras have traditionally lived in Ghazni without any conflict, but the Taliban have attempted to sow discord.

On the situation for Hazaras in *Kandahar*, the Repatriation Ministry representative there commented that Hazaras, Shia Muslims and Sikhs do not have any problem with the Taliban authorities in Kandahar.

A UN source in Kandahar told the delegation that 98% of Kandahar's population are Durani Pashtuns (and Sunni Muslims) and the remaining 2% Shia Muslims (Hazaras) and Sikhs.

There is not generally any discrimination against those groups, but individual cases do occur. Local Hazaras keep shops in the bazaar without any problem. Sarpoza prison in Kandahar, however, holds a number of Hazaras from other parts of the country.

A number of NGOs in Kandahar added that ordinary, apolitical Hazaras do not have any problem with the Taliban authorities in everyday life, but if suspected of belonging to Wahdat they soon run into security problems.

## 2. Ismailis

See the comments in section 4.A.3.

## 3. Others

### (a) Other non-Pashtun groups, including Tajiks (particularly Panjshir Tajiks) and Uzbeks

Several independent sources, including a UN source in Kabul, said that Uzbeks and Panjshir Tajiks are a vulnerable group, with unknown numbers of them imprisoned by the Taliban in Kabul. The detainees include a number of UN employees. In those cases in which any information was forthcoming on the grounds for detention, it usually involved statements such as: "father a

communist, brother a Junbish soldier and suspected of possessing arms". Some of the detainees have been taken to Kandahar, presumably because they are considered more important prisoners.

A UN source in Kabul had several Afghan employees, who were Panjshir Tajiks, detained and accused of association with Massoud, while an international NGO also had some Panjshir Tajik local staff held under arrest for two weeks.

A well-placed UN source in Pakistan commented that there had been many abuses committed against Tajiks when the Taliban captured Kabul. Reports had also been heard of Tajiks being detained merely as bargaining counters.

A UN source in Herat stated that those detained at the Eslam Qal'eh border crossing included both Tajiks and Uzbeks. See also subsection H.1 of this section.

### **(b) Pashtuns in northern Afghanistan**

As can be seen from the account given of the risk of an increased ethnic dimension to the war in the introduction to this section, both UN sources and a source at the US representation in Pakistan expressed disquiet regarding Pashtuns in northern Afghanistan.

The roots of their disquiet lay largely in events in northern Afghanistan in the summer and autumn of 1997, when for a brief while in May 1997 the Taliban occupied Mazar-i-Sharif. In that combat, many Pashtuns in the north supported the Taliban and a number of commanders, in particular from the Kunduz enclave, actually fought alongside the Taliban. This, together with the fact that, as already mentioned in section 4.A on extrajudicial

executions, there are strong indications that the Taliban committed massacres in two villages near Mazar-i-Sharif, might very well, in the sources' view, give rise to retaliation by Northern Alliance or independent commanders. Pashtuns in the Kunduz enclave, in particular, are likely to find themselves highly vulnerable to acts of vengeance if the area is captured by either Massoud or Dostum.

### ***I. Position of artists***

The delegation discussed the position of artists with a number of Taliban spokesmen and independent sources. The Taliban have banned artistic expression such as performance of music, in part by means of a series of edicts. Artistic representation of living beings in painting or drawing is also prohibited. See the Taliban edicts in Annex 11.

A Foreign Ministry representative in Herat explained that the Taliban have banned all entertainment as being contrary to proper Islamic behaviour. A Muslim should be either praying or doing good deeds for the community. All other occupations are "haram" (devilry) and considered un-Islamic. The ban on depicting living beings, moreover, stems directly from the Koran. As a result, film shows, the theatre, dancing, videos and photography, apart from passport photos, are also prohibited. All musical instruments are banned, with musicians consequently obliged to find another living. Painters and draughtsmen may continue to practise their art, without of course depicting living beings.

Artists have not been punished for their past activities but a musician, say, caught contravening the ban on performing music would be punished by the Taliban, e.g. by destruction of instruments, detention and corporal punishment.

In reply to questioning, the same source said that, when the local television station in Herat was closed down, its former staff were not punished and were paid for a while after its closure.

The delegation discussed the above issues both with a number of international or Afghan NGOs and with western journalists based in Kabul. They all stated that artistic expression is severely restricted. All singing and music is banned, except for unaccompanied male voices praising fallen Taliban commanders, say, or otherwise conveying morally edifying messages. Nor is it permissible to depict living beings in painting, drawing or sculpture, whereas architectural designs and calligraphy, for instance, are acceptable.

In discussing the impact of these restrictions on artists, the independent sources pointed out that a large number of artists are no longer able to pursue their careers. According to the western journalists in Kabul, continued artistic expression in breach of the rules is likely to be punished by the Taliban, usually by a flogging. However, they were not aware of any instances of this. When asked specifically what happened when the Taliban closed down the television station in Kabul, the journalists replied that to their knowledge nothing had befallen any of the staff, apart from being thrown out of work of course. They lastly mentioned a case in which a group of artists invited to a conference in Peshawar were refused an exit visa to leave Afghanistan.

None of the independent sources had any specific knowledge of artists being punished for their past artistic activities. The above journalists could not, however, rule out the possibility that this might happen, for instance, to a well-known singer, whose songs were bound to be available on tape or record.

Several sources from *Herat*, including one international and one Afghan NGO, mentioned an incident in which a well-known artist in the town had been working for four years on a frieze of miniatures in the Governor's residence, which was destroyed by the authorities. The international NGO did not think that the painter himself had been detained, but believed his family to have faced threats and harassment. The same source knew of artists being threatened, but was not aware of any being imprisoned.

As regards the situation for former staff of the national television station, such as journalists, singers and musicians, the independent sources said that they had been dismissed, but the sources had no actual knowledge of them having been punished for their former profession.

### ***J. Other factors***

#### **1. A lengthy stay in Russia (the Soviet Union)**

As related in section 4.G.1 above, several independent sources, including a number of UN agencies in Kabul and both international and Afghan NGOs in Peshawar, reported the dismissal from public service of people educated or trained in or having made official trips to Russia or other ex-communist countries.

The sacking of teaching staff from Kabul university, as referred to in the same section, may perhaps be attributable in whole or in part to similar circumstances.

## **2. Educated and secularly inclined people**

According to several UN sources, the position of educated and secularly inclined people in Afghanistan has to be viewed in the light of the Taliban's nature as a religious movement with its power base in the countryside and its leaders in the main lacking any formal education, apart from some of them having received Islamic religious training. As a Taliban spokesman in Herat put it, a Muslim's only legitimate occupation is praying or doing good deeds for his country. All other occupations are "haram" (devilry) and not allowed by the Taliban. For the same reason, the Taliban give priority to religious schooling rather than secular education. At the same time, the Governor of Kandahar also made it clear that the Taliban regarded the brain drain in Afghanistan during the civil war as disastrous and there was a great need to attract educated people to take part in the reconstruction of the country.

A UN source in Kandahar told the delegation that educated people generally face security problems.

An Afghan NGO took the view that all intellectuals, regardless of political background, risk harassment and arrest by the Taliban. It went on to explain that this is particularly true for educated Afghans of non-Pashtun origin and there are various examples of intellectuals being detained on very flimsy suspicion of links with the opposition to the Taliban. Intellectuals, especially those of non-Pashtun ethnic origin, could in its view very easily fall prey to abuses in the form of public flogging, torture and murder.

## **3. People holding anti-Taliban views**

It was made clear by several independent sources, including a number of UN agencies in Kabul, that there is no scope for holding political or religious views opposed to those of the Taliban. A UN source in Kandahar told the delegation, for instance, that former mujahidin commanders who have switched allegiance to the Taliban have to be especially careful not to be perceived as disloyal, or else action will be taken against them at once. According to the same source, since their emergence in 1994, the Taliban have tried to show a united front, ranked solidly behind Mullah Omar, with no dissent allowed.

A western journalist commented that there is no free press in the western sense in the Taliban-controlled part of Afghanistan, nor in his view any prospect of one under the Taliban.

An international NGO in Kabul pointed out that Pashtuns are also at times detained by the Taliban on suspicion of activities in opposition to the Taliban.

A number of both international and Afghan NGOs in Peshawar stated in this connection that the Taliban have managed, with their strict requirements of loyalty, to make many Afghans so insecure that they dare not run NGO offices for fear of being accused of un-Islamic conduct. It is therefore necessary to bring in foreign managerial staff.

## 5. The Taliban amnesty

### A. Who is actually covered?

The Taliban movement has declared a general amnesty, signed on 26 June 1997 by the Chief Justice of Afghanistan's Supreme Court, Alhaj Abdul Satar Sanaie. According to section 4 of the declaration, the coverage of the amnesty is as follows:

*"All returnees, irrespective of their political affiliations, are exempted from prosecution for all criminal offences committed for whatever reason prior to, or in, exile except for those criminal offences committed against other persons. This exemption includes inter alia having left Afghanistan and having found refuge in Pakistan, Iran or any other country, joining different commanders, draft evasion and desertion as well as the act of performing military service in internationally non-recognized armed forces."*

See also Annex 13, setting out the amnesty declaration in full.

The delegation discussed the scope of the amnesty, including those persons and acts covered by it, with a number of Taliban spokesmen, among them the Repatriation Ministry representatives in Jalalabad and in Kandahar and the Governor of Kandahar, Mohammad Hassan. They explained that the amnesty is applicable to anyone who has not been directly involved in murder or similar criminal conduct. Where someone is accused of

murder or the like, the right to press charges lies with the victim or the victim's surviving relatives and it was therefore considered that they could not be affected by the amnesty.

As regards level of responsibility, the Repatriation Ministry representative in Kandahar, Maulana Haji Abdul Sattar, was able to report that the person who took the decision and ordered, say, a killing would be covered by the amnesty, whereas the one who actually did the deed would be held to account for it. Some people might charge the person who ordered the killing, but the Taliban would go for the direct offender. When questioned, however, Sattar stated that those in overall charge nationally, such as Najibullah, would be prosecuted by the Taliban. Mohammad Hassan agreed that a commander who had ordered a murder would not be prosecuted, while also pointing out that it was up to the courts whether such a case would be brought.

As an example of acts not covered by the amnesty, Mohammad Hassan mentioned murder, adding that those who had taken advantage of a position of authority to dispossess others of land, for instance, would also be prosecuted if the injured parties so demanded. The Governor gave a specific example of a commander having forced to work for him in the fields 40 people, who were now calling for him to be prosecuted.

The amnesty and its scope were discussed with a number of independent sources, including the UNHCR in Kabul, who could confirm that the amnesty is construed as not covering people who have committed criminal offences against individuals. See also the following section on how the amnesty is viewed.

***B. How is the amnesty viewed?***

As stated above, the delegation discussed the amnesty with a number of Taliban spokesmen, who all took the view that the Taliban are observing the amnesty and returnees have nothing to fear from the Taliban.

The delegation also discussed the amnesty with a number of independent sources and sought their views as to whether the Taliban really mean to observe it.

According to a well-placed UN source, the Taliban do not feel bound by the terms of the amnesty and insufficient steps have been taken to ensure its implementation. The source's assertion was based on reports that several hundred Afghans expelled from Iran, mostly Hazaras or other Shia Muslims, were arrested upon arrival in Afghanistan. For further details of those reports, see section 4.F (religious matters) and section 4.H (ethnic background).

The source added that in some situations the Taliban have deliberately and systematically refused to allow humanitarian organizations to monitor conditions for returnees, including implementation of the amnesty commitments, as they are supposed to under the amnesty (see section 6 in Annex 13).

A source on the staff of a UN agency took the view personally that the general amnesty has made no difference to the risk of harassment and persecution by the Taliban for people such as former PDPA members. According to an international NGO in Herat, the amnesty is not mentioned by the authorities and, in its view, most Taliban members are unaware of the amnesty.

A third UN source, on the other hand, stated that the Taliban can be expected to want to honour the agreement, but this obviously requires close monitoring, e.g. in connection with repatriations under UN auspices.

An Afghan NGO took the view generally that the Taliban had announced the amnesty to ease international pressure and seek recognition of their status as the state authorities in Afghanistan among the international community. It was of the opinion, from an assessment of conditions for returning refugees, that the amnesty is not credible, adding that the Taliban have come out with similar amnesty declarations for particular groups from time to time. None of them has been as comprehensive as that announced by Professor Mojaddedi in 1992. The June 1997 amnesty also does not appear to have been endorsed by Mullah Omar, who is the Taliban movement's highest authority and can set aside all decisions taken at any lower level in the movement.

***C. Has the amnesty actually brought any releases?***

The delegation was in doubt about the extent of the amnesty, which, as worded, clearly only covers Afghans living abroad, and therefore endeavoured to find out whether it could be invoked, if applicable by analogy, by Afghans within the country and hence, for instance, by those currently in Taliban custody.

The Governor of Kandahar said on this point that both Afghans outside Afghanistan and those within the country are eligible for the amnesty and, for instance, Rabbani and Hikmatyar may qualify for it.

The delegation discussed the issue with a number of independent sources, including UN sources, none of whom knew of the amnesty having been of any benefit to detainees in securing their release.

***D. Has the amnesty persuaded refugees to return?***

In discussing whether the general amnesty has persuaded refugees to return, the Repatriation Ministry representative in Kandahar, Maulana Haji Abdul Sattar, stated that the amnesty has increased the number of returnees.

The delegation discussed the same question with several independent sources, including a UN source in Islamabad, who commented that refugees' doubts as to whether the Taliban really mean to observe the amnesty are a contributory factor in failure to repatriate from Pakistan. The UNHCR in Herat noted that as far as is known the amnesty has not resulted in any repatriation from Iran, pointing out that the Iranian authorities have been unwilling to distribute the amnesty declaration among Afghan refugees in the country.

***E. Other points***

**6. Ways into and out of Afghanistan**

***A. Transit***

The Repatriation Ministry in Kabul stated at a meeting with the delegation in mid-November 1997 that Afghanistan can normally be entered and left by road at the following border-crossing points:

- Torkham, to cross the border between Afghanistan and Pakistan;
- Towraghondi, to cross the border between Afghanistan and Turkmenistan;
- Eslam Qal'eh, to cross the border between Afghanistan and Iran;
- Hayraton, to cross the border between Afghanistan and Uzbekistan.

The Repatriation Ministry also described those border-crossing points as being open, safe and in Taliban hands, apart from Hayraton, adding that:

- Torkham lies on the traditional main route between Afghanistan and the outside world, at the end of the Khyber pass. There is a road through Torkham linking Kabul with Islamabad by way of Sarobi, Jalalabad and Peshawar;
- Towraghondi is located about 100 km north of Herat, the name of the border town on the Turkmen side being Kuska;
- Eslam Qal'eh is located about 120 km west of Herat, the first Iranian town after the border being Tayyebat;
- at Hayraton the border crossing consists of a bridge over the river Amudarya, the name of the town on the Uzbek side being Termez. The border crossing is located in that part of Afghanistan controlled by the Northern Alliance and there was recently fighting in the area.



According to a report by Russia's Interfax news agency on 31 October 1997, the Uzbek President stated that the bridge over the river Amudarya had been closed by the Uzbek authorities. A UN source has since (in January 1998), however, reported that the border with Uzbekistan is once again open, with Dostum having managed to gain some measure of control over the area.

Several UN sources, including the UNHCR in Peshawar, said that there is heavy traffic in people and goods across the border between Pakistan and Afghanistan.

Such traffic passes through both Torkham and a number of other, more or less official border-crossing points. There is little in the way of border controls on either side of the border and smuggling of all kinds is rife. As stated earlier, the delegation crossed the border at Torkham and could see that border controls at that time appeared very sporadic on the Pakistani side and conspicuous by their absence on the Afghan side. The delegation's members thus did not have their passports stamped on entering Afghanistan.

According to the Repatriation Ministry, Afghanistan can be entered by air from Pakistan, Turkmenistan, India, Saudi Arabia, Qatar and Dubai. Flights from Pakistan are irregular. The delegation was told that all flights are to Kabul airport, apart from the odd flight to Jalalabad airport. Flights are only operated by the Afghan airline, Ariana. Saudi Arabian aircraft are, however, occasionally used for the annual pilgrimage to Mecca. Mention should be made here of the delegation's knowledge that UN flights do not use Kabul airport, on account of its proximity to the front line.

The delegation discussed with the Pakistani Foreign Ministry the scope for using Pakistan as a country of transit for Afghans on their way home from Denmark. For *voluntary repatriation*, the Ministry's representatives did not entirely rule out the possibility that this might be feasible on a case-by-case basis. However, they made no secret of their considerable scepticism about such an arrangement, fearing that the returnee(s) might very conceivably remain in Pakistan instead of moving on to Afghanistan. The important thing, however, was whether or not returnees had a visa to enter Pakistan. If they had been able to convince the Pakistani representation in Copenhagen to issue them a visa, they would of course be allowed in.

As regards use of Pakistan as a country of transit for *enforced expulsion* to Afghanistan, the Ministry's representatives dismissed the idea altogether.

The border crossing at Eslam Qal'eh, according to a UN source, is open only for people and not to goods.

***B. Other aspects, including any need for identity papers and/or a link with the area to be entered***

As regards a need for identity papers for Afghan nationals entering Afghanistan, the head of the Repatriation Ministry's branch office in Jalalabad, Mawlawi Ghulam Ahmad, could report that there is no such requirement. The Afghan authorities would easily be able to discover whether anyone without personal papers was an Afghan national or not. It was only to be expected, however, that people arriving without papers would be detained by the authorities while their background was being investigated.

The Minister for Repatriation, Mawlawi Abdul Raqib, explained that, for the repatriation of refugees, identity documents issued by the UNHCR would be regarded as sufficient evidence of

their identity. There are public offices at some of the border-crossing points, to which any undocumented individuals can apply.

The delegation's Taliban sources stated on a number of occasions that they are very interested in seeing Afghans abroad return home to take part in the reconstruction of the country. The Repatriation Ministry's branch office in Kandahar reported that the Taliban have sent delegations to countries such as the USA, Japan and Dubai, to encourage Afghan nationals to return. It was added that the police authorities have been instructed to smooth the way for Afghans wishing to return home.

The delegation did not obtain any information from independent sources on the matters dealt with in this section.

### **7. Issue of passports and other documents**

According to the Minister for Repatriation, Mawlawi Abdul Raqib, the Interior Ministry is in charge of *passport issue* in that part of Afghanistan controlled by the Taliban. This actually takes place at the offices of the security forces, containing the Ministry's branch offices in individual provinces. Passport applicants have to produce an identity document and details of their family circumstances and educational record. Their political affiliations have no bearing on eligibility for issue of a passport.

The Repatriation Ministry's branch office in Kandahar explained that a passport may be applied for either in person or in writing to the Taliban authorities. Passport applicants' background is checked up on with the security police, the mayor's office, the health authorities and the banks, and a passport cannot be issued until their approval has been obtained. If Afghan nationals abroad want an Afghan passport, their relatives in Afghanistan can apply to the Taliban for one for them.

Passports issued by the Taliban are valid for one year and a passport fee of 600 000 afghanis is payable for their issue (US\$ 1 = AFA 2 500).

The Taliban may refuse to issue a passport to someone who has applied for one. However, this will be done only where the applicant is wanted for a criminal offence. If the sentence for that offence has been served, there will be no problem in obtaining a passport.

The Deputy Foreign Minister, Sher Mohammad Abas Stanakzai, explained that passports issued by the Northern Alliance or its embassies are not recognized by the Taliban. Recognition would be tantamount to approval of the Taliban's opponents. Anyone entering the country on such a passport will not be refused admission, however, but will be regarded as an Afghan national. The passport will be confiscated and the holder referred to the proper passport-issuing authorities, which will be able to issue him or her with a valid passport. Such cases might possibly involve detention.

The Taliban are aware that the Afghan representations in London and Bonn are loyal to the former Rabbani government and they have therefore set up their own interests section in Frankfurt, which also issues travel documents. The embassy in Islamabad, moreover, is loyal to the Taliban.

Departure from Afghanistan on an Afghan passport requires an exit visa from the Taliban. The Repatriation Ministry explained that such a visa is valid for six months. An exit visa is not normally issued until the applicant has obtained an entry visa for the country or countries

to be visited. For travel to countries with which the Taliban enjoy good relations (e.g. Pakistan, Saudi Arabia, the United Arab Emirates and India), an exit visa to leave Afghanistan may be issued without awaiting an entry visa. A newly issued passport automatically includes an exit visa for six months. Passports are valid for one year at a time, renewable four times in all.

The WFP in Bamian knew that the authorities there do not themselves produce any passports and so people from Hazarajat wishing to obtain a passport buy a blank one on the black market in Mazar-i-Sharif. The authorities in Bamian then affix the necessary stamps.

As regards *family status documents*, the Mayor of Kabul was able to report that they are issued by the Interior Ministry's local district offices. Upon registration of a birth, an identity card is issued. However, a child's parents are free to choose at what point before it reaches the age of seven they wish to have it registered. By virtue of the fact that an identity card is issued upon registration of a birth, according to the Repatriation Ministry's Herat office, no actual birth certificates are issued.

Death certificates are issued by the Interior Ministry's local offices. Such certificates are, however, only issued for deaths in hospital.

Marriages are conducted by a local mullah under Sharia law. The mullah issues a marriage certificate. The marriage has then to be registered with a court in order to be legally valid.

An Afghan identity card takes the form of a 16-page booklet. It is issued on either a permanent or a temporary basis, according to the Repatriation Ministry's Herat office. In order to start school, a child needs an identity card. An identity card has to be produced at the request of the police, e.g. at road checkpoints. Failure to do so may entail arrest for identification purposes.

The delegation did not obtain any information from independent sources on the matters dealt with in this section regarding issue of passports and other documents, as sources were not familiar with practice in this respect and did not know how the Taliban react to passports issued by the Northern Alliance.

## **8. Afghan refugees in neighbouring countries**

The delegation's interviews with Taliban representatives, including the Minister for Repatriation and the Governor of Kandahar, at which the issue of Afghan refugees abroad was discussed, showed the Taliban generally to be very interested in the return of such refugees. Most of those who have left Afghanistan are educated people and Afghanistan is in great need of such people to help with the reconstruction of the country. The Repatriation Ministry's Kandahar office stated that the Taliban have sent delegations to various countries to encourage Afghans to return and there are in fact some signs of incipient spontaneous repatriation.

Taliban spokesmen concurred in the view that it is primarily concerned about inadequate infrastructure and shortage of basic necessities that is standing in the way of most people's wish to return to Afghanistan from abroad. The Taliban take the view that it is precisely by investing in those areas that foreign donors can do a great deal of good and at the same time help resolve any refugee problems in their own countries.

### *A. Iran: increase/decrease?*

To shed some light on a number of matters concerning Afghan refugees in Iran, the delegation had arranged a meeting with the Iranian embassy in Islamabad. Just before the delegation arrived in Pakistan, the Iranian embassy called off the arranged meeting.

While the delegation was in Herat, it sought information from several of its interviewees on the situation for Afghan refugees in Iran.

According to the Repatriation Ministry's Herat office, there is not at present any significant spontaneous or UN-assisted repatriation of Afghan refugees from Iran. There are a number of reasons for this, including the Iranian authorities' failure to allow international organizations actively to promote repatriation among Afghan refugees as well as a lack of widespread awareness of the Taliban amnesty.

A UN source in Herat explained that up until 1995 Afghan refugees were granted refugee status in Iran and issued "blue cards" by the Iranian authorities as identity and registration papers. Since 1995 Afghans are no longer recognized as refugees in Iran. According to the same source, at the time of the delegation's stay in the area, some 400 to 700 people a week whose residence permits or visas had expired were being compulsorily repatriated

to Afghanistan. Since the delegation returned home, a well-placed UN source has confirmed that such expulsions are continuing, albeit now on a very limited scale. Before being expelled, deportees have usually been held for three months in internment camps in Iran. The source made the point that these were not military training camps and those expelled were civilians. Deportees are mostly Hazaras and are generally detained by the Taliban on crossing the border. They are then usually held for from four to six months, although for local Hazaras from Herat the period is commonly shorter. There were no reports of torture etc. during such detention.

The UNHCR in Herat stated that there are agreed repatriation routes for Afghan refugees from Iran, both through Iran to Taliban-controlled territory and through Turkmenistan to Northern Alliance-controlled territory. However, in 1997 there has been very little interest shown by refugees in Iran in making use of them and at one point there were also problems over the agreement with the authorities in Northern Alliance territory, to be precise with General Dostum, in whose area the border crossing (Andkhoy) is located. It has not in fact proved possible to repatriate anyone at all to Northern Alliance territory via Andkhoy and that option has been shelved for the time being.

Repatriation figures for Afghan refugees from Iran can be found in Annex 14.

### *B. Pakistan: increase/decrease?*

According to UNHCR statistics (see Annex 14), there were about 1,2 million Afghan refugees in Pakistan as at 31 October 1997. That figure covers people living in refugee camps in Pakistan, regardless of whether they are registered as refugees or not. Unregistered Afghans living outside refugee camps are not included in the above figure. The number of registered Afghan refugees in Pakistan as at 1 January 1997 stood at around 815 000. The Afghan refugee population in Pakistan peaked at about 3,2 million in 1989 and 1990, subsequently falling off to the above figure of 1,2 million in 1997. Since 1990 some 1,9 million people have returned to Afghanistan. The first ten months of 1997 saw about 64 000 go back.

The UNHCR in Pakistan reported that about 75% of Afghan refugees in Pakistan come from provinces bordering on Pakistan, i.e. from Pashtun territory. The remaining 25% are on the whole from Kabul and the Mazar-i-Sharif area, including Kunduz.

In September 1996, following the Taliban capture of Jalalabad and Kabul, there was a noticeable increase in the influx of refugees from Afghanistan to Pakistan. Of the refugees

in Pakistan, the UNHCR has identified a number of smaller groups considered vulnerable for humanitarian or security reasons. These involve:

- educated women acting as the family breadwinner;
- individual cases of men whose past in Afghanistan gives rise to problems in camps;
- Afghans working for NGOs in Pakistan;
- men who have been held prisoner by the Taliban and are separated from their family;
- disabled people.

These groups receive special assistance and humanitarian aid from the UNHCR and are given priority, e.g. for resettlement.

The UNHCR in Pakistan explained that the Pakistani authorities do not issue Afghan refugees a permanent residence permit. Their residence permit is a temporary one, allowing them to stay in Pakistan until the situation is such that they can return home. In North-West Frontier Province (NWFP) and Baluchistan they may go where they like, settle wherever they wish and look for work.

However, the UNHCR office in Peshawar reported that some Afghans pay little heed to residence restrictions and as a result Afghan refugees are from time to time picked up in police raids in Islamabad, for instance, and then transported to NWFP or Baluchistan. According to the same source, repatriation of Afghan refugees from Pakistan is on a voluntary basis. There is currently no question of enforced repatriation by the Pakistani authorities.

Afghans' misgivings about returning to Afghanistan prior to the Taliban were primarily due to inadequate personal security. Since the Taliban seized power, in the vast majority of cases, a lack or shortage of basic necessities such as clean water, foodstuffs, educational and employment openings, especially for girls, and health facilities are the main reasons given, coupled with a general fear that the war may flare up again in their home areas. For recent refugee arrivals, e.g. from Kabul, fear of the fighting and of the Taliban naturally play a far greater role.

The UNHCR in Kandahar reported that there has been some spontaneous repatriation to the area from Quetta. A number of the returnees are apparently well-off and can be seen building houses and starting up businesses. Many of them belong to minority groups such as Shia Muslims (Hazaras), Hindus and Sikhs. The UNHCR in Kandahar is not aware of the latter having faced harassment by the Taliban.

A UN source in Kandahar wishing to remain anonymous estimated the population of Kandahar to have grown from 70 000 to 650 000 since the Taliban came to power in the area three and a half

years ago. Another UN source put Kandahar's present population rather at about 200 000 to 300 000.

UNHCR repatriation efforts are at present directed chiefly at voluntary permanent return in groups. The facilities arranged for repatriation, such as road, water and mine-clearance projects at the place to be returned to, are organized and prepared in advance by the UNHCR and other agencies. Returnees' actual journey to Afghanistan is more often than not made under their own steam, without any practical assistance by the UNHCR. They usually manage to cross the border from Pakistan into Afghanistan without any particular problem.

However, permanent group repatriation is not without its problems. Partly by custom and partly because of the ease with which the border can be crossed, many people travel to and fro on a seasonal basis. There are also difficulties over divided families, with some members of a family living in Afghanistan while others live in Pakistan, where there is, for instance, access to schooling for the family's daughters.

According to the UNHCR in Peshawar, the Pakistani authorities have in a number of cases consented to issue an identity card known as a Shanaty pass to Afghan refugees not previously holding any. The UNHCR in Pakistan reported that many of the Afghan refugees living in the Quetta area have by some unknown means managed to acquire Pakistani identity cards. A source at the US representation in Pakistan added that many Afghans in Pakistani Baluchistan are also in possession of Pakistani passports, which has to be seen against the background of the ease with which documents can be bought in Pakistan. The UNHCR in Pakistan also pointed out that, even if the Pakistani authorities issue Afghan refugees with documents, those Afghans are not registered with the authorities, which have in fact not been registering Afghans as refugees since 1994.

The CCA had received reports of the Pakistani authorities having detained Afghan refugees at the Taliban's instigation. The matter was being looked into and no further details could be given.

### *C. Tajikistan: increase/decrease?*

Matters concerning Afghan refugees in Tajikistan were not discussed in detail with any of the interviewees, as it was made clear that Afghan nationals are not present in Tajikistan as refugees in any numbers.

## **9. General living conditions in the country**

The delegation discussed the humanitarian situation, including food and water supplies and the health and disease situation, with a number of independent sources, among them UN sources and international NGOs.

### **Food and water supplies**

The general impression was that Afghanistan has a food shortage and the need for international assistance is a regional variable, with the urban population generally in a poorer position than the rural population. There is no actual countrywide famine, but Badakhshan in north-eastern Afghanistan, in particular, has traditionally been undersupplied and dependent upon emergency aid. The population of Bamian, too, find themselves in a critical food situation with winter on the way and a Taliban blockade of Hazarajat, as explained below.

The FAO, operating in 240 to 250 of the larger districts, saw it as very positive that the country's need for food imports is now half what it was a few years ago. An earlier WFP survey put the annual need for emergency aid supplies to Afghanistan at 1,2 million tonnes, whereas recent FAO surveys show that need to have fallen to 600 000 tonnes of foodstuffs. The rural population are generally self-sufficient, with the need for emergency aid arising above all in urban areas and only among sections of the population with low purchasing power. According to the same source, actual famine occurs only in towns and cities, as well as in Badakhshan and Bamian.

Badakhshan, the source explained, is a very infertile area and therefore chronically short of foodstuffs. It will hardly be able to become self-sufficient. Bamian in central Afghanistan is also not very fertile, but can be made self-sufficient with some effort.

Commenting in general on prospects for the country to become self-sufficient, the FAO said that this could be achieved within a few years if the war ended. According to the same source, given the unpredictability of the war, no major projects were being started up, e.g. for water supply systems. The FAO was instead working largely on bringing in high-yielding crops and improving local water supplies; it described Afghan farmers as solid and reliable.

The UNOCHA head office in Islamabad also stated that urban areas are poorest off and most in need of humanitarian assistance. Two thirds of the population of Kabul and Jalalabad require emergency aid, whereas the need is less great in rural areas. The majority of the population, however, do not receive emergency aid to any great extent, as most of the population live in the countryside.

Both the UNOCHA and the WHO reported an increased need for food supplies in Badakhshan province. The area is an isolated one, with even the provincial capital, Feizabad, encircled by mountains and hence having to be supplied by air.

The ADA said that, in *Wardak* province, water supplies for the fields in particular pose a problem, there being too few of the traditional *Kharis* underground irrigation systems. In *Farah* and *Nimroz* provinces, people are generally poor and the previous option of obtaining supplies from Iran is no longer available with the border closed to goods. Enforced repatriation from Iran to those provinces is also feared. *Kandahar*, *Uruzgan* and *Zabul* enjoy a reasonable humanitarian situation, in the same source's view, whereas *Logar* has seen extensive war damage and requires emergency aid.

### **Blockade of Hazarajat**

Several sources, both Taliban and independent ones, reported that since June 1997 the Taliban have imposed a blockade on Hazarajat in central Afghanistan as regards both people and goods. Hazarajat is controlled by the Hezb-i-Wahdat party, led by Karim Khalili and forming part of the Northern Alliance. Several independent sources attributed the blockade to the leading role played by Wahdat's military forces in the defeat inflicted on the Taliban in Mazar-i-Sharif in May 1997.

Several NGOs in Peshawar, including Solidarités, said that they had been unable to get supplies, such as seed, into Hazarajat. CARE had nevertheless managed to get some cement shipped in for the construction of schools, but access for that might be closed off from one day to the next. Fear was expressed in several quarters that the population of Hazarajat would starve in the winter and possibly be forced to flee.

A number of interviewees in *Bamian* also commented on the impact of the Taliban blockade. Qurhan Ali Airfani in Bamian reported that it was impossible to get food supplies into Hazarajat via Ghazni and Kabul on account of the Taliban blockade. With winter on the way, that was very worrying. The WFP office in Bamian added that, because of the security situation, it was not possible to bring supplies in from the north. A number of UN agencies were now hard at work within Hazarajat, buying up farmers' surplus stocks of foodstuffs and distributing them to IDPs and other poor people. There are currently some 34 000 IDPs from various fronts in Hazarajat. The UN is also working to get the blockade lifted. A number of NGOs estimated that 1½ million people would be affected by the food shortage, especially IDPs.

A source from the WFP office in Afghanistan told the delegation by phone in early February 1998 that the Taliban blockade of Hazarajat remains in place and an airlift into the area set up via Bamian airport had to be discontinued on account of a Taliban air raid around the New Year. Constant efforts are being made to obtain Taliban agreement to the resumption of the airlift, but so far without success.

It had proved possible to fly about 250 tonnes of wheat into Bamian before the air raid put a stop to the airlift and also to ship in about 600 tonnes of wheat by road from the north via Pul-i-Khumri. However, it was not possible to use that route at present on account of security problems. Within Hazarajat, too, some 6 000 tonnes of potatoes had been bought up and distributed to the poorest of the poor, especially in the Waras and Lal districts.

The WFP remains concerned about the food situation in Hazarajat, particularly in Waras and Lal, but there has not so far been any disaster, with no recorded deaths from starvation. However, it is impossible to say whether that will be the case towards the end of the winter and the additional problem arises that a number of outlying districts are now completely cut off from the outside world by snow.

On conditions in *Kabul*, a number of UN agencies reported that over 70% of the population depend on humanitarian assistance and only 45% have access to clean water. The WFP has 221 000 recipients under its emergency aid programme in the city, in particular many *war widows* and IDPs. UN sources said that widows acting as the sole breadwinner are a vulnerable group and an NGO wishing to remain anonymous added that there are some 11 000 war widows in Kabul and the situation for many of them is critical.

Housing conditions, including electricity and water supplies, are poor in *Kabul* and the Mayor of Kabul reported that 70% to 75% of the city has been damaged by shelling, with about 50% of the city flattened to the ground. Districts 1, 3 and 5 to 8 in the south and west of the city are completely devastated. HABITAT estimated that from 25% to 50% of hand pumps in the city supply unclean drinking water, adding that there is no electricity in the southern part of the city.

As regards the nutritional situation generally in Kabul, the WFP reported that 6,8% of the population are malnourished, with 0,6% of them undernourished. Those are not extreme figures, owing to the continuing inflow of emergency aid into the area.



### Health and disease situation

As regards the *health situation* generally, the WHO, operating in 310 to 330 districts of the country, reported that infant mortality in Afghanistan is the second highest in the world, at 182 per 1 000 live births, and 250 children out of every 1 000 die before the age of five.

On the *incidence of disease*, the same source listed the following infectious diseases as serious problems:

*Tuberculosis* occurs in 70 000 to 72 000 cases a year, with some 12 000 deaths a year as a result.

*Malaria* is found throughout Afghanistan, with around 250 000 cases a year, although rarely fatal.

*Leishmaniasis* (also known as "oriental sore", since the patient suffers severe ulceration of the face in particular) is very widespread, with some 300 000 cases annually. However, it is rarely fatal.

*Cholera* is also found and its treatment and prevention have been hampered by the fact that the authorities used to be unwilling to acknowledge the presence of cholera in the country.

The WHO, working together with UNICEF, has carried out extensive vaccination of children and women of childbearing age. Children under five were vaccinated against polio and children under two against measles. Women of childbearing age were also vaccinated against tetanus.

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*Annex 1*

Not available

*Annex 2*

**List of meetings and locations visited**

**Islamabad**

1. UNHCR, Afghanistan

Attended for the UNHCR by:

Anoushiravan Daneshvar, Deputy Chief of Mission.

2. Taliban-controlled Afghan Embassy

Attended for the embassy by:

Mawlawi Shahab-U-Din Dilawar, Ambassador

Abdul Wahab, First Secretary.

3. UNOCHA/UNDP (United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan/United Nations Development Programme), Afghanistan

Attended for the agencies by:

Bradley Foerster, Head of Programme Section

Brigitte Neubacher, Programme Officer

Maurice Dewolf, Deputy Head of UNDP Programmes.

4. Pakistani Ministry of Foreign Affairs

Attended for the Ministry by:

M. Ayaz Wazir, Director with responsibility for Central Asia and Afghanistan.

5. UNSMA (United Nations Special Mission to Afghanistan)

Attended for the UNSMA by:

Dr Norbert Heinrich Holl, Head of the UNSMA

Zamir Nabievich Kabulov, Senior Political Adviser

Arnold Shiffer Decker, Political Affairs Officer

Colonel MD Akramulah Khan, Senior Military Adviser

Lieutenant-Colonel Monowar Hossain, Deputy Military Adviser.

6. UNHCR, Pakistan

Attended for the UNHCR, Pakistan, by:

Jacques Mouchet, UNHCR Representative

Protection Officer X.

7. WHO (World Health Organization), Afghanistan

Attended for the WHO by:

Dr A.O. Gebreel, Head of the WHO, Afghanistan.

8. Northern Alliance representative office in Islamabad

Attended for the Alliance by:

General Fateh Khan, Alliance representative.

9. FAO (Food and Agriculture Organization of the United Nations), Afghanistan

Attended for the FAO by:

Hans Brink, Head of the FAO, Afghanistan.

10. US embassy

Attended for the embassy by:

Representative X.

11. ICRC, Pakistan

Attended for the ICRC by:

Olivier Durr, Head of the ICRC, Pakistan.

### **Peshawar**

12. DACAAR (Danish Committee for Aid to Afghan Refugees)

Attended for the DACAAR by:

Niels Harild, Director

Dr Asta Olesen.

13. US consulate in Peshawar

Attended for the consulate by:

Representative X.

14. UNHCR Sub-Office in Peshawar

Attended for the UNHCR by:

Code Cisse, Head of Sub-Office

Kirsi Vaatamoinen, Protection and Repatriation Officer.

15. ACBAR (Agency Coordinating Body for Afghan Relief)

Attended for the ACBAR by:

Charles MacFadden, Director

Liz Spencer, Programme Officer.

Established in 1988, the ACBAR, as its name suggests, provides a coordinating link between NGOs working in Afghanistan. It has 76 member agencies, including both Afghan and international ones.

16. Joint meeting with various NGOs

Attended for the NGOs by:

Oddvin Forbord, Director of the NAC (Norwegian Afghanistan Committee)

Amir A. Ahmadi, Director of SAB (Solidarité Afghanistan, Belgium)

Nek Mohammad Mayan, Director of Solidarités

Mohammed Siddiq Sallek, Director of NCA (Norwegian Church Aid).

The NAC, whose backers include the Norwegian Government and the UNHCR, was established in 1979 and is currently running emergency aid, health, education/training, reconstruction and agriculture projects. Its main areas of operation in Afghanistan are Kabul, Ghazni, Badakhshan, Nuristan (Laghman), Paktia and Nangarhar.

SAB, whose backers include the Belgian Government, was established in 1982 and is currently running education/training projects in seven provinces (Ghazni, Kandahar, Kunar, Laghman, Nangarhar, Parwan and Wardak).

NCA, whose backers include the Norwegian Government and the Norwegian Refugee Council, is currently running health, agriculture and education/training projects etc. in nineteen provinces.

17. ANLF (Afghan National Liberation Front)

Attended for the ANLF by:

Professor Sibghatullah Al-Mojaddedi, Head of the ANLF

Rahimullah Mojaddedi, Director, Political Department and Youth Organization.

18. ARIC (ACBAR Resource and Information Centre)

Attended for the ARIC by:

Mohammad Fahim Rahimiyar, Resource Centre Manager.

The ARIC is a service provider with a library containing a large collection of maps. The centre compiles and analyses material on Afghanistan and distributes it to NGOs.

19. CCA (Cooperation Centre for Afghanistan)

Attended for the CCA by:

Sarwar Hussaini, Director

Habibullah Rafi, Head of Publications Section

Zia Ul Haq Moquin, Programme Manager

Ms X, Women's Section Programme Coordinator

Mr X, Head of Education Section.

The CCA is an Afghan NGO, whose backers include the UNDP, UNHCR and UNICEF; it was established in 1990 and is involved especially in education/training, irrigation and human rights. Its human rights activities, carried out in three provinces, Kabul, Kandahar and Nangarhar, consist in particular of human rights training projects and monitoring of human rights observance.

20. ADA (Afghan Development Association)

Attended for the ADA by:

Ghulam Jelani Popal, Director

The ADA is an Afghan NGO, established in 1990, whose backers include the EU, FAO and UNHCR. It is active in seven provinces, Ghazni, Herat, Kandahar, Logar, Uruzgan, Wardak and Zabul, in areas including agriculture and education/training.

21. CI (CARE International)

Attended for CARE by:

Paul Barker, Country Director

Stuart Worsley, Assistant Country Director.

CARE International is an international organization, established in 1945, whose backers include the EU, WFP, UNICEF and UNHCR. It is active in seven provinces, Ghazni, Kabul, Logar, Khost, Paktia, Parwan and Wardak, in areas including health and agriculture.

22. CHA (Coordination of Humanitarian Assistance)

Attended for CHA by:

Abdul Salam Rahimy, Director.

CHA is an Afghan NGO, established in 1988, whose backers include the EU, WFP and UNHCR. It is active in three provinces, Farah, Herat and Jawzjan, in areas including agriculture, health and education/training.

**Jalalabad**

23. Visit to the IDP camp, Sharshai, including a meeting with the Repatriation Ministry's branch office in Jalalabad

Attended for the Repatriation Ministry by:

Mawlawi Ghulam Ahmad, Director of its Jalalabad branch office.

24. Governorship of Nangarhar province (Eastern Region)

Attended for the Governorship by:

Sadri Asam, Deputy Governor.

25. Repatriation Ministry branch office in Jalalabad

Attended for the Ministry by:

Mawlawi Ghulam Ahmad, Director of its Jalalabad branch office.

26. Meeting at the High Court in Jalalabad

Attended for the court by:

Kharim Mohammad Sidiq, Chief Justice of Jalalabad High Court.

27. ICRC, Jalalabad

Attended for the ICRC by:

Jean-François Sonnay, Head of the ICRC, Jalalabad.

28. UNHCR, Jalalabad

Attended for the UNHCR by:

José A. Rodríguez, OIC (officer in charge).

29. UNOCHA, Jalalabad

Attended for the office by:

Lubow Horieh, Regional Coordinator.

30. SERVE (Serving Emergency, Relief and Vocational Enterprises)

Attended for SERVE by:

Ray Cooper, Regional Coordinator.

SERVE, an international NGO, began operations in Afghanistan in 1980 and includes the UNHCR, UNDP and FAO among its backers. It is active in seven provinces, Balkh, Kabul, Kapisa, Kunar, Laghman, Nangarhar and Parwan, in areas including health and the environment.

**Kabul**

31. UNHCR, Kabul

Attended for the UNHCR by:

Surendra B. Panday, OIC.

32. Joint meeting with UN agencies

Attended by:

Julian Lesley, Regional Coordinator, UNDP, Kabul

Robert Biakcin, Resident Project Officer, UNICEF, Kabul



Angela Kearney, OIC, UNOCHA, Kabul

Tahasin Disbudak, Head, MACA, Kabul

Gregory Wilson, OIC, UNCHS (Habitat), Afghanistan

Dr Momin, OIC, WHO, Kabul

Colonel McEhinley, UNSMA, Afghanistan

Colonel Akram, UNSMA, Afghanistan.

33. Ministry of Foreign Affairs

Attended for the Ministry by:

Sher Mohammad Abas Stanakzai, Deputy Minister.

34. Mayorship of Kabul

Attended for the Mayorship by:

Mayor Mawlawi Abdul Majid.

35. Kabul religious police

Attended for the police by:

Mawlawi Qalamuddin, head of the religious police.

36. Repatriation Ministry

Attended for the Ministry by:

Mawlawi Abdul Raqib, Minister for Repatriation.

37. CARE

Attended for CARE by:

Geoff Heyes, Head of CARE, Kabul.

38. ASCHIANA Centre for Street Children

Attended for ASCHIANA by:

Mohammad Yusuf, Head of ASCHIANA.

39. ICRC, Kabul

Attended for the ICRC by:

Bernhard Julier, Head of the ICRC, Kabul.

40. Joint meeting with western journalists

Attended by:

Four western journalists based in Kabul.

41. Meeting with an Afghan lawyer

Attended by:

Mr X, a Kabul lawyer.

**Kandahar**

42. Meeting with the UNHCR, Kandahar

Attended for the UNHCR by:

Shah Jahan Molla, OIC.

43. Meeting with the Repatriation Ministry branch office in Kandahar

Attended for the Ministry by:

Mr Maulana Haji Abdul Sattar, head of its Kandahar branch office.

44. Visit to Sarpoza prison and meeting with the prison governor

Attended for the prison by:

Governor X.

45. Meeting with the UNDP, Kandahar

Attended for the UNDP by:

Michael Schultz, Senior Regional Coordinator.

46. Meeting with the ICRC, Kandahar

Attended for the ICRC, Kandahar, by:

Chris Mehl, Head of the ICRC, Kandahar.

47. Meeting with the Governor of Kandahar (Southern Region)

Attended by:

Governor Mohammad Hassan.

48. Joint meeting with NGOs

Attended by Afghan representatives of the following NGOs:

SARA (Southern Afghanistan Reconstruction Agency), represented by M. Akbar Maroufi

RDA (Reconstruction and Development Association), represented by Mr Asif

RAFA (Reconstruction Authority for Afghanistan), represented by Mr Ismail

SWABAC (Southern and Western Afghanistan Baluchistan Association for Coordination), represented by Mr Daweri

AHDS (Afghan Health and Development Services), represented by Mr M. Usman Ghafory.

The RDA is an Afghan NGO, established in 1991, whose backers include the UNDP, WFP and UNHCR. It is active in six provinces, Balkh, Kabul, Kandahar, Laghman, Nangarhar and Wardak, in areas including agriculture and reconstruction.

The RAFA is an Afghan NGO, established in 1988, whose backers include the FAO, WFP and UNHCR. It is active in four provinces, Badakhshan, Kandahar, Laghman and Paktia, in areas including agriculture and road-building.

The SWABAC, like the ACBAR, provides a coordinating link between various NGOs and was established in 1988.

AHDS is an Afghan NGO, established in 1990, whose backers include UNICEF. It is only active in Kandahar in the health field.

49. Visit to an ICRC-aided hospital in Kandahar and interview with the head nurse

Attended for the hospital by:

Ms X, head nurse.

50. Meeting with the KHAD, Kandahar

Attended for the KHAD by:

X, head of the KHAD, Kandahar.

51. Meeting at a home-run school for girls

Attended by:

Two women teachers.

## **Herat**

52. Meeting with the UNHCR, Herat

Attended for the UNHCR by:

Saihou Saidy, OIC.

53. Meeting with the UNOCHA, Herat

Attended for the UNOCHA by:

Bill Bergkvist, UNOCHA Coordinator

Security Officer Doudu.

54. Repatriation Ministry branch office in Herat

Attended for the Ministry by:

Raz Mohammed, Deputy Head.

55. Foreign Ministry branch office in Herat

Attended for the Ministry by:

Mullah Bismillah.

56. Meeting with the DACAAR, Herat

Attended for the DACAAR by:

Mohan T. Nugawela, Programme Manager

David Alexander, Administrative Officer.

57. Meeting with CHA

Attended for CHA by:

Bashir Latifi, Regional Manager.

58. Meeting with the ICRC, Herat

Attended for the ICRC by:

Hans Peter Giess, Head of the ICRC, Herat

Laurent Tagliatela

Thomas Himmel

Antoine Bieler.

59. Meeting with MERLIN (Medical Emergency Relief International), Herat

Attended for MERLIN by:

X, head of MERLIN, Herat.

MERLIN is a British NGO, established in 1993, backed by the EU. It is active in three provinces, Badakhshan, Badghis and Farah, in the health field.

60. Meeting with two female academics

### **Bamian**

61. Meeting with Hezb-i-Wahdat

Attended for the party by:

Qurhan Ali Airfani, Deputy Head of the Hezb-i-Wahdat.

62. Meeting with the UNHCR, Bamian

Attended for the UNHCR by:

Yusuf Adam, OIC.

63. Meeting with the Hezb-i-Wahdat Women's Committee

Attended for the committee by:

Three leading women members.

64. Meeting with the Chief Justice of Hazarajat

Attended by:

Chief Justice X.

65. Joint meeting with the WFP, UNICEF and WHO

Attended for the agencies by:

Hridayashwar Lal Mulepaty, Assistant Project Officer (WFP)

Mr X (WHO)

Mr X (UNICEF).

66. Joint meeting with NGOs in Bamian

The following NGOs were represented:

ARCS (Afghan Red Crescent Society), by Ali Mohammad

Solidarités, by Mr Siqriya

DHCA, by X

Ibnicina, by X.

The ARCS is an Afghan charitable organization, whose backers include the ICRC. It is active in fourteen provinces, in areas including health and emergency aid.

67. Meeting with the former head of the CCA, Bamian

### **Locations visited**

Locations visited by the delegation included:

Sharshai IDP camp near Jalalabad

Jalalabad's central prison

ASCHIANA Centre for Street Children, Kabul

Kandahar's ICRC-aided hospital

Sarpoza prison, Kandahar

A Kandahar home-run school for girls

Shaidaie IDP camp near Herat

Bamian's new prison (a former military camp, which has been in use for about six months).

*Annex 3*

Not available

*Annex 4*

Not available

*Annex 5*

Not available

*Annex 6*

Not available

## *Annex 7*

### **Note on a visit to Sarpoza prison in Kandahar**

The delegation visited Sarpoza prison in Kandahar on 17 November 1997. The visit was arranged by the UNHCR, which obtained the Governor's permission for it the evening beforehand.

The entrance to the prison forecourt was through a gateway with no gate, leading into an open square surrounded by a high wall. The square was littered with rubble and showed no little building activity. The delegation was met there by the prison governor, who explained that the prison's criminal wing was being extended. According to the prison governor, the work was being done by prisoners, for whom it was a source of income on the side. A prison hospital, funded by the ICRC, was also being constructed.

At the end of the square was the entrance to the prison itself, where a foyer gave access to the wings of the prison through three solid iron grille doors, about 2,5 by 3,0 metres large. However, ordinary movements into and out of the wings were through smaller doors, about 1,7 by 1,0 metres large, set into the large grille doors. The grille doors were padlocked.

The delegation learned that the prison was divided into a criminal wing and a political wing; accompanied by the prison governor, it visited the political wing. It was told that the political wing held 1 700 prisoners of all ethnic origins, housed in 100 to 150 cells. The two largest groups of prisoners were said to be supporters of the former Governor of Herat, Ismail Khan, and supporters of Massoud. There were also about 100 Hazaras in the prison. The prisoners further included 19 Iranians, four of them diplomats from the consulate in Mazar-i-Sharif. According to the prison governor, the other Iranians had been captured in various places, including Farah, Nimroz and Herat, and one of them was allegedly from the Iranian intelligence service.

The cells were located along both sides of a corridor about 2,5 metres wide and, according to the governor, could hold 20 to 30 prisoners each. The corridor, in which some rubbish and strong foul smells were perceptible, had a ceiling height of about 4 metres. Some 80 metres down the corridor were toilet facilities, although the delegation was put off by foul smells from inspecting them more closely. The ICRC subsequently stated that, by arrangement with the prison authorities, a start had been made on improvements to the sanitary installations. At the toilets, the corridor turned left and continued for another 80 metres or so, before once again turning left. In the corridor, a number of prisoners could be seen selling various minor requisites, including foodstuffs. At the end of the corridor, the delegation crossed a yard, about 400 to 500 m<sup>2</sup> large, containing 200 to 300 prisoners. Some were cooking food, others washing clothes. Having thus completed a square, the delegation found itself back where it had started.

The delegation then visited a cell of its choice. The cell, which was 20 to 25 m<sup>2</sup> large, turned out to hold 19 prisoners, all of them Hazaras. The prison authorities were not present during the inspection of the cell, which appeared dry and reasonably clean and well-ventilated. Its occupants said they had been in prison for about six months, having been captured in various parts of the country, including Ghazni, Uruzgan, Herat and Kabul. The youngest two in the cell were aged 16 and 18 respectively and said they had been taken prisoner after crossing the border between Iran and Afghanistan in the Herat area, bearing arms. Some of the inmates said they did not know why they had been arrested.

The prisoners stated that they had not been beaten in prison and their only serious complaint was that food rations were too small. They added that they had not received any visits from

relatives while in prison, they had no means of buying extra food and there was no opportunity to work as a way of earning income on the side. However, none of the prisoners in the cell appeared to be really starving.

In response to questioning, the prison governor said that occasional attempts are made to escape from the prison. When questioned further about any disciplinary measures against those caught attempting to escape, such as chaining them up, he explained that this is now only used when prisoners are moved and the penalty for escaping is merely re-imprisonment.

With regard to exchanges of prisoners, the governor said that in November 1997 some 120 prisoners had been exchanged in three batches. He also explained that the prison has its own medical clinic, which receives medicines from the ICRC, and the seriously ill are transferred to the town's ICRC-aided hospital. During its visit, the delegation itself saw some 10 to 12 prisoners leaving the prison, escorted by an ICRC staff member. It was lastly told that Kandahar has only two actual prisons, Sarpoza and a women's prison, although that was currently empty.



## *Annex 8*

### **Note on a visit to the new prison in Bamian**

The delegation visited Bamian's new prison on 25 November 1997. The visit was arranged at a meeting the previous day with the deputy head of Hezb-i-Wahdat, Qurhan Ali Airfani, who gave permission for it.

The delegation arrived at the prison by car and the last stretch of the way was real rallycross driving, even passing through a small stream. The prison came into view as a rectangular structure surrounded by walls about 4 metres high with a gate, allowing pedestrian passage only, in the middle of one of the walls. A small stream also ran through the prison grounds.

The delegation was met by the prison governor and some guards. The governor explained that the prison had been in use as such for about six months, having previously served as a military camp. He added that the prison held 99 inmates, all of them prisoners of war (POWs). About 50 of the POWs were Pakistanis. All had been captured in fighting around Mazar-i-Sharif in May 1997. According to the governor, there had been no exchanges of prisoners for any of the prisoners, but an elderly man had recently been released unilaterally.

The prison yard was divided up, roughly in the middle, by a wall with a passage through it. According to the governor, prisoners were free to move around throughout the prison in the daytime and only had to stay in their cells at night. For the delegation's visit, however, they were confined to their cells.

The delegation could then see for itself that the prisoners were housed in four large cells, two containing about 30 men each and two about 20 each. The delegation talked to prisoners in three of the cells. They explained that virtually all inmates were Taliban members, captured in Mazar-i-Sharif in May, and they claimed to have been in this prison for about five months. The cells were completely unfurnished, with a hard earth floor. The cells were unheated and the prisoners thinly clad. Prisoners in fact repeatedly commented that their really serious immediate need was for winter clothing and heating in the cells. Prisoners also explained that many of them were from Pakistan, but how many came from Afghan refugee camps there and how many were actually Pakistani nationals was unclear. One of the prisoners said he was an Iraqi and had only been in Mazar-i-Sharif by chance when arrested.

The governor subsequently responded to the complaints made by pointing out that it was local custom to place a stove in each cell as from 1 December.

The delegation later also discussed conditions at the prison with the Afghan Red Crescent (ARC), which said it carried out prison visiting there by arrangement with the ICRC. The ARC was aware of the need for winter clothing and preparations were being made to distribute rugs etc., soon.

*Annex 9*

- A. Top leadership of the Taliban under Mullah Omar
- B. Supreme Court and specific Ministries
- C. Chart of Taliban armed forces
- D. Key administrative posts for Kabul province
- E. List of some Governors in Taliban-controlled territory

*Annex 9.A to E supplied by a UN source.*

***Annex 9.A***

Not available

***Annex 9.B***

Not available

***Annex 9.C***

Not available

***Annex 9.D***

Not available

***Annex 9.E***

Not available

***Annex 10***

Not available

***Annex 11***

Not available

***Annex 12***

Not available

***Annex 13***

Not available

***Annex 14***

Not available

*Annex 15*

*Abbreviations:*

ACBAR:	Agency Coordinating Body for Afghan Relief
ADA:	Afghan Development Association
ARCS:	Afghan Red Crescent Society
ASCHIANA:	Afghan Street Working Children and New Approach
BBC:	British Broadcasting Corporation
CCA:	Cooperation Centre for Afghanistan
CHA:	Coordination of Humanitarian Assistance
DACAAR:	Danish Committee for Aid to Afghan Refugees
FAO:	Food and Agriculture Organization of the United Nations
ICRC:	International Committee of the Red Cross
IDP:	Internally displaced person
KHAD:	Khidamat-i-Ittala'at-i-Dawlati (state security service)
MACA:	Mine Awareness and Clearance Agency
NGO:	Non-governmental organization
PDPA:	People's Democratic Party of Afghanistan
POW:	Prisoner of war
UN:	United Nations
UNCHR:	United Nations Commission on Human Rights
UNCHS:	United Nations Centre for Human Settlements
UNIFSA:	United Nations Islamic Front for the Salvation of Afghanistan

UNHCR:	United Nations High Commissioner for Refugees
UNOCHA:	United Nations Office for the Coordination of Humanitarian Assistance to Afghanistan
UNSMA:	United Nations Special Mission to Afghanistan
WFP:	World Food Programme
WHO:	World Health Organization