

**Refugee Review Tribunal
AUSTRALIA**

RRT RESEARCH RESPONSE

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This response was prepared by the Country Research Section of the Refugee Review Tribunal (RRT) after researching publicly accessible information currently available to the RRT within time constraints. This response is not, and does not purport to be, conclusive as to the merit of any particular claim to refugee status or asylum.

Questions

- 1. Are members (including high profile members) and supporters of Hezb-e-Islami facing harassment in Afghanistan today?**
- 2. Are there any other problems for members or supporters of Hezb-e-Islami in Afghanistan today?**
- 3. Are members (including high profile members) and supporters of Hezb-e-Islami facing harassment in Khost province?**
- 4. Are there any other problems for members or supporters of Hezb-e-Islami today in Khost province?**

RESPONSE

- 1. Are members (including high profile members) and supporters of Hezb-e-Islami facing harassment in Afghanistan today?**
- 2. Are there any other problems for members or supporters of Hezb-e-Islami in Afghanistan today?**

There have been reports of ongoing militant actions involving supporters of Gulbuddin Hekmatyar in Afghanistan during 2005. There are also reports of operations by coalition forces against members of the Hekmatyar-led Hezb-e-Islami and the Taliban.

An article dated 15 October 2005 refers to an upsurge in militancy during 2005, with Afghan observers indicating that the main factor behind this “is close cooperation among the remnants of ousted Taliban regime, al-Qaida associates and supporters of dissident warlord and former Prime Minister Gulbudin Hekmatyar” (“Taliban more aggressive in targeting Afghan, US troops’ 2005, *AOP: Yesterday’s Afghan News*, source: Xinhua, 15 October – Attachment 1).

A Human Rights Watch report dated September 2005 indicates that the biggest immediate problem facing the September parliamentary and provincial elections in Afghanistan was “that anti-government, anti-coalition forces, including former Taliban forces and forces under the former mujahideen leader Gulbuddin Hekmatyar, continue to operate at will in many districts in the south and southeast, carrying out assassinations, attacking civilian government workers

and humanitarian staff, and intimidating election workers and potential voters and candidates” (Human Rights Watch 2005, *Afghanistan on the Eve of Parliamentary and Provincial Elections*, September, p 2 – Attachment 2).

According to an article dated 14 August 2005, United States and Afghan troops had “launched a big offensive in eastern Kunar province to root out militants from the mountainous area, spokesperson of the US-led coalition said Sunday.” The article refers to Kunar as “a former base of Taliban and stronghold of dissident warlord Gulbudin Hekmatyar”, which had “been the scene of bloody clashes between Taliban-led insurgents and Afghan and US troops over the past two months” (‘US, Afghan troops launch big offensive in Afghanistan’ 2005, *AOP: Yesterday’s Afghan News*, source: Xinhua, 14 August – Attachment 3). Another article dated 13 June 2005 refers to thousands of mostly American troops from the US-led coalition hunting members of the Taleban and Hezb-e Islami Gulbuddin “in eastern Afghanistan, along the mountainous border with Pakistan.” The article also refers to comments by the deputy commander of US operations in Afghanistan that there had been an increase in clashes with the Taleban because the US forces were instigating the clashes (North, Andrew 2005, ‘What now for the Taleban?’ *AOP: Today’s Afghan News*, source: BBC News, Kabul, 13 June – Attachment 4).

According to a UNHCR update on the situation in Afghanistan dated June 2005, “surges in the level of violent incidents in some parts” of Afghanistan “directed against the transition process, against the Government and its institutions” were “largely attributed to remnants of the Taliban as well as segments of the *Hezb-e-Islami (Hekmatyar)*”. The report also notes that: “Active association with Taliban or other anti-Government elements may therefore entail serious consequences for the individual concerned, including arbitrary and prolonged detention, ill-treatment and torture, intimidation and extortion by military forces.” It is stated in the report that:

However, the country has seen surges in the level of violent incidents in some parts directed against the transition process, against the Government and its institutions, which is largely attributed to remnants of the Taliban as well as segments of the *Hezb-e-Islami (Hekmatyar)*. The factions openly oppose and try to disrupt the process toward democracy, and object in particular to the presence of US military forces in Afghanistan. Active association with Taliban or other anti-Government elements may therefore entail serious consequences for the individual concerned, including arbitrary and prolonged detention, ill-treatment and torture, intimidation and extortion by military forces. There are reports from the Eastern and Southeastern regions that Afghans are falsely accused of supporting active Taliban networks. The accusers may be local commanders or members of security forces intent on extorting money from influential and rich Afghans. The co-operation, in many instances, of these local commanders, with Coalition forces to counter remnants of the Taliban and Al-Qaida, has increased the real and perceived authority of these... In other instances, accusations may be a means to take revenge against an Afghan individual for private reasons.

However, the report also notes that Mohammad Amin Waqad, who was “a former deputy leader of Hezb-e-Islami (Islamic Party) lead [sic] by former prime minister Gulbuddin Hekmatyar” was a vice-presidential candidate for the presidential elections in Afghanistan (UNHCR 2005, *Update on the Situation in Afghanistan and International Protection Considerations*, June, pp 48-49, 78 – Attachment 5).

An article in *AOP Afghan News* dated 23 August 2005 refers to the killing of a former Hezb-e-Islami faction commander. The article indicates that “a former Hizb-e-Islami faction

commander Abdul Karim” and his nephew were shot and killed by unidentified men in Kabul on 19 August 2005. A policeman was also wounded in the attack. The attackers were wearing police uniforms and escaped after the incident. The article does not specify whether Karim was a member of the Hekmatyar faction of Hezb-e-Islami (‘Former militia commander killed in Kabul’ 2005, *AOP: Afghan News*, source: Erada, 23 August – Attachment 6).

There have also been reports regarding a possible amnesty for Gulbuddin Hekmatyar. An article dated 22 July 2005 indicates that although “Initially, top-level militants and people accused of war crimes were excluded from” an Afghanistan government amnesty program, “amnesty negotiations between Gulbuddin and Karzai's government have been going on for more than a year.” The article notes that analyst Syed Saleem Shahzad, writing in April 2004,

reported that Gulbuddin was on the verge of accepting a deal with Kabul under which Hezb would lay down its weapons and be allowed to participate in the September 2004 presidential elections which, in the event, Karzai won.

The deal didn't go through. But Shahzad noted that “[the Karzai government's] bureaucracy in Kabul, Jalalabad, Khost and Kandahar is largely run by former Hezb officials, even though their loyalties are viewed with some suspicion”. So despite his small military strength in the countryside, Gulbuddin retains political influence in Afghanistan's eastern cities, an influence that is worth detaching from al-Qaeda and the Taliban (Hordern, Nick 2005, ‘Amnesty for an Afghan warrior’, *Australian Financial Review*, 22 July – Attachment 7).

An article dated 17 May 2005 refers to a report that Gulbuddin Hekmatyar had rejected an amnesty offer from the head of the Independent National Commission for Peace in Afghanistan, Sebghatullah Mojaddedi. It is stated in the article that “Mojaddedi made the controversial offer on 9 May, but faced with criticism from both Afghan and U.S. circles, he retracted his offer on 11 May, blaming the media for misconstruing his remarks” (‘Former Prime Minister rejects amnesty offer’ 2005, *RFE/RL Newslines*, Vol. 9, No. 93, Part III, 17 May – Attachment 8). A previously mentioned article dated 13 June 2005 indicates that “Professor Sibghatullah Mojaddedi, head of the Afghan government’s newly formed Reconciliation Commission, appeared to offer an amnesty to the Taleban leader Mullah Mohammed Omar and Gulbuddin Hekmatyar, leader of Hezb-e-Islami.” According to the article, it was “some time before President Karzai made clear there was no such offer” (North, Andrew 2005, ‘What now for the Taleban?’ *AOP: Today's Afghan News*, source: BBC News, Kabul, 13 June – Attachment 4).

Other articles indicate that a number of members of Hekmatyar’s Hezb-e-Islami faction were no longer opposing Afghanistan’s government. An article dated 13 November 2005 indicates that “candidates loyal to the Hezb-i-Islami led by fugitive warlord Gulbadin Hekmatyar” had won as many as 40 seats in Afghanistan’s new parliament. According to the article, few of the elected members “will have a soft corner for Hekmatyar as most of them are believed to be staunch supporters of the government-backed national reconciliation programme.” It is stated in the article that:

As many as 40 seats in the new Afghan parliament have been won by candidates loyal to the Hezb-i-Islami led by fugitive warlord Gulbadin Hekmatyar. The MPs-elect have been associated with the Hezb during the jihad era and the ensuing civil strife.

The party, banned for its founder’s stern opposition to the incumbent Afghan government and the presence of US troops in the landlocked country, was granted registration under the same

name less than a month after the much-trumpeted parliamentary elections held on September 18.

Although the elected members did not use the Hezb platform during their election campaign and most of them contested the polls as independent candidates, analysts believe their old bonds and ideology would bring them together in the new set-up. But few of them will have a soft corner for Hekmatyar as most of them are believed to be staunch supporters of the government-backed national reconciliation programme.

Analysts predict the Hezb loyalists would lend support to President Hamid Karzai against the 14-party alliance National Understanding Front, led by Yunus Qanuni.

The article also notes that “a Hezb candidate Abdul Karim Abid was killed by unidentified gunmen north of Kabul days ahead of the elections” (Karakhel, Danish 2005, ‘News Analysis: MPs-elect loyal to Hezb may back Karzai admn’, *Pajhwok Afghan News*, 13 November – Attachment 9).

Another article dated 20 November 2005 indicates that “12 members of the Hezb-e-Islami faction led by Gulbuddin Hekmatyar” were amongst 28 “Taliban and Islamic fighters” who had “surrendered to authorities in insurgency-hit Afghanistan Saturday and renounced any anti-government activities, an intelligence official said” (‘Twenty-eight Taliban, Islamic militants surrender to Afghan government’ 2005, *Agence France-Presse*, 20 November – Attachment 10).

According to an article dated 12 June 2005, “Eighteen commanders affiliated to the Islamic Party [Hezb-e Eslami-ye Afghanistan] of Golboddin Hekmatyar” had surrendered to the government in Pakitia province. The commanders were reported to be “residents of the provinces of Paktia and Khost. They gave up their resistance against the government after an agreement with the national reconciliation commission in Paktia and joined the government side” (‘Afghanistan: Eighteen Afghan opposition commanders surrender in southeastern province’ 2005, *BBC Monitoring Online*, source: Radio Afghanistan, 12 June – Attachment 11).

An article in *AOP: Yesterday’s Afghan News* dated 17 May 2005 indicates that Commander Abdul Wakil, a “commander from the Gulbuddin Hekmatyar’s Hizb-e-Islami faction has given up fighting against the government and joined the peace process, taking advantage of an amnesty offered by the Afghan authorities” (‘Hizb-e-Islami commander surrenders’ 2005, *AOP: Yesterday’s Afghan News*, source: Anis, 17 May – Attachment 12).

A further article dated 8 May 2005 refers to a report that Hekmatyar had rejected “as US propaganda” claims by “US military and Afghan officials” that in late April, “17 commanders loyal to renegade warlord Hekmatyar laid down their arms and joined the political process in southeast Afghanistan.” It is also stated in the article that:

Hekmatyar, who is among the US wanted men and leading an insurgency parallel to Taliban against the US and Afghan troops, has often called upon Afghans to wage Jihad or holy war till the withdrawal of foreign troops from Afghanistan.

Dozens of opposition of armed militias including Taliban and Hekmatyar’s supporters, according to Afghan government and US military sources have laid down their arms and joined the political process since offering amnesty by president Hamid Karzailast [sic] November.

However, like Hekmatyar, Taliban's elusive leader termed the offer as a ploy to split militia and rejected it ('Surrendering Hizb's commanders merely US propaganda: Hekmatyar' 2005, *AOP: Today's Afghan News*, source: Xinhua, 8 May – Attachment 13).

A report dated April 2005 indicates that anti-coalition forces in Afghanistan include "the part of Hizb-i-Islami that still follows Gulbuddin Hikmatyar." The report notes that "Hikmatyar is active in the northeast corner of the Pashtun belt, but he is not a strategic threat. Most of his former party members around the country have accepted the government, and some serve as governors, police chiefs, and other officials" (Rubin, Barnett R, Hamidzada, Humayun and Stoddard, Abby 2005, *Afghanistan 2005 and Beyond - Prospects for Improved Stability Reference Document*, April, p 47 – Attachment 14).

An article in *The Jamestown Foundation Terrorism Monitor* dated 27 January 2005 indicates that Hezb-e-Islami Afghanistan (HIA) was "increasingly sidelined and under pressure from various quarters, including coalition forces and the new Afghan government." The group had "to contend with mass desertions from its rank and file." It is stated in the article that:

The status and fortunes of Hekmatyar and his party look increasingly bleak for three reasons. Firstly, HIA no longer has the military muscle to affect events in Afghanistan. Hekmatyar's commanders and fighters have long joined the Taliban or disbanded, save a few hardcore loyalists that cannot regroup due to lack of funds or enthusiasm. Secondly, HIA is politically out of tune with the new trends in Afghanistan. Afghans are tired of war and disillusioned by the hardcore Islamists such as Hekmatyar, Sayyaf, Rabbani and the likes. Thirdly, from a social and cultural perspective, Hekmatyar and his party are notorious for their brutality, extreme Pashtun nationalism and religious zealotry. For most people there is little that separates them from the Taliban. Both promote a brutal and mono-ethnic theocracy that is, broadly speaking, both disliked by native Pashtuns and an anathema to non-Pashtuns. These factors, combined with the presence of U.S. forces in the country, render the possible revival of Hekmatyar and the HIA most unlikely.

The article also indicates that Hekmatyar had "recently tried to change course and join the American backed Afghan government of President Karzai. Although a delegation of HIA that met with Hamid Karzai in early May in Kabul claimed to have acted on their own initiative, it is very unlikely that they did not receive a green light from the once all-powerful leader. In fact, according to some reports Hekmatyar "provisionally" agreed to a rapprochement with the Karzai government... As yet, nothing has come out of a nine point agreement drawn up last May. In another ominous development, the Iranian government announced recently that it had frozen the accounts of HIA in four Iranian cities" (Jamali, A 2005, 'Gulbuddin Hekmatyar: The Rise and Fall of an Afghan Warlord', *The Jamestown Foundation Terrorism Monitor*, Volume III, Issue 2, 27 January – Attachment 15).

A RRT research response dated 9 December 2004 looks at whether there was any evidence that members of Hizb-e Islami were at risk of being seriously harmed in Afghanistan, if they were being harmed by the government or another agency, and if they were being harmed, whether they were high profile or rank and file members (RRT Country Research 2004, *Research Response AFG17128*, 9 December – Attachment 16).

An earlier Danish Immigration Service report on a fact-finding mission to Kabul between 20 March and 2 April 2004 comments on the situation of people connected with Hezb-e-Islami. It is stated in the report that:

The UNHCR explained that there are two factions of Hezb-e-Islami: The Hekmatyar and the Khalis.

The source explained that there are small groups of the Hekmatyar/Hezb-e-Islami in the Kunar province. Nobody knows where Hekmatyar himself is living. Some of his men work with the Taliban. In the opinion of the source, Hekmatyar's position is weak. Khalis has joined Shura-e-Nazar and various Khalis supporters work for the government.

The source was of the opinion that ex-Hezb-e-Islami including former Hezb-e-Islami commanders do not have any problems with the government in Afghanistan today, if they make it clear that they no longer are working with Hekmatyar. A number of ex-Hezb-e-Islami members occupy high positions within the government. As an example the source mentioned that Hekmatyar's former right-hand currently holds a high position in the government. The present situation taken into consideration, the source found that it depends on the history of a former member of the Hezb-e-Islami whether or not he/she risks being persecuted in Afghanistan.

Hezb-e-Islami earlier had a lot of civil servants attached to his group, and the source found it likely that President Karzai has decided to include such former Hezb-e-Islami officials in the government. President Karzai has among other things appointed various former supporters of the Hekmatyar as governors. The question as to whether a former member of the Hezb-e-Islami risks being persecuted today, depends on the person's connection with Hekmatyar, and to what extent the person still is in conflict with powerful people in Afghanistan.

The UNAMA mentioned a case in which a person had been arrested by the ANA and was accused of being connected with Hezb-e-Islami. The person was released because his brother was able to prove to the ANA that the person in question no longer supported the Hezb-e-Islami. The source stated that if the security forces believe that one is connected to the Hezb-e-Islami's Hekmatyar faction, one risks being arrested. There is also a risk that people will accuse others of having connections to Hekmatyar for personal motives.

The ICG was of the opinion that Hezb-e-Islami does not exist today as a political party, but could be characterized better as a loose structure of individual warlords. The source found that the Hekmatyar's faction of the Hezb-e-Islami is not regarded as an important factor in the resistance against the government, but rather as a factor of annoyance.

An international NGO was of the opinion that people who formerly worked for the Hezb-e-Islami can have problems in Afghanistan today but that the scope of the problems depend on their connections to Hekmatyar and whether or not they are currently in conflict with the people in power.

The CCA confirmed that there are people connected with the government who earlier belonged to Hezb-e-Islami. The source mentioned that one of President Karzai's advisors was formerly the deputy head of Hezb-e-Islami's security forces in Peshawar. The source was of the opinion that a former member of the Hezb-e-Islami who has changed side, and who is clearly expressing his support for the government can remain in Afghanistan without being involved in problems. However, it is a pre-condition that one is no longer connected with the party. People who are currently active for the Hezb-e-Islami are considered to be at war with the current government like the Taliban supporters. They will not be able to remain in the country without encountering problems (Danish Immigration Service 2004, *The political conditions, the security and human rights situation in Afghanistan – Report on fact-finding mission to Kabul, Afghanistan 20 March – 2 April 2004*, November, pp 57-58 – Attachment 17).

3. Are members (including high profile members) and supporters of Hezb-e-Islami facing harassment in Khost province?

4. Are there any other problems for members or supporters of Hezb-e-Islami today in Khost province?

According to a previously mentioned article dated 13 November 2005, Sahira Sharif from Khost was a Hezb-i-Islami leader who won election from the southern region to Afghanistan's new parliament. The article also notes that the most of the elected Hezb-i-Islami candidates "are believed to be staunch supporters of the government-backed national reconciliation programme" and that Hezb-i-Islami candidates elected "did not use the Hezb platform during their election campaign and most of them contested the polls as independent candidates" (Karokhel, Danish 2005, 'News Analysis: MPs-elect loyal to Hezb may back Karzai admn', *Pajhwok Afghan News*, 13 November – Attachment 9).

An article dated 29 August 2005 refers to the comments of a senior military officer "that apart from al-Qaeda and Taliban, the forces of Gulbuddin Hekmatyar and Jalaluddin Haqqani were launching regular attacks on US and Afghan forces." The officer said that "The Haqqani and Hekmatyar groups are operating around Khost [a border province]" and that "Hekmatyar once was mayor of Khost - now he wants to be the provincial governor" (McGeough, Paul 2005, 'Into the Afghan danger zone', *The Sydney Morning Herald*, 29 August – Attachment 18).

A previously mentioned article dated 22 July 2005 indicates that analyst Syed Saleem Shahzad, writing in April 2004, "noted that "[the Karzai government's] bureaucracy in Kabul, Jalalabad, Khost and Kandahar is largely run by former Hezb officials, even though their loyalties are viewed with some suspicion". So despite his small military strength in the countryside, Gulbuddin retains political influence in Afghanistan's eastern cities, an influence that is worth detaching from al-Qaeda and the Taliban" (Hordern, Nick 2005, 'Amnesty for an Afghan warrior', *Australian Financial Review*, 22 July – Attachment 7).

The previously mentioned UNHCR update on the situation in Afghanistan dated June 2005 notes that "Afghans working with international organizations and international security forces where there are anti- Government insurgent activities or infiltrations of *Taleban* and *Hezb-e-Islami* forces continue to be at risk". Khost is named as one of the provinces in which this is particularly the case. The report also notes that "surges in the level of violent incidents in some parts" of Afghanistan "directed against the transition process, against the Government and its institutions" were "largely attributed to remnants of the Taliban as well as segments of the *Hezb-e-Islami (Hekmatyar)*", and that "Active association with Taliban or other anti-Government elements may therefore entail serious consequences for the individual concerned, including arbitrary and prolonged detention, ill-treatment and torture, intimidation and extortion by military forces" (UNHCR 2005, *Update on the Situation in Afghanistan and International Protection Considerations*, June, pp 48, 55-56 – Attachment 5).

According to an article dated 12 June 2005, "Eighteen commanders affiliated to the Islamic Party [Hezb-e Eslami-ye Afghanistan] of Golboddin Hekmatyar" had surrendered to the government in Pakita Province. The commanders were reported to be "residents of the provinces of Paktia and Khost. They gave up their resistance against the government after an agreement with the national reconciliation commission in Paktia and joined the government side" ('Afghanistan: Eighteen Afghan opposition commanders surrender in southeastern province' 2005, *BBC Monitoring Online*, source: Radio Afghanistan, 12 June – Attachment 11).

An article in the Pakistan newspaper *Daily Times* dated 29 April 2005 indicates that seventeen members of the Hekmatyar-led Hezb-e-Islami had surrendered to Afghan authorities. The governor of Khost, Merajudeen Patan, had told reporters that “Seventeen commanders of Hezb-e-Islami from different districts of Paktia and Khost provinces returned from Pakistan and joined the political process” (‘17 Hezb-e-Islami militants surrender in Afghanistan’ 2005, *Daily Times*, 29 April http://www.dailytimes.com.pk/default.asp?page=story_29-4-2005_pg7_51 - Accessed 4 November 2005 – Attachment 19). A further article dated 8 May 2005 refers to a report that Hekmatyar had rejected claims by “US military and Afghan officials” that in late April, “17 commanders loyal to renegade warlord Hekmatyar laid down their arms and joined the political process in southeast Afghanistan” (‘Surrendering Hizb’s commanders merely US propaganda: Hekmatyar’ 2005, *AOP: Today’s Afghan News*, source: Xinhua, 8 May – Attachment 13).

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Amnesty International website www.amnesty.org

Human Rights Watch website www.hrw.org

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DIMIA	<i>BACIS</i>	Country Information
	<i>REFINFO</i>	IRBDC Research Responses (Canada)
RRT	<i>ISYS</i>	RRT Country Research database, including Amnesty International, Human Rights Watch, U.S. Department of State <i>Country Reports on Human Rights Practices</i> .
UNHCR	<i>REFWORLD</i>	UNHCR Refugee Information Online
Public	<i>JANE’S</i>	Jane’s Intelligence Review
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List of Attachments

1. ‘Taliban more aggressive in targeting Afghan, US troops’ 2005, *AOP: Yesterday’s Afghan News*, source: Xinhua, 15 October.
2. Human Rights Watch 2005, *Afghanistan on the Eve of Parliamentary and Provincial Elections*, September.
3. ‘US, Afghan troops launch big offensive in Afghanistan’ 2005, *AOP: Yesterday’s Afghan News*, source: Xinhua, 14 August.
4. North, Andrew 2005, ‘What now for the Taleban?’, *AOP: Today’s Afghan News*, source: BBC News, Kabul, 13 June.
5. UNHCR 2005, *Update on the Situation in Afghanistan and International Protection Considerations*, June.

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12. 'Hizb-e-Islami commander surrenders' 2005, *AOP: Yesterday's Afghan News*, source: Anis, 17 May.
13. 'Surrendering Hizb's commanders merely US propaganda: Hekmatyar' 2005, *AOP: Today's Afghan News*, source: Xinhua, 8 May.
14. Rubin, Barnett R, Hamidzada, Humayun and Stoddard, Abby 2005, *Afghanistan 2005 and Beyond - Prospects for Improved Stability Reference Document*, April.
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