

Afghanistan

Executions, amputations and possible deliberate and arbitrary killings

In recent months, dozens of prisoners have received punishments including execution and amputation ordered by Islamic courts set up in areas controlled by the Taleban in Afghanistan. Several men have been executed in Taleban-controlled areas on charges of murder. At least three men have had their hands and feet chopped off on charges of theft. Several Hezb-e Wahdat leaders have died in the custody of the Taleban in circumstances which raise concern that they may have been killed deliberately and arbitrarily; and 22 corpses discovered in a mass grave in Charasyab in March were believed to have been the bodies of prisoners allegedly killed by the Taleban.

The Taleban

The Taleban (religious students), many of whom received religious training in Islamic schools in Pakistan, emerged as a strong military and political force in November 1994 when they captured the city of Kandahar from the Mujahideen groups. They reportedly have full control over at least nine of Afghanistan's 30 provinces, by far the largest number of provinces controlled by a single armed political group. The Taleban's most significant advance was the capture in February 1995 of Maydan Shahr; later on, they captured the headquarters of Hezb-e Islami in Charasyab south of the capital, Kabul.

In early March, Taleban forces entered the Karte Seh district in western Kabul and disarmed Hezb-e Wahdat militia who were in control of the area. The Taleban's presence there brought them face to face with the government forces. Government troops attacked Karte Seh on 10 March using artillery, jet fighters and helicopter gunships. They also engaged in fierce house-to-house fighting in the district. The government's advance pushed the Taleban out of the area to Charasyab which was also bombed and shelled by the government forces. The Taleban then withdrew from Charasyab further south to Maydan Shahr. As of late March, heavy fighting continued between the government and the Taleban over the control of the city.

At the time of writing the following provinces were believed to be under the control of the Taleban:

Kandahar, Helmand, Nimroz, about half of Farah, Zabul, Ghazni, Wardak, Logar, Paktia, Paktika as well as the city of Khost.

So far, the Taleban have maintained a continued hold on the provinces under their control. They have set up administrative structures run by religious students in all of these provinces which include a security force and Islamic courts.

The Taleban have claimed that poppy cultivation, looting, abduction and rape of women and children - reportedly so characteristic of the previous Mujahideen rulers - have now stopped in the Taleban-controlled areas.

However, according to reports, women are not allowed to work or attend educational classes. In late March, reporters visiting Charasyab just after the Taleban had withdrawn from there saw the photocopy of a Taleban directive which reportedly said women must not go to bazaars without their husbands or close male relatives and to cover their faces on leaving home. The directive also prohibited clean shaving of beards, gambling and kite-flying. Taleban leaders have reportedly refused to meet women journalists.

Amnesty International and armed political groups

Amnesty International opposes certain human rights violations committed by government as specified in its statute. In line with this position, Amnesty International holds governments responsible for human rights violations by armed political groups which work in association with or with the connivance or tolerance of governments - for example, as paramilitary militia, "death squads" or vigilantes. This was the case when Amnesty International addressed the government of president Burhanuddin Rabbani on 16 March this year for reported human rights

violations including deliberate and arbitrary killings, torture and rape of members of the Shi'a minority by government armed guards in Karte Seh in Kabul.

Amnesty International's policy and practice is also to oppose specific abuses perpetrated by armed political entities other than governments. These include organizations controlling territory and organizations fighting in civil wars where central authority has broken down. Such entities may be groups which are small, limited in power and devoid of authority; or organizations that in practice set up their own administrative structures and conduct their own foreign affairs.

Amnesty International's appeals to, and contacts with the organizations it monitors are purely humanitarian in nature regardless of the political program of such organizations and regardless of whether or not they have received international recognition.

Executions and amputation ordered by Islamic courts

Amnesty International takes no position with respect to the cultural, political or religious values which underlie administrative structures or a judicial system, but opposes executions and amputations in all circumstances including when they are ordered by the Islamic courts.

According to reports, each Islamic court set up by the Taleban could be dealing with as many as a dozen cases everyday, at times in sessions that may last only a few minutes. One such court in Kandahar reportedly consists usually of four *qazi* (Islamic judges) who get together in a room or a courtyard when there is a case. Both the witnesses and the accused are brought to the four *qazi* to plead their case. Prisoners are usually brought to them in shackles. The court reportedly deals with all complaints. In cases involving murder, it orders execution of prisoners by the relatives of the victim who may choose to receive the so-called 'blood money' and let the convicted prisoner go free. The court's decisions are reportedly final.

Amnesty International is particularly concerned that these courts have been passing sentences of amputation and execution which have been carried out. Amnesty International opposes executions and amputations whether carried out by governments or by armed political groups other than governments.

In March, the Pakistani newspaper *The News* reported that the first ever amputation of hands and feet in Afghanistan was carried out in Helmand province in February 1995. An Islamic court set up by the Taleban had ordered the amputations on three men found guilty of theft. People reportedly flocked to an open ground in Lashkargah, the capital of Helmand province where Taleban officials had announced on the loudspeaker that the amputations would take place. An Islamic clergy reportedly narrated the background to the theft while two medical doctors stood by until they were signalled to carry out the amputation. The doctors then severed the limbs of the three men under local anaesthetic. The men were then taken to city's hospital where they received treatment for their injuries.

According to reports, two men accused of murder were executed in Kandahar in early 1995 after a four-member Islamic court had ordered their execution.

Death in custody of Abdul Ali Mazari and other Hezb-e Wahdat leaders

In early March, Kabul's western district of Karte Seh which was under the control of the Shi'a party Hezb-e Wahdat led by Abdul Ali Mazari, came under attack by government forces. Hezb-e Wahdat agreed to allow the Taleban forces, encamped just outside Kabul, to take over its positions in Karte Seh - reportedly in anticipation that such a move would stop attacks from the government troops, but the attacks continued. Taleban forces, however, disarmed Hezb-e Wahdat militia and took the party's leader, Abdul Ali Mazari, and several officials of the party into custody on 10 March 1995.

On 11 March, Abdul Ali Mazari was seen by a Western journalist in the captivity of the Taleban in Charasyab with his hands and feet bound. On 14 March, nine bodies including that of Abdul Ali Mazari and three senior members of Hezb-e Wahdat were reportedly handed over by the Taleban to the officials of a pro-government party in Ghazni province. Taleban sources claimed that Abdul Ali Mazari was killed while he was being taken by helicopter from Charasyab to Kandahar. They said that either Abdul Ali Mazari or another prisoner got hold of a gun during the flight and forced the helicopter into an emergency landing; that a gunfight followed and all the passengers were killed.

The Taleban's account differed from an Afghan government report which said the prisoners may have been killed when the helicopter crashed. However, according to reports from the area, local people had not witnessed any helicopter crash.

According to Hezb-e Wahdat sources, Abdul Ali Mazari and the other senior members of the party had gone on 10 March 1995 to meet the Taleban commander, Mullah Boorjan, who had sought a meeting with them to discuss the military developments in Karte Seh. They were taken prisoner by Mullah Boorjan forces in Pul-e Gul Bagh, and were transferred to Charasyab with their hands and feet bound. Hezb-e Wahdat sources believe that the prisoners had been killed on orders from the Taleban's highest command in the area.

The circumstances surrounding the death of Abdul Ali Mazari and other Hezb-e Wahdat leaders while in captivity, raise serious concern that the prisoners may have been killed deliberately. So far, to Amnesty International's knowledge, the Taleban have not provided any further information about the incident and have not made public the exact location of the reported helicopter crash.

Amnesty International urges the Taleban authorities to conduct a thorough investigation to identify those responsible for the killings and to remove them, as a matter of urgency, from any position of authority.

A mass grave in Charasyab

Twenty-two bodies were reportedly discovered at a mass grave in Charasyab on 30 March. Journalists watching government troops digging out the grave reported that the bodies of the victims had been buried on top of each other in an irrigation ditch about 300 metres from the main road linking the town of Charasyab with Kabul.

According to Reuter reports, all corpses were in varying stages of decay. They were male, their hands were tied behind their backs and they had been shot at least once in the head. Twenty of the bodies were reportedly of the Shi'a ethnic group, Hazaras.

In late February, Charasyab which was under the control of Hezb-e Islami, an ally of the Shi'a party Hezb-e Wahdat, was captured by the Taleban. In late March, government forces pushed the Taleban out and captured the city. It is therefore not known yet which faction had been responsible for the killings. Villagers, however, had apparently known about the killings. A witness was reported to have said that the prisoners had been killed in a late afternoon by the Taleban guards.

In view of the allegation that the Taleban had been involved in the killing of the prisoners, it is incumbent on the Taleban officials to clarify their role and to provide further information about the circumstances of the killings.

Amnesty International recommendations

Amnesty International is urging all faction leaders to refrain from the deliberate and arbitrary killing of prisoners; such killings violate the most elementary principles of international humanitarian law.

Amnesty International is concerned about reports of executions and amputations ordered by the Islamic courts in the areas under the Taleban's control. It opposes all executions as they constitute the ultimate form of cruel, inhuman and degrading punishment in violation of the most fundamental right of every human being, that is: the right to life.

Amnesty International considers that judicial amputation as well as other forms of corporal punishment and torture violate the most elementary standards of humane behaviour. Indeed the prohibition of mutilation, cruel treatment and torture is part of customary international law and is recognized in Common Article 3 of the Geneva Conventions.

Amnesty International urges Taleban authorities to forbid the imposition of amputations and other forms of cruel, inhuman or degrading punishments by the Islamic courts in areas under their control. Amnesty International is also urging the Taleban authorities to provide information on the killings reported in this paper.