



Q09458. Afghanistan – Researched and compiled by the Refugee documentation Centre of Ireland on 30 April 2009

Information on whether persons associated with the Taliban are currently at risk from the Afghani authorities and the local populace in Afghanistan.

The *UK Home Office Operational Guidance Note*, in a section titled “Current or former Taliban members or sympathisers” (paragraph 3.8.4), states:

“The extent to which those associated with the Taliban face difficulty with the Afghan authorities depends upon whether they are considered still to be in conflict with the authorities or other powerful figures in Afghanistan. There is no concrete evidence about what treatment current or former members of the Taliban would encounter if they were in fact facing difficulties with the authorities, but the Danish fact-finding mission of March/April 2004 found it unlikely that they face problems solely because they are former members of the Taliban.” (UK Home Office Border & Immigration Agency (20 April 2007) - *Operational Guidance Note – Afghanistan*, p.9)

A *Danish Immigration Service* report on a fact-finding mission to Afghanistan, in a section titled “Persons connected with Taliban” (section 6.7), refers to the viewpoint of the UNHCR in regard to former members of the Taliban as follows:

“The UNHCR found that former members of the Taliban who are guilty of human rights abuses are likely to get into troubles with the local community. The source mentioned that low profiled, or ordinary Taliban members generally do not face problems when integrating in the local community. The UNHCR explained that it is most likely, that some of the people who earlier supported the Taliban are now living in Kabul and other areas without having difficulties with the existing people in power. However the UNHCR pointed out that people who are known for having supported the Taliban run the risk of receiving serious threats if they return to the areas of Faryab, Badghis, Bamian and Ghazni in northern, north western and central Afghanistan. The source explained that a number of the acts of revenge related to the conflicts that aroused during the Taliban period is being carried out. The source new of episodes where the local population had imposed certain conditions towards a refugee wishing to return, whom they believed had committed human rights violations. The source said in this context, that the battle of the coalition forces in southern and southeastern Afghanistan is directed against high profile Taliban members and Al-Qaeda members. In relation to this, the source did not know of highly profiled Taliban members who had returned to Afghanistan.” (Danish Immigration Service (02 December 2004) - *The political conditions, the security and human rights situation in Afghanistan*, pp.56-57)

This report also refers to the opinion of the *United Nations Assistance Mission to Afghanistan* (UNAMA), saying that:

“The UNAMA found that the situation for former members of the Taliban is complex. The questions, as to whether a former member will have problems in Afghanistan today depends on whether the person concerned has a solid network, and is in a position to persuade that he has changed side to the people in power. An international NGO mentioned that people who formerly worked for the Taliban can have problems in Afghanistan today, but that the extent of the problems depends on how highly placed the person was.” (Ibid, p.57)

This report also refers to the opinion of the Norwegian Chargé d’Affaires as follows:

“The Norwegian Chargé d’Affaires pointed out that not all Taliban supporters committed crimes. The source was of the opinion that many ordinary people choose to join the Taliban just in order to get a job and are therefore not necessarily guilty of human rights abuses. The source found that at the present time there is very little persecution going on of the Taliban supporters. They have adapted to the society and have no problems solely because they are former members of the Taliban.” (Ibid, p.57)

A *Radio Free Europe/Radio Liberty* report on the assimilation of former Taliban fighters into civilian life says that:

“Afghanistan's Transitional Administration Chairman Hamid Karzai has said ordinary Afghans who were forced to join the Taliban should not have to stay at home to avoid harassment. But it's not that simple. Former Taliban fighters who have decided to take up civilian life do so quietly. Fearing prosecution and harassment, most of them try to remain silent about their pasts.” (Radio Free Europe/Radio Liberty (13 February 2004) - *Afghanistan: Former Taliban Followers Attempting To Assimilate Into Civilian Life* Najibullah, Farangis)

A *BBC News* report on a reconciliation initiative involving the US military and local Afghan officials says that:

“The US military's initiative is known as the ‘allegiance programme’. It is aimed at lower level figures, the ‘rank and file Taleban’, as Colonel Gary Cheek, US commander for Eastern Afghanistan, puts it. In return for promising to give up violence and pledging support to the government of Hamid Karzai, they are granted an amnesty.” (BBC News (18 March 2005) - *Taleban coming in from the cold* North, Andrew)

This programme is also referred to in a *BBC News* report which says:

“All but the 50 to 100 most senior Taleban figures are eligible. In return for backing President Karzai's government, they are allowed to return home and will not be arrested. But it is a fairly ad-hoc programme that was begun as a

stop-gap measure ahead of the Afghan government's own initiative." (BBC News (18 September 2005) - *What now for the Taliban?* North, Andrew)

A report from *Radio Free Europe/Radio Liberty* on an interview with a former Taliban diplomat says that:

"Habibullah Fawzi, a former Taliban diplomat, says talks between former members of the Taliban militia and the Afghan government aimed at national reconciliation have been going on for two years." (Radio Free Europe/Radio Liberty (04 March 2005) - *Afghanistan: REF/RL Interviews Former Taliban Involved In Reconciliation Talks* Sarwar, Sultan & Esfandiari, Golnaz)

This report also states:

"The Afghan government has called on former Taliban members to join the country's social and political life. The only individuals excluded are those involved with terrorist groups or committing atrocities. The call is supported by the United States." (Ibid)

A *New York Times* article on the return of former Taliban supporters says that:

"Afghan soldiers in Kandahar in the south who have fought the Taliban for the last three years said recently that reconciliation was the only way to end the insurgency and bring peace. In Khost, villagers and local officials said it was necessary and humane to allow Taliban supporters to return, except for the 30 to 50 senior Taliban members who, the Americans and top Afghan officials agree, should face trial." (New York Times (20 March 2005) - *Taliban Trek Rocky Road Back to Afghanistan* Gall, Carlotta)

An *Agence France Presse* report on the surrender of former Taliban says:

"More than 1,200 members of the Taliban or the extremists Hezb-e-Islami faction of wanted warlord Gulbuddin Hekmatyar have signed up to the amnesty scheme since it started less than a year ago." (Agence France Presse (26 February 2006) - *Sixty former Taliban surrender to Afghan government*)

See also a *Washington Post* article which says:

"Yet the militia's resurgence comes as a new government reconciliation program, open to all but senior Taliban militants linked to terrorism or war crimes, is yielding unprecedented results. Several hundred former Taliban members have recently streamed back into Afghanistan from Pakistan after formally renouncing violence, according to Afghan and U.S. officials." (Washington Post (14 August 2005) - *Former Members of the Taliban Turn Their Backs on Insurgency; Among Hundreds Returning From Exile, Some Running for Office* Aizenman, N.C.)

An *Associated Press* report on the assassination of former Taliban leader Mohammed Khaksar says that:

“Khaksar was one of a number of former Taliban leaders who have swapped sides. The government has encouraged Taliban members to go through a formal reconciliation program and so far, about 300 rank-and-file and some 50 senior officials have done so.” (Associated Press (14 January 2006) - *Gunmen Kill Former Taliban Minister* Cooney, Daniel)

Regarding people of those who refuse to support the Taliban the *UNHCR*, in its Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers, states:

“Afghans expressing their political opinions are exposed to risk if these opinions are perceived as critical of the interests of local and regional commanders, powerful factions or armed opposition forces, primarily the Taliban and forces allied with the Taliban movement or with veteran Pashtun warlord Gulbuddin Hekmatyar. Risks also continue to exist for persons known to have political affiliations different from those of persons linked to armed factions exercising de facto power at the local level...

... Violent attacks carried out by the Taliban and anti-Government forces have contributed to a deterioration of the security situation in all areas (i.e. eastern, central, southeastern, southern and western regions), except the north and northeast, as a number of Afghan civilians have been targeted and killed. Commonplace in some of these areas are so-called “night-letters” warning civilians in general or specific individuals not to support the Government or work for international organizations. Persons-at-risk include, inter alia: Afghans raising the issue of past crimes and gross human rights violations committed during the period between 1992 to 1996; those denouncing ongoing human rights violations; those critical of powerful factions and local commanders; and those affiliated with Western organizations or perceived as propagating Western values. (UN High Commissioner for Refugees (December 2007) - *UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers*)

A report from *Amnesty International* states:

“The Taleban have been responsible for hundreds of civilian deaths. According to the Afghan Independent Human Rights Commission (AIHRC),(4) around 600 civilians were killed or wounded in the first seven months of 2006. Around 70 per cent of these casualties were linked to Taleban attacks.(5) The Taleban have targeted and killed civilians whom they consider to be “spies” or “collaborators”, including Afghan and foreign reconstruction and aid workers, religious leaders, government administrators, women’s rights activists and teachers. The Taleban have attacked civilians and civilian objects, such as school buildings, with little or no effort to distinguish between these and military targets, such as soldiers and combat vehicles.” (Amnesty International (19 April 2007) - *Afghanistan - All Who Are Not Friends, Are Enemies: Taleban Abuses against Civilians, ASA 11/001/2007.*)

In a section titled “The Targets of Reconciliation” (paragraph titled “The Individual Level”) a report from the *United States Institute of Peace* states:

“Reconciliatory efforts in the form of covert negotiations and invitations to join the peace process are currently focused on individual and midlevel commanders, particularly those who do not want to be part of the neo-Taliban movement but who otherwise fear arrest or harassment. Efforts have also been made by U.S. and coalition forces to release certain prisoners so that they can rejoin their families and communities. They are provided with amnesty letters by the chairman of the PTS. In return, community and tribal elders guarantee that these newly released individuals will no longer engage in violence.” (United States Institute of Peace (10 September 2008) - *Thwarting Afghanistan's Insurgency – A Pragmatic Approach toward Peace and Reconciliation* Stanekzai, Mohammad Masoom, P.13)

References:

Amnesty International (19 April 2007) *Afghanistan - All Who Are Not Friends, Are Enemies: Taleban Abuses against Civilians*,. ASA 11/001/2007.

<http://www.unhcr.org/cgi-bin/txis/vtx/refworld/rwmain?docid=4631c3ad2>

(Accessed 3 March 2009)

Agence France Presse (26 February 2006) *Sixty former Taliban surrender to Afghan government*

<http://web.lexis-nexis.com/professional>

(Accessed 3 March 2009)

Associated Press (14 January 2006) *Gunmen Kill Former Taliban Minister Cooney, Daniel*

<http://web.lexis-nexis.com/professional>

(Accessed 3 March 2009)

BBC News (18 September 2005) *What now for the Taleban?* North, Andrew

http://news.bbc.co.uk/2/hi/south_asia/4072830.stm

(Accessed 3 March 2009)

BBC News (18 March 2005) *Taleban coming in from the cold* North, Andrew

http://news.bbc.co.uk/2/hi/south_asia/4360965.stm

(Accessed 3 March 2009)

Danish Immigration Service (2 December 2004) *The political conditions, the security and human rights situation in Afghanistan*

<http://www.udlst.dk/NR/rdonlyres/e2kb4pmod3svrbhnlxwzyzqx726i7gvz3e6nzxk5rnsdn6foptwuz7b3olw6idr6l3ljvdwjcplch2liha6fgaojond/Afganistan%28engelsk%29.pdf>

(Accessed 3 March 2009)

New York Times (20 March 2005) *Taliban Trek Rocky Road Back to Afghanistan* Gall, Carlotta

<http://web.lexis-nexis.com/professional>

(Accessed 3 March 2009)

Radio Free Europe/Radio Liberty (4 March 2005) *Afghanistan: REF/RL Interviews Former Taliban Involved In Reconciliation Talks* Radio Free Europe/Radio Liberty Sarwar, Sultan & Esfandiari, Golnaz
<http://www.rferl.org/featuresarticle/2005/03/c4c89ab1-33cc-45e7-850e-b0a6fae17e91.html>

(Accessed 3 March 2009)

Radio Free Europe/Radio Liberty (13 February 2004) *Afghanistan: Former Taliban Followers Attempting To Assimilate Into Civilian Life* Najibullah, Farangis

<http://www.rferl.org/featuresarticle/2004/02/aa419ce1-f349-4d97-b4fd-d80d4bfe91cc.html>

(Accessed 3 March 2009)

UK Home Office Border & Immigration Agency (20 April 2007) *Operational Guidance Note – Afghanistan*

<http://www.ind.homeoffice.gov.uk/documents/countryspecificasylumpolicyogns/afghanistanogn?view=Binary>

(Accessed 3 March 2009)

Washington Post (14 August 2005) *Former Members of the Taliban Turn Their Backs on Insurgency; Among Hundreds Returning From Exile, Some Running for Office* Aizenman, N.C.

<http://web.lexis-nexis.com/professional>

(Accessed 3 March 2009)

UN High Commissioner for Refugees (December 2007) *UNHCR's Eligibility Guidelines for Assessing the International Protection Needs of Afghan Asylum-Seekers*"

http://www.ecoi.net/file_upload/432_1199430947_2007-12-unhcr-afg.pdf

(Accessed 3 March 2009)

United States Institute of Peace (10 September 2008) *Thwarting Afghanistan's Insurgency – A Pragmatic Approach toward Peace and Reconciliation* Stanekzai, Mohammad Masoom

<http://www.usip.org/pubs/specialreports/sr212.pdf>

(Accessed 3 March 2009)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre 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. Please read in full all documents referred to.

Sources Consulted:

Amnesty International
European Country of Origin Information Network
Human Rights Watch
Immigration and Refugee Board of Canada
Lexis Nexis
Online newspapers
Refugee Documentation Centre Library
Refugee Documentation Centre Query Database
UNHCR Refworld
US Department of State