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**BACKGROUND PAPER**

**ON**

**REFUGEES AND ASYLUM SEEKERS FROM**

**AFGHANISTAN**

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# 1. Background Information

## *Geography, Population and Language*

The Islamic State of Afghanistan, renamed by the Taliban Islamic Emirate of Afghanistan, covers an area of 652,225 square kilometers and is bordered by Turkmenistan, Uzbekistan and Tajikistan to the north, China and Pakistan to the east, Pakistan to the south and by Iran to the west. Afghanistan is a predominantly mountainous country; about three-fourths of its surface consists of uplands. The main lowlands are a series of river valleys in the north and various desert regions in the south and southwest.<sup>1</sup>

According to a survey published by the Taliban's Central Statistics Administration the population in Afghanistan has risen to 23 million from 13 million when the last census was carried out in 1979-1980.<sup>2</sup> Most Afghans live and work in rural areas and many still lead a nomadic life. The largest towns are Kabul, the capital, Kandahar, Herat, Mazar-i-Sharif and Jalalabad.

The considerable physical variation and the obstacles of the territory have given rise to marked ethnic and cultural differences. The population may be divided into four main ethnic groups. The Pashtun make up about 38 per cent of the total population and are divided into the subgroups of the Durani and the Ghilzais, they live mainly in the center, south and east of the country; the Tajiks, or Parziwans of Persian origin, make up about 25 per cent, the Hazaras 19 per cent, and the Uzbeks, who live in the north, six per cent. The official religion of Afghanistan is Islam, more than 99 per cent of the population is Muslims, mainly of the Sunni sect. The Hazaras are Shi'a Muslims.

Pashto, or Afghan, and Persian (Dari), divisions of the Iranian linguistic group, are the official languages of Afghanistan. The Turkish Uzbek, Turkoman and Kirgiz are among the many dialects, spoken prevalently in the border regions.<sup>3</sup>

## *Institutions of the State and Government*

Afghanistan was a monarchy until 1973, when the king was overthrown and a republic proclaimed. A *Loya Jirgah* (Supreme National Tribal Assembly) was convened in January 1977 and adopted a new constitution. In 1978, after the coup known as the Great Saur Revolution, the constitution was abolished, the Republic of Afghanistan renamed the Democratic Republic of Afghanistan, and power was vested in a Revolutionary Council with the People's Democratic Party of Afghanistan (PDPA) as the only political party. In 1985, under President Babrak Karmal, a new constitution was ratified, superseding the provisional 'Basic Principles of the Democratic Republic of Afghanistan' adopted by the Revolutionary Council in 1980.

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<sup>1</sup> Regional Surveys of the World, *The Far East and Australasia 2001*, Europa Publications, 2001, p. 59

<sup>2</sup> Economist Intelligence Unit (EIU), *Country Report – Afghanistan*, August 2000, p. 34

<sup>3</sup> Facts On Files News Service, *Afghanistan – Country Profile*, 2000 [Internet]

In 1987, the Soviet-backed government of President Najibullah issued a new constitution providing for extensive power for the president, to be indirectly elected to a seven-year term; the formation of a multi-party political system; and, the formation of a bi-cameral legislature, called the *Meli Shura* (National Assembly) composed of a *Sena* (Senate) and a *Wolasi Jirgah* (House of Representatives). Elections were held to both houses of the *Meli Shura* in April 1988. After the withdrawal of the Soviet Union, in May 1992, the constitution was amended, reducing Afghanistan's socialist orientation, introducing greater political and press freedom, lessening the role of the State and giving greater prominence to Islam.

Following the forced resignation of President Najibullah, in April 1992, an interim Islamic Jihad Council, composed of *mujahidin* and religious leaders, took power. Burhanuddin Rabbani was indirectly elected president in December 1992, amongst inter-*mujahidin* fighting. In June 1993, following the signature of peace accord by major *mujahidin* factions, an interim government headed by Prime Minister Gulbuddin Hekmatyar was installed.

On assuming power in September 1996, the Taliban appointed an interim Council of Ministers, inner *Shura*, headed by Mullah Mola Mohammad Omar, based in the southern city of Kandahar, and a leadership *Shura*. In the provinces, local *Shura* were appointed.<sup>4</sup>

## 2. Major Political Developments in Afghanistan Since January 1999

Afghanistan is *de facto* governed by the Taliban (the 'seekers of religious knowledge'), an extreme Islamist movement predominantly comprised of Afghans belonging to the Pashtun ethnic majority, led by Mullah Mola Mohammad Omar. The movement seized power on 27 September 1996, day of the capture of the Afghan capital, Kabul, from the previous administration of President Burhanuddin Rabbani. The Taliban movement is formed by Afghans raised in exile and trained in ultra-conservative Islamic seminaries (*madrasas*) in Pakistan. The latter and Saudi Arabia have provided assistance to the movement, including military training and advisors.<sup>5</sup> A number of the group's senior members had gained military experience through combat against Soviet troops during the 1980s. The key to the Taliban's success is their religious zeal as well as their frustration with the Afghan civil war. The resentment of Pashtun tribes about the corruption of the former *mujahidin* leaders and the domination of the government by non-Pashtuns was easy to fuel. In 1994, with very little fighting the Taliban took control over the southern part of the country. With a moral and religious slant to its military campaign, the group attempted to restore law and order on the basis of Islamic law (*Shari'a*).<sup>6</sup>

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<sup>4</sup> Regional Surveys of the World, Europa Publications, 2001

<sup>5</sup> Barnett R. Rubin, *The Political Economy of War and Peace in Afghanistan*, Council of Foreign Relations, New York, 1999

<sup>6</sup> Regional Surveys of the World, Europa Publications, 2001, p. 69

The Taliban torched opium poppy fields, summarily executed drugs traffickers, disarmed local militia and suppressed highway banditry, thus facilitating the safe and regular supply of basic requirements to the population.<sup>7</sup>

On the other side, with the ousted President Rabbani, there is a loose coalition of religious and ethnic minorities forces, mainly Uzbek and Tajik factions, called the United Islamic Front for the Salvation of Afghanistan (UIFSA), but known as the “Northern Alliance”, which comprise elements of the Jamiat-e-Islami, the Hezb-e-Wahdat, the Jonbesh-i-Melli Islami, the Hezb-i-Islami and other smaller groups.<sup>8</sup> The main military figure of the Northern Alliance is Commander Ahmed Shah Massoud, a military commander from Panjshir Valley and former Minister of Defense under the government of President Rabbani.

In September 1996, following the capture of Kabul, the Taliban declared the country to be the “Islamic Emirate of Afghanistan”. However, they have to date failed to be recognized as a government by the majority of countries, with the exception of Pakistan, the United Arab Emirates and Saudi-Arabia. The United Nations seat of Afghanistan is still held by the interim-government under President Rabbani.

The Taliban currently control the majority of the Afghan territory (95 per cent), while the Northern Alliance controls the remainder, comprising mainly the province of Badakshan, with the Panjshir Valley and the Shomali plains to the north of Kabul. Although various peace initiatives have been undertaken, none have been able to achieve the involvement of all contending parties or an agreement lasting more than few weeks. At the same time, United Nations agencies and Non-Governmental Organizations (NGOs) aim at strengthening the peace process and stability by providing an alternative to conflict through the implementation of programmes and incentives for rehabilitation and reconstruction at the local level without waiting for a permanent solution. Outlined below are the main developments that led to the present situation since the beginning of 1999.

In January 1999, the Northern Alliance established a multi-ethnic Leadership Council, composed of 40 members headed by President Rabbani, and a Supreme Military Council, under the command of Ahmad Shah Massoud, with the aim of giving a fresh impetus to the anti-Taliban movement and to co-ordinate manoeuvres against the Taliban forces in northern Afghanistan, both politically and militarily. The Northern Alliance announced also the formation of a ten-member Political Committee, a ministerial reshuffle, aimed at giving a broader representation to the four major ethnic groups, namely the Pashtun, Tajik, Hazara and Uzbek, and the intention of creating a *Shura* in non-Taliban areas, comprised of 150 members.

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<sup>7</sup> Regional Surveys of the World, Europa Publications, 2001, p. 69

<sup>8</sup> For an overview of the major political parties, movements and militias, please refer to the United Nations High Commissioner for Refugees (UNHCR), *CDR Background Paper on Refugees and Asylum Seekers from Afghanistan*, January 1999, Ch. 2.2.1

Fighting ensued throughout January and February 1999, with Commander Massoud's forces claiming the capture of territory in Faryab province.<sup>9</sup>

Over the years, a number of efforts have been made to encourage a negotiated settlement to the conflict. The first half of 1999 saw renewed efforts to achieve a negotiated peace, under the auspices of the United Nations. However, peace talks between representatives of the Taliban and the Northern Alliance in Ashgabat, Turkmenistan, during February and March, and in Tashkent, Uzbekistan, later in July, produced no lasting results.<sup>10</sup> In March 1999, the Taliban leaders and the Northern Alliance announced that they had agreed in principle to form a coalition government at an unspecified date in the future that would include shared executive, legislative and judicial branches. However, a cease-fire was never agreed upon and the two groups continued fighting.<sup>11</sup> In Tashkent, the two sides agreed to the 'Tashkent Declaration', which called on all parties to resolve the conflict through peaceful and political negotiation, and to allow humanitarian aid into areas under their control.<sup>12</sup>

On 14 March 1999, United Nations personnel started returning to Afghanistan after their evacuation in August 1998 following the murder of three United Nations employees.<sup>13</sup> In mid-July 1999, eight Afghan and two international staff members of the International Committee of the Red Cross (ICRC) were attacked, as they traveled through a Taliban-controlled area between Kabul and Bamian, by six armed men who took them to a nearby village, beat and threatened with death.<sup>14</sup>

On 21 April 1999, the Northern Alliance forces recaptured Bamian, held by the Taliban since September 1998.<sup>15</sup> However, the town returned under Taliban forces on 9 May. Bamian had been the stronghold of the Hezb-e-Wahdat (Unity Party), which until September 1998 had the effective control over the central Bamian province, homeland of the Hazara people. Mullah Karim Khalili is the leader of this Shiite Hazara faction. In the aftermath of the fighting, there were reports of summary executions and of hundreds of men being separated from their families and taken away when the Taliban entered the town. Most of the civilian population, mainly Hazaras and Tajiks, was displaced, however, the majority was able to return in the following months.<sup>16</sup>

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<sup>9</sup> Keesing's Record of World Events, Vol.45, No.1, January 1999; and, United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan Submitted by Mr. Kamal Hossain, Special Rapporteur*, E/CN.4/2000/33, January 2000, p.9

<sup>10</sup> Regional Surveys of the World, Europa Publications, 2001, p.71

<sup>11</sup> Facts On Files News Service, *Afghanistan: Power-Sharing Agreed in Principle*, 25 March 1999

<sup>12</sup> Human Rights Watch, *World Report 2000 – Afghanistan*, 1 December 1999, [Internet]

<sup>13</sup> Regional Surveys of the World, Europa Publications, 2001, p.71

<sup>14</sup> EIU, *Country Report – Afghanistan*, 3<sup>rd</sup> Quarter 1999, p. 33

<sup>15</sup> Facts On Files News Service, *Afghanistan: Opposition Forces Gain*, 10 June 1999

<sup>16</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan submitted by Mr. Kamal Hossain, Special Rapporteur*, E/CN.4/2000/33, January 2000, p.11

In early July 1999, the United States imposed financial and economic sanctions on the Taliban, following reports that Osama bin Laden, the Saudi Arabian terrorist supported by the Taliban and suspected to have masterminded the bombing of two United States embassies in East Africa, was being sheltered in eastern Afghanistan. In retaliation for the bombing, on 20 August 1998, the United States had launched simultaneous air-strikes against alleged terrorist bases, in eastern Afghanistan and Sudan, reportedly operated by bin Laden.<sup>17</sup>

On 28 July 1999, only nine days after a United Nations-sponsored meeting in Tashkent, the Taliban forces launched a multi-pronged attack on all four of the provinces that remained under the opposition's control (Parvan, Kapisa, Takhar and Badakhshan). In three days they seized most of the Shomali Plains: Bagram air base to the north of Kabul, the capital of Parvan province, Charikar, and the capital of Kapisa province, Mahmud-e Raqi. In a counteroffensive, these targets were retaken shortly after by Commander Massoud's forces. During this fighting, large number of civilians were displaced; at least 65 thousand people fled north to the Panjshir Valley, while a further 60 thousand headed south to Kabul. The displaced reported the destruction, by the Taliban, of their houses and crops, as well of the boundary markers and irrigation systems. Other areas affected by the fighting included Taloqan, the capital of the northern province of Takhar, bombed by the Taliban on several occasions during September 1999 and again in May 2000; Konduz, Sher Khan Bandar, Imam Saheb, Sar-e Pol, Kunar and Laghman.<sup>18</sup> The United Nations High Commissioner for Refugees (UNHCR) stated that the Taliban forces has forcibly expelled some 20 thousand civilians from the villages they had seized and expressed concern about reports that one thousand of the men who had fled to Kabul had been arrested.<sup>19</sup>

In late August 1999, a major bomb explosion near Mullah Mola Mohammad Omar's residence in Kandahar reportedly killed 40 people, including some members of Omar's family. In November, a bomb exploded outside the Wazir Akbar Khan mosque in Kabul. While the Taliban blamed the Northern Alliance for the explosions, the latter attributed the blasts to factional divisions within the Taliban movement and, in particular, to increasing opposition to Mullah Omar's perceived autocracy.<sup>20</sup>

On several occasions, the United Nations Security Council imposed sanctions against Afghanistan. On 15 October 1999, it adopted Resolution 1267, imposing sanctions against the Taliban, which included an embargo on all Taliban-controlled overseas assets and a ban on the international flights of the national airline, Ariana Afghan Airlines.<sup>21</sup> The sanctions were linked to the continuing presence in Afghanistan of Osama bin Laden and to the refusal to hand over the suspected terrorist leader to stand trial in the United States or in a third country. Demonstrations throughout Afghanistan

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<sup>17</sup> Oxford Analytica Daily Brief, *United States: Taliban Stance*, 24 January 2000

<sup>18</sup> Regional Surveys of the World, Europa Publications, 2001, p.71, 72

<sup>19</sup> Facts On Files News Service, *Taliban Renews Summer Offensive*, 31 December 1999

<sup>20</sup> Regional Surveys of the World, Europa Publications, 2001, p.72

<sup>21</sup> United Nations Security Council, *Resolution 1267 (1999), Adopted by the Security Council at its 4051<sup>st</sup> Meeting, S/RES/1267 (1999)*, 15 October 1999



were mounted against United Nations offices in different provinces.<sup>22</sup> The Taliban declared they would not turn over bin Laden because the United States had not presented concrete evidence that he had been involved in the bombings, however, they offered to try bin Laden before an Islamic panel in Afghanistan.<sup>23</sup>

In compliance with the United Nations sanctions, Pakistan ordered the closure of Afghan banks on 8 December 1999. This hit the Taliban hard as much of its money comes via Pakistan. The movement was under financial pressure for some time and the new restrictions affected its ability to carry on military activities.<sup>24</sup>

In October 1999, in the effort to improve the Taliban's image with the outside world, Mullah Mola Mahammad Omar announced an extensive reorganization of key Taliban civilian, military and diplomatic posts, including changes in the Council of Ministers, and appointed Mullah Ahmad Wakil Muttawakil, the moderate spokesman of the Taliban leader, to the post of Minister of Foreign Affairs.<sup>25</sup> At the same time, the United Nations Secretary-General's Special Envoy to Afghanistan, Mr. Lakhdar Brahimi, announced that he was suspending his mediation efforts in the Afghan conflict on the grounds that the Taliban and Afghanistan's neighbouring states were not co-operating in his mission. In February 2000, the United Nations Secretary-General announced the appointment of Mr. Francesc Vendrell as Head of the United Nations Special Mission to Afghanistan (UNSMA) and as Personal Representative of the Secretary-General.<sup>26</sup>

From December 1999 to February 2000, two separate hijackings put the country on the front pages across the world. The first was the landing of a hijacked Indian Airlines plane at the Taliban's southern headquarters in Kandahar on 26 December. The Taliban leadership used the opportunity to present a reasonable face to the world and indeed gained praise for its handling of a highly tense situation, although questions were raised about possible Taliban links to the hijackers, a group of five Kashmiri separatists. One passenger was killed but the remaining 155 were released unharmed at the end of the year, following the release of a notorious Pakistani militant from prison in India. The five hijackers were said by the Taliban to have left Afghanistan. Media reports in early February, however, said the five were in eastern Afghanistan under the shelter of the militant Kashmiri group, Harakat-ul-Mujahideen.<sup>27</sup>

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<sup>22</sup> Regional Surveys of the World, Europa Publications, 2001, p.72

<sup>23</sup> Facts On Files News Service, *U.N. Imposes Sanctions on Taliban*, 5 August 1999

<sup>24</sup> EIU, *Country Report – Afghanistan*, February 2000, p. 34

<sup>25</sup> Regional Surveys of the World, Europa Publications, 2001, p.72

<sup>26</sup> United Nations General Assembly, Fifty-fourth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/54/791, S/2000/205, 10 March 2000

<sup>27</sup> EIU, *Country Report – Afghanistan*, February 2000, p. 32

The second incident involved an Afghan plane with 187 people on board, which landed at Stansted airport in the United Kingdom, on 7 February 2000, after flying from Kabul via Central Asia and Moscow. The official Afghan carrier was hijacked by apparent members of the Northern Alliance, who at first demanded the release of Ismail Kahn, the former governor of the western city of Herat, at that time imprisoned by the Taliban. After four days of negotiations the hijackers surrendered to the British authorities. Confusion then arose over the motives of the hijackers when many of them appeared to be related to the plane's passengers, most of whom sought asylum after their release.<sup>28</sup>

During 1999 and the first half of 2000, the former King Zahir Shah undertook fresh political and diplomatic initiatives to solve the Afghan conflict, become known as the 'Rome Process'. He foreshadowed the idea of establishing an emergency *Loya Jirga* (Supreme National Tribal Assembly), which would bring together representatives from across Afghanistan to address the problems. He then convened in Rome a meeting of Afghan dignitaries to facilitate and expand on the proposal. However, while Commander Massoud was prepared to offer support to the process, the Taliban treated the proposals with the greatest caution.<sup>29</sup>

The Secretary-General's Personal Representative to Afghanistan, Mr. Francesc Vendrell, urged both sides on several occasions to sign a ceasefire and negotiate. Since his appointment, Mr. Vendrell met representatives of both the Taliban and the Northern Alliance, with whom he discussed topics such as the repeated demands by the Security Council for an immediate ceasefire; the non-targeting of the civilian population in the course of the fighting; issues related to humanitarian and human rights matters; issues of terrorism and poppy cultivation; the establishment of a broadly based, multi-ethnic and representative government; and the outside interference in support of both sides.<sup>30</sup> In March and May 2000, the Organization of Islamic Conference (OIC) hosted talks in Jeddah, Saudi Arabia, between the Taliban and the Northern Alliance, at which it was agreed that 4,000 prisoners of war would be released.<sup>31</sup> In June, a meeting of the OIC foreign ministers in Kuala Lumpur urged all factions to co-operate with efforts by the OIC and the United Nations to create a multi-ethnic, broad-based government.<sup>32</sup> In September, the fourth Afghan peace conference was held in Cyprus with the objective to lay the groundwork for a traditional *Loya Jirga*, following the proposal of the former king, Zahir Shah.<sup>33</sup> In November 2000, however, the plan was accepted by the Northern Alliance but dismissed by the Taliban.<sup>34</sup>

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<sup>28</sup> Keesing's Record of World Events, *Afghanistan: Hijack of Airliner*, Vol.46, No.2, February 2000

<sup>29</sup> Regional Surveys of the World, Europa Publications, 2001, p. 72, 73

<sup>30</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/6333, S/2000/1106, 20 November 2000, p. 2

<sup>31</sup> United Nations, Press Release, *Afghanistan Talks conclude in Jeddah, Saudi Arabia, Agreement Reached on Prisoner Exchange*, SG/SM/7288, 10 May 2000

<sup>32</sup> EIU, *Country Report – Afghanistan*, August 2000, p. 33

<sup>33</sup> This parallel initiative is known as the 'Cyprus Process'. In, United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 7

<sup>34</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 33

The security conditions away from the frontlines and zones of conflict have been adequate for the implementation of humanitarian programmes, although volatility remains. The Taliban's lack of complete dominance was demonstrated by a series of bomb explosions in Kabul in June/July 2000, blamed by the Taliban on the Northern Alliance. Five bombs exploded over two weeks, targeting also the Pakistan embassy and a Pakistani diplomatic residence and killing one person. The Northern Alliance responded to the accusation blaming in turn dissident Taliban members.

On 5 August 2000, an unidentified armed band in western Afghanistan shot and killed 12 people, including seven Afghans working for the United Nations-supported Organization for Mine Clearance and Afghan Rehabilitation. The Taliban and the Northern Alliance accused each other of being behind the attack.<sup>35</sup>

Heavy fighting resumed in the summer 2000 continuing until the end of the year as the Taliban attempted to take the rest of Afghanistan. In September 2000, Taloqan, the provincial capital of Takhar, fell to the Taliban forces, who also captured the Shir Khan Bandar river port, on the border with Tajikistan, and other parts of Konduz province, bringing it under complete Taliban control. With these gains the Northern Alliance lost its vital overland supply link with Tajikistan.<sup>36</sup> Reports suggested a significant presence of non-Afghan fighters, mainly from Pakistan. Both sides sustained heavy losses in terms of people killed, wounded or captured. The civilian population also suffered casualties as a result of air attacks and artillery shelling.<sup>37</sup> Up to 150,000 people, linked to the Northern Alliance, fearing Taliban reprisal, reportedly headed for the Tajikistan border to flee the advancing Taliban following the Taloqan offensive. This resulted in a desperate situation according to aid workers due to lack of food, shelter or medicines.<sup>38</sup>

The military setback put the Northern Alliance under intense pressure. A series of meetings were convened with the evident purpose of saving the alliance from disintegrating and inviting other commanders to join the fight against the Taliban. In October and November 2000, Commander Massoud established a new military council including the former governor of Herat and resistance leader, Ismail Khan, escaped in March from Taliban custody in Kandahar,<sup>39</sup> and General Abdul Rashid Dostum, founder of the Junbeish-e-Melli-ye Islami-ye (National Islamic Movement) constituted after the dissolution of the Soviet Union in 1991 by government's non-Pashtun militias in the north, and other military commanders.<sup>40</sup>

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<sup>35</sup> Facts On File News Service, *Afghanistan: U.N. Workers' Killings*, 9 August 2000

<sup>36</sup> Ibid., *Afghanistan: Taliban Victory*, 20 September 2000; and, EIU, *Country Report – Afghanistan*, November 2000, p. 30

<sup>37</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/6333, S/2000/1106, 20 November 2000, p. 5

<sup>38</sup> UNHCR, Briefing Note, *Afghanistan: Heavy Fighting Uproots 150,000*, 10 October 2000

<sup>39</sup> Ismail Khan had been handed over to the Taliban in May 1997 during General Abdul Malik's brief defection to the Taliban. Thanks to this defection the Taliban captured the northern town of Mazar-i-Sharif, stronghold of General Abdul Rashid Dostum, who had to flee to Turkey. For more information see UNHCR, *CDR Background Paper on Refugees and Asylum Seekers*, January 1999, Ch. 3

<sup>40</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/6333, S/2000/1106, 20 November 2000, p. 5

On 19 January 2001, sanctions were imposed after the Taliban failed to comply with the United Nations Security Council's demands of handing over Osama bin Laden for trial and closing terrorist training camps.<sup>41</sup> Osama bin Laden was also suspected of involvement in the October 2000 bombing of the USS Cole in Yemen, which had killed 17 United States sailors. The sanctions included in particular the ban for all flights owned, leased or operated by the Taliban to land at international airports; the froze of foreign funds and financial resources of the Taliban; the ban of technical assistance or training to the Taliban's military activities; and, a ban to the export of arms to the Taliban.<sup>42</sup> The decision by the United Nations Security Council to apply the arms embargo only to the Taliban and not to the Northern Alliance, despite the difficulty to enforce it in a country with porous borders, had sent a clear message on the seriousness of the concerns over the Taliban.<sup>43</sup> Regarding bin Laden, the Taliban's position has been that bin Laden took up residence when Afghanistan was under the control of the previous regime and that there was no sufficient evidence linking him to specific terrorist acts. Again they proposed that he be tried in Afghanistan by a court composed of *ulemas* drawn from Afghanistan, Saudi Arabia and a third Islamic country.<sup>44</sup>

In early January 2001, the Taliban recaptured the district of Yakawlang, Hazarajat region, after the Hezb-e-Wahdat forces had retaken the control only few days earlier, on 29 December 2000. The capture led to allegations of major human rights violations and reports of killings of civilians, which caused massive population displacement.<sup>45</sup>

At the beginning of 2001, Badakshan province was the sole left entirely under control of the Northern Alliance. However, the first months of 2001 have seen an improvement of the situation for the Northern Alliance, which fought back to regain control of the vital supply route to Tajikistan. Fighting also began in the north-eastern Takhar province, in November 2000, and, in January 2001, in the north of Kabul. In addition, the Northern Alliance benefited from the United Nations decision to impose an arms embargo on the Taliban but not on the Northern Alliance.<sup>46</sup> Between 13 and 14 February 2001, Northern Alliance forces, mainly from the ethnic Hazara minority, recaptured Bamian city, securing also the airport and a road link to Yakawlang district, however, they retreated after a Taliban counter-attack four days later.

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<sup>41</sup> The United Nations Security Council resolution was initiated by the United States and the Russian Federation, both concerned about the Taliban's influence across Central Asia and beyond, concluding that the Islamic movement supports Muslim militancy and international terrorism. The resolution was adopted on 19 December 2000 by a vote of 13 in favour to nine against, with two abstentions, China and Malaysia. *Reuters News Agency*, Evelyn Leopold, New Sanctions Against Taliban Split United Nations, 20 December 2000

<sup>42</sup> United Nations Security Council, *Resolution 1333 (2000)*, S/RES/1333 (2000), 19 December 2000

<sup>43</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 32

<sup>44</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 8

<sup>45</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 33; and, United Nations, Press Release, *Secretary General Very Concerned about Reports of Civilians Deliberately Targeted and Killed in Afghanistan*, SG/SM/7865, 19 January 2001

<sup>46</sup> EIU, *Country Report – Afghanistan*, February 2001, pp. 31-32

Fighting in the outlying areas of Bamian continued in March 2001.<sup>47</sup> At the same time, clashes involving the Northern Alliance and Taliban affected the Tajik territory, near the border river Panj, the only crossing that can be used by humanitarian organizations to send food and medicines to the northern provinces. More Afghan civilians were being forced to leave their homes in the combat zone, and remain stranded on the border, on small islands on Panj river. Tajikistan refuses entry to the refugees, fearing penetration of active members of the Taliban movement.<sup>48</sup>

A number of bombs explosions hit the Afghan capital again between November 2000 and March 2001, which the Taliban blamed on the opposition Northern Alliance. On 1 February 2001, three bombs exploded close to the Ministry of Foreign Affairs, the Ministry of Education and the Kabul hotel.<sup>49</sup> The last explosion, on 15 March 2001, near the Pakistani consulate in Jalalabad did not cause any casualties.<sup>50</sup>

The United Nations Secretary-General's Special Representative, Mr. Francesc Vendrell, has formed the impression that, despite their stated willingness to consider peaceful negotiation, neither side has in reality ruled out future military activities. However, contacts with all relevant Afghan parties regarding their willingness to agree to a ceasefire and enter into negotiations, established by Mr. Vendrell upon requested of the "six plus two" group on 15 September, resulted in two written agreements, signed by the Taliban and the Northern Alliance on 2 November 2000. In the agreements, the two parties committed themselves to enter into a process of dialogue, under the Secretary-General's good offices, aimed at bringing about an end to the armed conflict through political means, from which neither side is to withdraw until all the items on the agenda, to be agreed by themselves, have been exhausted. It was the first time the two sides committed themselves in writing to a process of dialogue.<sup>51</sup>

The imposition of the sanctions, and particularly the one-sided arms embargo, thwarted the chances for a success of the United Nations-led peace initiatives, as envisaged by the United Nations Secretary-General, who strongly opposed the sanctions. A round of talks between the Afghan parties in the Turkmen capital, Ashgabat, broke up without any agreement just days before the announcement of the sanctions. Since then, the Taliban have rejected any peace talks. The United Nations removed all its remaining relief workers fearing a violent backlash in reaction to the sanctions.<sup>52</sup>

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<sup>47</sup> Human Rights Watch, *Massacres of Hazaras in Afghanistan*, 19 February 2001, p. 2; and, *Agence France Presse (AFP)*, Afghan Opposition, Taliban Clash Close to Bamian City, 25 March 2001, [Internet]

<sup>48</sup> *BBC Monitoring Online*, Tajik-Afghan Clashes, Growing Tension in Border Area, 12 March 2001; and, *Refugees Flee Fighting 1 Kilometre from Tajik-Afghan Border*, 13 February 2001, [Internet]

<sup>49</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 34

<sup>50</sup> *BBC Monitoring Online*, Bomb Rock Pakistani Consulate in Jalalabad, in Afghan Islamic Press, 16 March 2001, [Internet]

<sup>51</sup> "Six plus two" group: Pakistan, Iran, Turkmenistan, Uzbekistan, Tajikistan, China, United States and Russia. United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 8

<sup>52</sup> Keesing's Record of World Events, *Afghanistan: Imposition of UN Sanctions*, Vol.46, No.12, December 2000

The withdrawal affected the emergency food distribution programs due to a lack of staff. After the Taliban guaranteed that United Nations workers would not face any reaction, on 24 December, they started returning.

On 26 February 2001, Mullah Mohammad Omar decreed the destruction of all statues, considered idols regarded as ‘gods of the infidels’, subscribing a strict interpretation of the Islamic injunction against reverence for idols and the graven image. Among them there were the two giant standing Buddah, carved into a mountainside in the central province of Bamian, that date back to the second century. Their destruction brought a wave of condemnation from all over the world after futile efforts to persuade the Taliban to preserve Afghan cultural heritage. Afghanistan was a center of the Buddhist civilization before the introduction of Islam in the seventh century.

In March 2001, it was reported that the Taliban had offered to hold peace talks with the opposition Hezb-e-Wahdat. The Taliban, who boycotted United Nations-sponsored peace talk in reaction to the sanctions, reportedly were interested in initiating a peace dialogue on their own.<sup>53</sup>

### ***Socio-Economic Situation***

More than 20 years of civil war have strongly contributed to the impoverishment of most of Afghanistan. The life expectancy is less than 43 years, the literacy rate is around 25 per cent, the mortality rate is the highest in the world and the Gross Domestic Product (GDP) per head is estimated to be less than 700 US dollars. Only a small minority of Afghans has access to safe water, sanitation, health care and education. In addition, Afghanistan is one of the most mine-infested countries in the world. The conflict has created an open war economy, not only has Afghanistan become the world’s biggest opium producer and a center for arms dealing, but it supports a multi-billion dollar trade in goods smuggled from Dubai, United Arab Emirates, to Pakistan. Sustainable peace would require not only an end to fighting and a political agreement but also a regional economic transformation, which would provide alternative forms of livelihood.<sup>54</sup>

The economic sanctions imposed by the United Nations Security Council have further undermined the Afghan economy, which is already strained by two decades of war, the imposition of the first round of sanctions and the drought.<sup>55</sup> Most aid workers have been strongly critical of the sanctions saying that ordinary Afghans, rather than members of the Taliban, will bear the effects. A United Nations report on the impact of the economic sanctions issued in August 2000 said that conditions in the country are horrific and that sanctions are affecting ordinary people, rather than the Taliban.<sup>56</sup>

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<sup>53</sup> *AFP*, Taliban Offer Peace Talks: Opposition Faction, 17 March 2001, [Internet]

<sup>54</sup> Barnett R. Rubin, *The Political Economy of War and Peace in Afghanistan*, Council of Foreign Relations, New York, 1999

<sup>55</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 31, 32

<sup>56</sup> United Nations Office for the Coordination of Humanitarian Affairs (OCHA), *Vulnerability and Humanitarian Impact of UN Security Council Sanctions in Afghanistan*, 17 August 2000

On 20 March 2001, the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Kenzo Oshima, presented to the United Nations Security Council the first report of the Secretary-General on the humanitarian implications of the sanctions imposed against the Taliban in 1999 and 2000. According to the report, the humanitarian situation had not been noticeably affected by the imposition of new sanctions; the exemption mechanisms for relief assistance were functioning; and the humanitarian operations had not been disrupted by the sanctions.<sup>57</sup>

In 2000, Afghanistan was hit by the worst drought the country had suffered in 30 years, since the famine of 1971-1972. Crop failure and shortages of water and pasture have had a devastating effect on millions of Afghans.<sup>58</sup> According to United Nations estimates, since summer 2000, 470 thousand Afghans have left their homes because of the drought. There are reports of many drought-affected people selling their last assets, and many farmers and subsistence growers do not have enough seeds for the 2001 harvest. In northern Afghanistan, rain-fed wheat crops were down by 65 per cent, irrigated crops by 30 per cent and livestock by 70-80 per cent in 2000. Families are moving because of the lack of water or have to travel for 40 kilometers to reach supplies. According to a survey of Action Contre la Faim, 48 per cent of the children is affected by chronic malnutrition, and severe malnutrition affects almost 20 per cent. The World Food Programme (WFP) announced that it would run out of food if further pledges were not forthcoming.<sup>59</sup>

The consequences of the drought are even being felt in Kabul and the Panjshir Valley. The Panjshir Valley is already overburdened with displaced people seeking shelter from the Taliban in Commander Massoud's stronghold, and in Kabul there is a fear of increased food prices, a possible shortage of drinking water, declining water quality and public-health problems. As the situation grows worse in rural areas more people are expected to migrate to the capital.<sup>60</sup>

International assistance is recognized as an essential lifeline for many Afghans. The Taliban have largely neglected most functions of government and rely heavily on the United Nations and foreign NGOs to provide basic services, food-for-work programmes, mine clearance and repatriation of refugees.<sup>61</sup>

An agreement brokered by the United Nations allowed the trucking of food aid across front-lines, north of Taliban-controlled Kabul, to the Panjshir Valley and Shomali Plains. The Taliban have rarely allowed help to opposition areas.<sup>62</sup>

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<sup>57</sup> United Nations Security Council, *Report of the Secretary-General on the Humanitarian Implications of the Measures Imposed by the Security Council Resolutions 1267 (1999) and 1333 (2000) on Afghanistan*, S/2001/241, 20 March 2001

<sup>58</sup> OCHA, *UN Consolidated Inter-Agency Appeal for Afghanistan 2001*, 17 November 2000

<sup>59</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 36-37

<sup>60</sup> Ibid., August 2000, p. 35

<sup>61</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>62</sup> EIU, *Country Report – Afghanistan*, February 2000,

In May 2000, the constituent states of the Afghanistan Support Group<sup>63</sup> sent an appeal both to the Taliban and the Northern Alliance, in which they voiced their alarm that considerable human, material and financial resources were being devoted to the war effort, while a severe drought affected a large part of the country. The appeal however went unheeded.<sup>64</sup> At the same time, the response by donors to the 2001 United Nations' annual appeal for aid to Afghanistan was very weak.<sup>65</sup>

In July 2000, the Taliban announced a *fatwa* forbidding drug production. According to the United Nations Drug Control Programme (UNDCP), in 2000, opium production had dropped 28 per cent; most of that decline was attributed to drought and one-third to the crop substitution project. However, funding cuts to the UNDCP might result in further scaling back of successful crop-substitution programmes. Despite the ban, Afghanistan is believed to have massive stockpiles of opium and the curb in production is likely to raise the international price of heroin.<sup>66</sup>

In September 2000, Italy called for the establishment of a humanitarian aid corridor through which aid could reach people in areas controlled by both sides, providing a framework for people from either side to interact on areas such as drug control and healthcare. Ministry of Foreign Affairs' officials discussed the plan with the Taliban Minister of Foreign Affairs, Mullah Abdul Wakil Muttawakil, and with Commander Massoud, and stated that if the scheme succeeds the European Union, Afghanistan's bigger donor, would increase its aid to the country.<sup>67</sup>

Taliban officials announced the readiness to co-operate with economic institutions of all countries and invited private investment in domestic and external sectors. Trade barriers between Pakistan, Iran and Turkmenistan are being removed and transport problems with Pakistan resolved. In September 2000, the Taliban appointed a new trade representative in Mashad, Iran.<sup>68</sup>

Afghanistan remain one of the most densely mined country in the world, with approximately six million mines, most of them remnant of the war with the Soviet Union. In July/August 1999, the United Nations reported that the Northern Alliance was laying mines north of Kabul to repulse the Taliban offensive. In the past decade, it is estimated that 70 thousand Afghans have been killed or injured by mines and

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<sup>63</sup> The Afghanistan Support Group brings together main donors and organizations working in Afghanistan.

<sup>64</sup> Regional Surveys of the World, Europa Publications, 2001, p.73

<sup>65</sup> The provision of assistance to Afghans by the United Nations and by international and national NGOs follows a principled approach consistent with the Strategic Framework for Afghanistan. The programme, presented in the Consolidated Appeal for 2000, addresses the priority needs to: (a) alleviate human suffering; (b) protect and advance human rights; (c) provide minimum basic social services; (d) build sustainable livelihoods by empowering Afghans; and (e) support the return of refugees. In, United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 9

<sup>66</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 36

<sup>67</sup> Ibid., November 2000, p. 32

<sup>68</sup> Ibid.



unexploded ordnance causing untold human suffering and placing a heavy burden on an already marginal health-care system. It is believed that up to 100 people continue to be maimed or killed every week, although the total number of deaths is difficult to estimate, since most go unreported. Mines represent an obstacle to post-conflict rehabilitation, the delivery of aid programmes, food security, sustainable livelihoods and the return of refugees and internally displaced persons to their homes.<sup>69</sup>

### ***Refugees and Displaced Persons***

Renewed fighting, the effects of decades of conflict and the drought have put hundreds of thousands of people at severe risk. Since September 2000, as many as 150,000 Afghans have fled to Pakistan, 10,000 Afghans are stranded at the border with Tajikistan, which refused their entry, and some 350,000 persons are internally displaced throughout Afghanistan, according to estimates of the United Nations High Commissioner for Refugees (UNHCR).<sup>70</sup>

Pakistan, on 10 November 2000, announced the closure of its borders to new Afghan refugees, although a large number have managed to enter and more continue to arrive.<sup>71</sup> On some occasions, Pakistani border guards have beaten refugees to prevent them from entering and other Pakistan authorities started to round up and deport Afghans without documentation. The Government of Pakistan has also reportedly asked the Taliban to prevent Afghans from reaching the border.<sup>72</sup> The new influx has settled in Shamshatoo (about 70,000 people) and Jalozei (estimated 80,000) camps, around Peshawar, in deplorable conditions where children and elderly people are dying every day of disease. Some of the refugees were in Pakistan for the first time, while others had repatriated to Afghanistan but had returned because of the drought or fighting.<sup>73</sup> In addition, about 50 thousand refugees have found refuge in other camps or with relatives. Pakistan still houses 1.2 million Afghans in camps that were built after the 1979 invasion, and more than 2 million live in cities and towns throughout the country. In March 2001, during the visit to Pakistan of the United Nations Secretary-General, the Pakistan Minister of Foreign Affairs, Mr. Abdul Sattar, stated that his country was overstretched and that had no means to cope with a new influx. Pakistan is no longer entitled to United Nations assistance for long-term refugees, and the authorities fear that the fresh influx will become a further burden when emergency aid runs out.<sup>74</sup>

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<sup>69</sup> United Nations General Assembly, Fifty-fifth Session, *Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Afghanistan*, A/55/346, 30 August 2000, p. 10; and, Amnesty International, *Annual Report – Afghanistan*, 1 June 2000

<sup>70</sup> UNHCR, *Refugee Daily*, 15 March 2001

<sup>71</sup> Ibid., Briefing Note, *Pakistan: Afghan Border Reported Closed*, 10 November 2000

<sup>72</sup> U.S. Committee for Refugees, *Afghans in Crisis*, 2 February 2001, p. 1

<sup>73</sup> Most of the refugees are members of ethnic minorities, mainly Tajiks from Takhar and Parvan provinces, and Uzbeks and Turkomans from throughout northern Afghanistan. Some of the new arrivals are also Pashtuns, primarily from areas north of Kabul. Most of the 'old refugees' are instead Pashtuns, many of whom share the political and cultural values of the mostly Pashtun Taliban. In U.S. Committee for Refugees, *Afghans in Crisis*, 2 February 2001

<sup>74</sup> Kathy Gannon, *U.N. Chief Sees Grim Plight of Afghan Refugees*, Associated Press, 12 March 2001

Since November 2000, another 10,000 refugees have been stranded at the border with Tajikistan, which has refused to let them in. This group is within shelling distance of Taliban forces and is living in extremely poor conditions because of the difficulties for aid agencies to reach them. Iran refuses to permit entry to new Afghan refugees and pressured UNHCR into facilitating the repatriation of more than 100,000 Afghans in the year 2000.<sup>75</sup> On 5 December 2000, Iran expelled 26,000 Afghans when they entered the country illegally.

Inside Afghanistan, the situation is also grim. In the western provinces, bordering Iran, the economic situation is worsening and the area of distress is enlarging; the ever-growing number of displaced persons in particular in the major city, Herat, estimated to be more than 100,000, is putting an unbearable burden on a city with insufficient shelter and worsening employment situation, which was the most affluent in Afghanistan.<sup>76</sup> In Mazar-i-Sharif, to the north, 150,000 Afghans are living in makeshift shelters in search for food and water. Another 100,000 people are displaced in Takhar and Badakshan provinces, many as a result of the conflict.<sup>77</sup> More than 650 Afghans, including children, had frozen or starved to death in camps in January/February 2001.

Hundreds of famine-hit families in northeastern Afghanistan are heading for Pakistan amid unconfirmed reports of hundreds of deaths in the remote region, according to Mohammad Habeel, a spokesman for Northern Alliance's Commander Massoud. Mr. Habeel had called on the world community to assist the Afghan population adding that the famine had struck several districts in Badakshan province and more than 1,000 people had starved to death in the past three months.<sup>78</sup>

According to the United Nations, about 500,000 Afghan had fled their homes to escape drought and fighting between the Taliban and the opposition forces. At the same time, the response by donors to the United Nations' annual appeal for aid to Afghanistan has been very weak. On 6 February 2001, several countries pledged a total of \$10.8 million in aid in response to an emergency appeal by the United Nations, falling short of the need. According to experts, one million Afghans could be in danger of starvation by April 2001.<sup>79</sup> During his visit to refugee camps in north-west Pakistan, the United Nations Secretary-General said that the United Nations is trying desperately to raise money for the refugees, but added that it is not an easy task because the international community, already fatigued by Afghanistan war, and dismayed by the treatment of women and attacks on minorities, has been outraged by the Taliban's destruction of pre-Islamic relics. The United Nations Co-ordinator for Humanitarian Aid in Afghanistan, Mr. Erick de Mul, warned the international community that the situation is getting worse day by day.<sup>80</sup> The Taliban ambassador

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<sup>75</sup> U.S. Committee for Refugees, *Afghans in Crisis*, 2 February 2001, p. 1

<sup>76</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 34, 37

<sup>77</sup> U.S. Committee for Refugees, *Afghans in Crisis*, 2 February 2001, p. 4; and, Kathy Gannon, *U.N. Chief Sees Grim Plight of Afghan Refugees*, Associated Press, 12 March 2001

<sup>78</sup> UNHCR, *Refugee Daily*, 15 March 2001

<sup>79</sup> Facts On File News Service, *Afghanistan: Refugee Deaths*, 8 February 2001

<sup>80</sup> United Nations, Press Release, Secretary-General, February 2001

to Pakistan, on 22 March 2001, stated that nearly 500 children starved to death in western Afghanistan the previous week and appealed on the international community to forget about the Buddhas and focus on saving million of Afghan from hunger and misery<sup>81</sup>.

### *The Regional Dimension*

The regional dimension of the Afghan conflict is of vital importance, both from a political and economic perspective. The emergence, after the collapse of the Soviet Union, of ethnically defined sovereign states in Central Asia has strengthened ethnic identities in Afghanistan.<sup>82</sup> Central Asia has also acquired immense strategic importance owing to its proximity to the Russian Federation and the People's Republic of China, and to its possession of huge energy and mineral resources. Competition over control of trade and pipeline routes from Central Asia, as well as the fear of the potential spread of Islamic fundamentalism, has transformed the relations between Afghanistan and governments in the region and world powers.<sup>83</sup>

The regional context in the course of the Afghan conflict became even more polarized. The advance of the Islamic forces, assisted by Pakistan and Saudi Arabia, alarmed the Russian Federation, Iran and the Central Asian states. The inimical relations between the countries of the region (i.e. India and Pakistan, Pakistan and Iran, Iran and Saudi Arabia) are a factor to be taken into account. Internal Afghan factors, such as divisions along sectarian, ethnic lines and anti-women legislation, and the lack of a strong central authority, which could facilitate national reconstruction, have worsened the situation. In addition, some of the Central Asian states bordering Afghanistan are themselves passing through phases of political, economic and social transition, with concomitant political instability and instances of civil war, not contributing to an atmosphere conducive to regional harmony.<sup>84</sup>

Countries like Iran, Pakistan, India and the Central Asian states have been advocating the preservation of the territorial integrity of Afghanistan and are anxious to see a stable government to restore peace, thus facilitating their economic interests in the region. However, who will control Afghanistan, remains for those countries, a vital question. It is believed that the Taliban is backed by Pakistan and Saudi Arabia, who are accused of providing troops, weapons and military expertise, whereas, the Northern Alliance is backed by Iran, Uzbekistan, Tajikistan and the Russian Federation.

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<sup>81</sup> *AFP*, 500 Children Starve in Afghanistan: Taliban, 22 March 2001, [Internet]

<sup>82</sup> European Platform for Conflict Prevention and Transformation, *Afghanistan: Endless War in a Fragmented Society*, January 1999, [Internet]

<sup>83</sup> Regional Surveys of the World, Europa Publications, 2001, p.73

<sup>84</sup> *Ibid.*

The United Nations Security Council, since 1997, has called for an end to the fighting and on the outside parties to stop supplying arms and ammunition to the warring factions. It also called all Afghan groups to respect human rights and permit the delivery of humanitarian assistance.<sup>85</sup> The members of the “six plus two” group, and other concerned governments, have expressed their frustration with the continued war in Afghanistan and the absence of a political settlement, and they view international terrorism, illicit drug production and trafficking, and extremism emanating from Afghanistan as a serious threat to regional stability.<sup>86</sup>

With the offensive started in summer 2000, the Taliban gained control of territories bordering Tajikistan, and brought the war and a refugee problem that risk to destabilize the fragile situation in this country and threatening the former Soviet border. This offensive coincided with a series of incursion into Uzbekistan and Kyrgyzstan by armed groups of the Islamic Movement of Uzbekistan (IMU), which analysts link with the Taliban, claiming or implying that “a common thread in these incidents is Islamic fundamentalism, on the march and threatening Central Asia”.<sup>87</sup> However, the Taliban on several occasion stressed that the territory of Afghanistan would not be used to carry out attacks against other nations, and rejected the claim that they posed a threat to stability in the Central Asian region.

The Russian Federation signed in 1999 with the five Central Asian states a collective security treaty to be activated should the borders of any of these countries be violated by Afghanistan. On several occasions, the Russian Federation threatened the Taliban with the possibility of long-range air strikes against suspected terrorist bases, which were allegedly sheltering and supporting Chechen rebels and Islamic militants from the Central Asian states.<sup>88</sup> Russia’s concerns over a pan-Islamic co-operation in Central Asia were confirmed, on 16 January 2000, when the Taliban announced its diplomatic recognition of Chechnya and allowed the self-declared independent state to open an embassy in Kabul. The Taliban leadership stressed that it would not provide military aid to the Chechen rebels; however, reports of Afghans aiding the Chechens in their current battles with Russian troops have added to this concern.<sup>89</sup>

In July 2000, Russia, China, Kazakhstan, Kyrgyzstan and Tajikistan, the ‘Shangai Five’, renamed the “Shangai Forum” with the addition of Uzbekistan, issued a statement calling for an end to the conflict and voicing concern over the threat of terrorism from Afghanistan and vowed to extend cooperation. However, the policy of

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<sup>85</sup> European Platform for Conflict Prevention and Transformation, *Afghanistan: Endless War in a Fragmented Society*, January 1999, [Internet]

<sup>86</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 3

<sup>87</sup> International Crisis Group (ICG), *Recent Violence in Central Asia: Causes and Consequences*, Central Asia/Brussels, 18 October 2000

<sup>88</sup> Regional Surveys of the World, Europa Publications, 2001, p.73. According to the Russian Ambassador to the United Nations, the Taliban are allegedly behind Chechen, Uzbek, Tajik, Uighur and other rebellions of extremist. In *Reuters News Agency*, Evelyn Leopold, New Sanctions Against Taliban Split United Nations, 20 December 2000

<sup>89</sup> EIU, *Country Report – Afghanistan*, February 2000,

some Central Asian states is dual. While Tajikistan said that its security was threatened by Afghan-trained terrorists, and Kazakhstan announced that it would not recognize the Taliban; Uzbekistan and Kyrgyzstan are hinting at recognizing it. Notably, Uzbekistan, not a signatory of the collective security treaty with Russia, stated its readiness to reopen its border with Afghanistan and forge friendly ties with the Taliban should the security situation stabilize.<sup>90</sup>

Soon after the Taliban emerged as a major political force, the United States opened ties with the movement, believing that the Taliban could bring stability to Afghanistan, solve the refugee problem, close the guerrilla training camps and curb narcotics trafficking. It was also seen as a positive development in the effort to obtain regional approval for a series of energy pipelines to build across the country. However, the initial optimism was replaced by increasing tension. The United States accused the Taliban of harboring the Islamic terrorist Osama bin Laden. Because of the Taliban's refusal to extradite bin Laden, the United States imposed financial and economic sanctions on the Taliban, in July 1999.<sup>91</sup> The United States also accused the Taliban of sheltering a number of other militant groups linked to insurgency in the Caucasus and Central and South Asia. In addition, the United States, along with other western countries, strongly condemned the Taliban's policies towards women.<sup>92</sup> The United States' primary concern remain its influence over the exploration and exploitation of the vast resources in Central Asia, while containing Iranian and Russian involvement in the area. In this light, Iran and other countries in the region believe that Pakistan's policy with regard to Afghanistan is furthering the interests of the United States.<sup>93</sup>

After the crisis between Iran and Afghanistan, that brought them on the verge of the warfare, following the killings of ten Iranian diplomats and one Iranian journalist, by members of the Taliban after the recapture of Mazar-i-Sharif, in 1998, the two countries have started a gradual rapprochement in the face of growing economic and political interests.<sup>94</sup> The more Central Asia, the Russian Federation and the United States 'fear' Islam, the more the two former enemies are moving together. Iran started to do business with the Taliban despite its sympathies, and often support, for the Northern Alliance. Iranian and Taliban officials have held meetings, resumed their intra-country postal service after eight years and have discussed the root of everyone's concern, namely energy pipelines. In October 2000, Mullah Mohammed Omar said that relations with Iran were improving and that trade ties were expanding, and announced the reopening of the Iranian consulates in Jalalabad and Herat.<sup>95</sup>

During 1998-1999, the Taliban regime cultivated relations with the People's Republic of China, by signing a defense co-operation agreement and awarding it oil and gas contracts in Afghanistan, previously given to Turkmenistan.

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<sup>90</sup> EIU, *Country Report – Afghanistan*, November 2000, p. 30

<sup>91</sup> Oxford Analitica Daily Brief, *United States: Taliban Stance*, 24 January 2000

<sup>92</sup> Ibid.

<sup>93</sup> Regional Surveys of the World, Europa Publications, 2001, p. 73

<sup>94</sup> Ibid.

<sup>95</sup> Ibid.; and EIU, *Country Report – Afghanistan*, November 2000, p. 32

Pakistan is isolated in defending and supporting the Taliban regime. This support was reasserted by the leadership of the military regime that overthrew, with a military coup in October 1999, the government of Mohammad Nawaz Sharif. After the United Nations Security Council vote on the sanctions, Pakistan announced that it would abide by them, although it disagreed on the grounds that they would increase suffering within Afghanistan.

In mid-May 2000, Taliban Interior Minister Mullah Abdur Razzaq paid an official visit to Pakistani to hold discussions with the authorities on the extradition of criminals, terrorism, drug trafficking and on the Afghanistan Transit Trade Agreement. Pakistan handed over a list of 18 camps inside Afghanistan where Pakistani militants allegedly receive military training and demanded the closure of those camps and the extradition of those suspected of terrorist activities in Pakistan. Taliban authorities have reportedly sought over 100 million dollars worth of assistance from Pakistan for rehabilitation projects.<sup>96</sup>

Afghan representatives attended a Meeting on Interactive and Trust Measures in Asia (MITMA), which convened in the Azerbaijani capital of Baku on 12 April 2000. The ministers of foreign affairs of the member countries signed a declaration of principles comprising provisions concerning the maintenance of international security, non-interference in internal affairs, respect of sovereignty and territorial integrity, peaceful resolution of disputes, non-application of force, the need for economic, social and cultural preservation, disarmament, weapons control and humanitarian issues.<sup>97</sup>

### 3. Legal Framework

#### 3.1 International Legal Framework

The United Nations Special Rapporteur on the Situation of Human Rights in Afghanistan, Dr. Kamal Hossain, visited the country on several occasions during 1999, however, his proposals to visit Afghanistan in September 2000 and again in January 2001, were both denied by the Taliban authorities. In September 1999, the United Nations Special Rapporteur on Violence against Women, Ms. Rakhika Coomaraswamy, also visited the country.

In September 2000, the United Nations High Commissioner for Refugees, Ms. Sadako Ogata, visited Afghanistan and met Taliban authorities in Herat. Her visit was an attempt to draw international attention to the plight of Afghan refugees and to find ways to speed up their repatriation. In a statement, the High Commissioner said that the conditions in Afghanistan are the main reason for the low return of refugees, and donor countries, fatigued in supporting large numbers of refugees for two decades, want clarity on how the Taliban would treat refugees who are returning home.<sup>98</sup>

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<sup>96</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 6

<sup>97</sup> EIU, *Country Report – Afghanistan*, May 2000

<sup>98</sup> UNHCR, *UN Refugee Chief to Raise Human Rights Issues with Afghanistan's Taliban*, 15 September 2000

In the context of the United Nations Special Mission to Afghanistan (UNSMA) a Civil Affairs Unit was established. Its primary objective, as defined in Security Council Resolution 1214 (1998), is to monitor the situation, promote and support respect for minimum humanitarian standards and deter massive and systematic violations of human rights and international humanitarian law.<sup>99</sup> The Unit combines elements of information-gathering with human rights observation through its presence inside Afghanistan. It attempts to build up and strengthen an ongoing persuasive dialogue with Afghan authorities at both the regional and local levels in areas such as administration, the law enforcement agencies, the judiciary and the media, with a view to fostering human rights awareness among these key groups. In engaging Afghan civil society, the Unit pursues contacts with women's groups, youth organizations, private and NGO-run media, religious leaders, intellectuals and *shuras*. It monitors and reports on political, social, economic and cultural trends, including the human rights situation and study areas such as administration, judiciary, legislature, constitution, media and economic activities in order to better map the current and future situation of Afghanistan and to respond to the needs of the population.<sup>100</sup>

Afghanistan is a state party to the following international human rights instruments:

<b>Convention</b>	<b>Date of Ratification or Accession (a); Date of Entry into Force</b>
Convention on the Prevention and Punishment of the Crime of Genocide (1948)	22 March 1956 (a)
Convention on the Political Rights of Women (1954)	16 November 1966 (a)
International Convention on the Elimination of All Forms of Racial Discrimination (1965)	6 July 1983 (a); 5 August 1983
International Covenant on Civil and Political Rights (1966)	24 January 1983 (a); 24 April 1983
International Covenant on Economic, Social and Cultural Rights (1966)	24 January 1983 (a); 24 April 1983
Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984)	1 April 1987; 26 June 1987
Convention on the Rights of the Child (1989)	28 March 1994; 27 April 1994

Source: UNHCR/CDR REFworld, 2000

Afghanistan has signed but has not yet ratified the 1979 Convention on the Elimination of All Forms of Discrimination Against Women (14 August 1980).

<sup>99</sup> United Nation Security Council, *Resolution 1214 (1998)*, 8 December 1998

<sup>100</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 4

Afghanistan is not a state party to the following international human rights instruments:

- Convention Relating to the Status of Refugees (1951), and Protocol to the Convention Relating to the Status of Refugees (1967)
- Convention Relating to the Status of Stateless Persons (1954)
- Convention on the Reduction of Statelessness (1961)
- International Convention on the Elimination of All Forms of Racial Discrimination (1965)
- International Convention on the Suppression and Punishment of the Crime of Apartheid (1973)
- Optional Protocol to the Convention on the Elimination of All Forms of Discrimination Against Women (1999)
- Optional Protocols to the Convention on the Right of the Child on the Involvement of Children in Armed Conflict, and on the Sale of Children, Child Prostitution and Child Pornography (2000)

### 3.2 National Legislative Context

The people of Afghanistan have no right to effectively participate in the governance of their country through freely chosen representatives, as recognized by article 21 of the Universal Declaration of Human Rights and article 26 of the International Covenant on Civil and Political Rights.<sup>101</sup>

There is no democratic process or institution at any level in Afghanistan. A new legal system has not been adopted, but all parties tacitly agreed on following the Islamic law, *Shari'a*.

The Taliban recognize only the validity of the *Shari'a* and do not accept the notion of secular law, nor binding international law. The Taliban rule by decree through an inner circle of clerics, inner *Shura*, based in Kandahar and led by Mullah Mohammad Omar. At the local level, local *Shura* were constituted, they rule also by decree, which regulate all aspects of social affairs and are strictly enforced.

In areas under the control of the UIFSA, or Northern Alliance, the rule of law is similarly non-existent. Rival groups carry out torture and extra judicial killings against opponents and suspected sympathizers.<sup>102</sup>

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<sup>101</sup> Universal Declaration of Human Rights and International Covenant on Civil and Political Rights, in UNHCR/CDR RefWorld Database, 2000

<sup>102</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001; Amnesty International, *Annual Report – Afghanistan*, 01 June 2000; and USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001 [Internet]



### ***The Constitution***

A constitutional vacuum exists in Afghanistan. According to Taliban representative a new constitution, based on *Koran*, *Sunnah* and *Hanfi* school of thought, is under preparation.<sup>103</sup>

### ***The Judiciary System***

There is no functioning nationwide judicial system.

The judiciary system in Taliban-controlled territory consists of tribunals in which clerics with little legal training rule on Pashtun customs and on the Taliban's interpretation of *Shari'a*. The Taliban asserts that there is a lower court and a higher court in every province, and a Supreme Court in Kabul. The *Shari'a* courts, whose procedures fall short of international standards for fair trial, continue to impose cruel, inhuman or degrading punishments. Proceedings are brief, defendants lack the right to legal counsel, due process safeguards are absent and there is no right to appeal.<sup>104</sup>

In areas under the control of the Northern Alliance, the rule of law is non-existent, justice is administered arbitrarily according to *Shari'a* and traditional customs. The government claims that the courts have been established within the provisions of Afghanistan's legal system, however, it is not clear which legal systems, including codes and trial procedures, are being followed.<sup>105</sup>

## **4. Review of the Human Rights Situation**

### **4.1 General Respect for Human Rights**

More than twenty years of war have transformed the Afghan society. Since 1973, over one million people have died in fighting, gross violations of human rights have occurred and the country's infrastructure has been completely destroyed. There has been a severe militarization of the society and half of the population has experienced forced migration as a result of the war. The displacement of people has occurred according ethnic lines, further increasing ethnic polarization in the society.<sup>106</sup>

Afghans continue to suffer a wide range of deprivations, violations, policies and practices that severely restrict or deny their human rights. The war continues to be the most harmful and significant factor impinging on the rights of Afghans. The accumulated and direct effects of conflict, compounded by extreme poverty and profound underdevelopment, contribute to a situation that has resulted in Afghans being amongst those who are least able to enjoy their rights, including the right to life.<sup>107</sup>

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<sup>103</sup> Amnesty International, *Annual Report – Afghanistan*, 01 June 2000, [Internet]

<sup>104</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>105</sup> Amnesty International, *Executions in Panjshir*, 15 February 2001 [Internet]

<sup>106</sup> European Platform for Conflict Prevention and Transformation, *Afghanistan: Endless War in a Fragmented Society*, January 1999 [Internet]

<sup>107</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 12

The overall human rights situation is extremely poor and serious human rights violations continue to occur. Both warring factions committed human rights abuses against members of rival ethnic groups. Taliban forces were responsible for political and extra judicial killings, mass killings, summary executions and deaths in custody. There were also reports that the Taliban were responsible for disappearances. Taliban forces burned homes, destroyed orchards, wheat fields and irrigation systems and forcibly displaced more than 100 thousand, mainly Tajik people. Women, children, human rights defenders, members of ethnic groups, people accused of homosexual activity and refugees were systematically targeted by the warring factions on the basis of their identity. Taliban courts imposed sentences of death, amputation and flogging after unfair trials.<sup>108</sup>

Over the years, the United Nations Commission on Human Rights passed resolutions condemning human rights violations by all parties and the continuing violations of women's rights. It denounced both sides in the conflict for continuing the civil war and urged other nations to refrain from supplying military support to any of the factions. It also condemned the Taliban for violations of women's and girl's rights.<sup>109</sup>

The Special Rapporteur on Afghanistan, in his latest report presented to the 57<sup>th</sup> Session of the United Nations Commission on Human Rights in March-April 2001, states that "all the warring parties have been guilty of grave breaches of international humanitarian law. Their war-making is supported and perpetuated by the involvement of Afghanistan's neighbours and other States in providing weapons, ammunition, fuel and other logistical support. [...] These violations include aerial bombardments of civilian targets, indiscriminate bombings, rocket and other artillery attacks on areas populated by civilians, reprisal killings of civilians, summary executions of prisoners, rape and torture."<sup>110</sup>

Among the prime targets of human rights abuses were educated Afghans not associated with the Taliban, educated women, members of non-Pashtun ethnic groups not associated with the Taliban, members of certain Pashtun tribes not linked to the Taliban, Afghans working with the United Nations and NGOs, people associated with the former pro-Soviet governments and intellectuals seeking an end to the war<sup>111</sup>

Since assuming power, the Taliban imposed a strict and intimidatory Islamic code. Women were not permitted to enter employment or be formally educated beyond the age of eight; television, non-religious music, gambling and alcohol were all banned; amputations and public stoning were enforced as forms of punishment; compulsory attendance at mosques by all men was introduced; and women were ordered into *purdah*.<sup>112</sup>

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<sup>108</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000, [Internet]

<sup>109</sup> United Nations Commission on Human Rights, *Resolution on the Situation of Human Rights in Afghanistan*, E/CN.4/RES/1999/9, 23 April 1999; and *ibid.*, E/CN.4/RES/2000/18, 18 April 2000

<sup>110</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001

<sup>111</sup> Information Seminar for Refugee Status Determination Authorities on Afghanistan and Iraq, Statement by Abbas Faiz, Amnesty International, 2000

<sup>112</sup> Regional Surveys of the World, Europa Publications, 2001, p.70

Despite major economic problems, the Taliban remains committed to ensuring that its vision of Islam is followed. In November 2000, the Taliban leader, Mullah Mohammad Omar, announced that no official services or jobs would be given to men without beards.<sup>113</sup> Men are arrested for having beards that are too short, for not attending prayers and for having shops open during scheduled prayer times.<sup>114</sup>

In areas under the Northern Alliance's control, the rule of law is similarly non-existent. The human rights situation remains extremely poor. Rival groups carry out torture and extra judicial killings against opponents and suspected sympathizers. Northern Alliance's forces indiscriminately bombarded civilians and continued rocket attacks against Kabul. Armed units, local commanders and rogue individuals were responsible for numerous and serious abuses such as political killings, abductions, kidnapping for ransom, torture, rape, arbitrary detention and looting.<sup>115</sup>

Both warring factions have demonstrated their utter disregard for the protection of civilians and international humanitarian law. Refugees who recently fled to Pakistan or Iran, some of them for the second time after having recently repatriated, reported instances of villages bombarded, houses and crops set afire and their inhabitants indiscriminately killed. Other concerns include the situation of women and girls, who are not able to attend school, and the ongoing drought that forced many people to leave their homes in search of food and water. Referring to the agreement between the Government of Iran and UNHCR on the screening procedures, and to the repatriation programme from Afghanistan, Amnesty International stated that "Afghan refugees should not be returned against their will or where they are at risk of human rights abuses", adding that the international community should not labour under the illusion that some areas in Afghanistan are safe for return.<sup>116</sup> While some refugees return because of the improved security situation, many are forced to return because of poor conditions and lack of resources in their countries of asylum<sup>117</sup> or threatened to be forcibly repatriated.<sup>118</sup> As many of the needs for the effective reintegration of returnees are not being addressed as a result of serious funding limitations, voluntary repatriation as a durable solution is hampered. In addition, the poor human rights record in the country, including its treatment of women, slowed the return of refugees to their homeland.<sup>119</sup>

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<sup>113</sup> EIU, *Country Report – Afghanistan*, February 2001, p. 33

<sup>114</sup> Human Rights Watch, *World Report 2000 – Afghanistan*, 01 December 1999, [Internet]

<sup>115</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>116</sup> Amnesty International, *Iran: Are Returning Afghan Refugees Properly Protected?*, 26 September 2000 [Internet]

<sup>117</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/393, S/2000/875, 18 September 2000, p. 6

<sup>118</sup> Amnesty International, *Iran: Are Returning Afghan Refugees Properly Protected?*, 26 September 2000 [Internet]

<sup>119</sup> UNHCR, *UN Refugee Chief to Raise Human Rights Issues with Afghanistan's Taliban*, 15 September 2000

## 4.2 Right to Life, Personal Security and Physical Integrity

Both sides in the Afghan war, the Taliban and the Northern Alliance forces, have targeted civilians during their search for a military victory over the opponents, subjecting them to the indiscriminate use of mortars, rocket and fighter planes attacks, and landmines.<sup>120</sup>

### *Extrajudicial, Summary or Arbitrary Executions*

In April 1999, the United Nations Commission on Human Rights passed a resolution condemning human rights violations by all parties, citing in particular the mass killings that had accompanied the Taliban's capture of Mazar-i-Sharif in August 1998.<sup>121</sup> Taliban officials have admitted in private their implication in the massacre of Mazar-i-Sharif, reported by the United Nations and human rights organizations.<sup>122</sup> In these and other reports, the Taliban were accused of the mass killing of around 4,000 persons, on 8 August 1998, thought to be an act of revenge after the massacre of Taliban troops in the north in 1997. Although the Taliban had publicly denied the killings, a lack of access to the region and inconsistency of reports weakened their claim. In an internal report, the International Committee of the Red Cross (ICRC) also largely confirmed the findings.<sup>123</sup>

During the fighting for the control of the central town of Bamian, originally the stronghold of the Hezb-e-Wahdat, a party drawing its support from the Hazara minority, both the Hezb-e-Wahdat and the Taliban forces had deliberately beaten, detained and killed many civilian, including women and children, suspected of supporting the other side, who did not, or could not, flee and burned their houses.<sup>124</sup> In addition, the Taliban burned more than 200 homes in villages along the road between Shiber and Bamian. Verbal condemnation of these acts by the Taliban leader did not prevent similar abuses to occur again.<sup>125</sup> It was also reported that while leaving the city, Hezb-e-Wahdat's forces killed 30 Taliban prisoners who were being held in Bamian prison.<sup>126</sup>

During the fighting in summer 1999 in the Shomali region, men believed to be loyal to Commander Massoud were arrested or shot, women and children were taken by truck to Pakistan or made to walk to Kabul. In the effort to take the rest of the country, the Taliban forced civilians from their homes, set fire to houses and crops, and destroyed irrigation canals and wells, ostensibly to rout opposition sympathizers but effectively preventing the residents' return.<sup>127</sup>

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<sup>120</sup> Human Rights Watch, *World Report 2000 – Afghanistan*, 1 December 1999, [Internet]

<sup>121</sup> United Nations Commission on Human Rights, *Resolution on the Situation of Human Rights in Afghanistan*, E/CN.4/RES/1999/9, 23 April 1999

<sup>122</sup> EIU, *Country Report – Afghanistan*, 4<sup>th</sup> Quarter 1998

<sup>123</sup> Ibid., February 1999

<sup>124</sup> Human Rights Watch, *World Report 2000 – Afghanistan*, 1 December 1999, [Internet]

<sup>125</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000, [Internet]

<sup>126</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2000/33, 10 January 2000, p.11

<sup>127</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

The U.S. Department of State reported political and extrajudicial killing during the renewed conflict in summer 2000, which was characterized by sporadic indiscriminate shelling and bombing. Northern Alliance forces fired rockets into Kabul on a number of occasion during 2000, killing or injuring civilians. The Taliban bombed cities held by the Northern Alliance, such as Taloqan, Charikar, Nahreen and Jabal-as Saraf, killing civilians, damaging properties and displacing residents.<sup>128</sup>

In January 2001, the United Nations Secretary-General, Kofi Annan, expressed concern about reports that civilians were deliberately targeted and killed by the Taliban during the fighting in Yakawlang. More than 100 civilians were alleged to have been killed.<sup>129</sup> According to the Special Rapporteur on Afghanistan, there were numerous reports of widespread summary executions of civilians by the Taliban, as well as of mass arbitrary arrests. Both parties violated the neutrality of medical facilities and generally disregarded the rights of civilians. Personnel of aid agencies are reported to have been killed, and one United Nations staff member is still unaccounted for. The killings led to massive displacement, which the United Nations estimated as one third of the 90 thousand inhabitants of the district.<sup>130</sup>

On 6 December 2000, six prisoners were executed in the Panjshir area, under the control of Commander Massoud, only 40 hours after their arrest. The six were charged with the assassination of Abdullah Jan Wahedi, a key commander of the Hezb-e Islami party,<sup>131</sup> who changed side between the Taliban and the Northern Alliance on several occasions, and had defected back to Commander Massoud's forces in August 2000. The Northern Alliance's administration claimed that the prisoners were tried and sentenced to death by a court before being executed. However, if a trial did take place, the short period of time between the arrest and the execution, and the secrecy of the whole process, raised doubts on the fairness of the procedures. The prisoners are likely to have been deprived of the rights to adequate time and facilities to prepare their defense and to seek the services of a legal counsel. In addition, they have been deprived of other rights guaranteed by the International Covenant on Civil and Political Rights, such as the right to an independent and impartial review of the death sentence by a higher tribunal, and the right to seek commutation of the sentence. At least one of the prisoners had reportedly been severely tortured, according to reports of his family. Amnesty International condemned the execution and called on Commander Massoud to refrain from ordering executions and to ensure that no one in the custody of his personnel is subjected to torture.<sup>132</sup>

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<sup>128</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>129</sup> United Nations, Press Release, *Secretary General Very Concerned About Reports of Civilians Deliberately Targeted and Killed in Afghanistan*, SG/SM/7865, 19 January 2001

<sup>130</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001, pp.10-11

<sup>131</sup> Hezb-e Islami is the party of former Prime Minister Gulbuddin Hekmatyar, who in January 1994, in alliance with General Dostum attempted to force President Rabbani from office and fought against the President's ally, Commander Massoud.

<sup>132</sup> Amnesty International, *Executions in Panjshir*, 15 February 2001 [Internet]

At least a dozen people convicted of murder were executed by shooting, usually carried out by the victims' families.<sup>133</sup> All executions take place in public but only some of these appear to be reported. The families of murder victims have the option of carrying out court-imposed death sentences or granting clemency. The court's decisions are said to be final after which the name of the convicted prisoner is presented to Mullah Mohammad Omar for his approval of the sentence.<sup>134</sup>

### ***Arbitrary Arrest and Detention***

Reports about summary executions, arbitrary detention and forced labour of those in detention camps remain of great concern.<sup>135</sup> In the absence of any formal legal and law enforcement institutions, practices and procedures varies depending on the locality, the local commander and the authorities, both in Taliban and Northern Alliance areas.<sup>136</sup> Arbitrary detention is common in areas of conflict in the north of Afghanistan. Civilians have been detained for extended periods to deter others in the area from supporting the opposition.<sup>137</sup>

All factions held political detainees and prisoners of war. In June 2000, following an agreement on exchange of prisoners of war, the Taliban and the Northern Alliance sent delegations to inspect each other's prisoners in advance of the exchange. However, the initiative ended as fighting resumed the same month.<sup>138</sup>

## **4.3 Torture and Other Inhuman and Degrading Treatment and Punishment**

The Taliban *Shari'a* courts, whose procedures fall short of international standards for fair trial, continue to impose cruel, inhuman or degrading punishments. Men and women who do not conform to the Taliban's edicts are often sentenced to severe lashing, beating and flogging. Authorities have bulldozed alleged sodomizers under walls, stoned adulterers to death and amputated the hands or feet of thieves.<sup>139</sup>

During 1999, Amnesty International reported that more than a dozen people were subjected to amputations and at least six were flogged. Thousands of people, among them children, were either encouraged or forced to attend public execution of these punishments. Children as young as 14 were assigned the task of displaying the

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<sup>133</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000, [Internet]

<sup>134</sup> Amnesty International, *Cruel, Inhuman or Degrading Treatment or Punishment*, 1 November 1999 [Internet]

<sup>135</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 13

<sup>136</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>137</sup> Human Rights Watch, *Massacres of Hazaras in Afghanistan*, 19 February 2001, p. 8

<sup>138</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>139</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]; and, Amnesty International, *Iran: Are Returning Afghan Refugees Properly Protected?*, 26 September 2000 [Internet]

severed limbs of victims to the spectators. The punishment of flogging is inflicted for theft, religious offences, such as drinking alcohol or pre-marital sexual intercourse. The religious police of the Ministry for the Promotion of Virtue and the Prevention of Vice give on-the-spot punishment of whipping and beating to men and women defying the various edicts.<sup>140</sup>

The Taliban have arbitrarily detained and tortured thousands of men from ethnic minority groups, often civilians rounded up during military operations. Many have been killed or have disappeared.<sup>141</sup>

The Special Rapporteur on Afghanistan met in Iran with a former governor of Herat, General Ismail Khan, and two of his colleagues. The three stated that they were detained in a Kandahar prison on political grounds for three years prior to their escape on 26 March 2000. They were kept in windowless cells, shackled the entire time. The General's colleagues reported that they were tortured by the prison authorities, and all three reported the torture of other prisoners; including being hung upside down by the legs while being beaten with cables.<sup>142</sup>

The other Afghan factions are also believed to have resorted to torture against opponents and prisoners of war. Some of Massoud's commanders in the north, reportedly use torture routinely to extract information.<sup>143</sup>

Prison conditions are poor. Prisoners held by some factions are not given food, as normally this is the responsibility of prisoners' relatives, who are allowed to visit to provide them with food once or twice a week. Those who have no relatives have to petition the local council or rely on other inmates. Prisoners live in overcrowded, unsanitary conditions in collective cells. In most cases there are no news about the whereabouts of the prisoners.<sup>144</sup>

There have been credible reports that torture occurred in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintain prisons in territories under their control and reportedly established torture cells in some of them. The Taliban operates prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan, Qala-e-Zaini, and Maimana. The Northern Alliance maintains prisons in Panjshir and Faizabad. According to one credible report, prison authorities routinely used rubber and plastic bound cables in beatings in Badakhshan province.<sup>145</sup>

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<sup>140</sup> Amnesty International, *Cruel, Inhuman or Degrading Treatment or Punishment*, 1 November 1999 [Internet]

<sup>141</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>142</sup> United Nations General Assembly, *Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Afghanistan*, A/55/346, 30 August 2000, p. 9

<sup>143</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>144</sup> Amnesty International, *Cruel, Inhuman or Degrading Treatment or Punishment*, 1 November 1999 [Internet]

<sup>145</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

According to Amnesty International, there have been reports that the Taliban forced prisoners to work on the construction of a new story on the Kandahar prison and that some Taliban prisoners held by Commander Massoud were forced to labour in life-threatening conditions, such as digging trenches in mined areas.

#### 4.4 Involuntary Disappearances

The strict security enforced by the Taliban in areas under their control has resulted in a decrease in abductions, kidnappings and hostages taken for ransom. However, there have been allegations that the Taliban maintains private prisons to settle personal vendettas and that the Taliban was responsible for disappearances in areas under their control. Amnesty International reported that hundreds of persons were separated from their families in the Taloqan area during the Taliban summer offensive, and that these persons were taken away and believed to have been killed. There were unconfirmed reports that some Taliban soldiers, often reported to be foreigners, abducted girls and women from villages they captured, as in the Shomali plains, in August 1999, and in the Taloqan area during fighting from June through October 2000. Women reportedly were taken in trucks from the area of fighting and were trafficked to Pakistan and to the Arab Gulf states.<sup>146</sup>

Abductions, kidnappings and hostage taking for ransom or for political reasons also occur in non-Taliban areas. In northern areas, women were at risk of being raped and kidnapped, sometime by local commanders. Reportedly, some of the women were forced to marry their kidnappers; others simply remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran.<sup>147</sup>

#### 4.5 Right to Freedom of Religion

The Taliban authorities restrict the right to freedom of religion. About 85 per cent of the population is Sunni Muslim and the Taliban and the other factions have subjected the Hazara *Shi'a* minority to harsh treatment.<sup>148</sup>

Taliban vigorously enforces its extreme interpretation of Islamic law. Customs and law require affiliation with some religion, and atheism is considered apostasy and as such punishable by death. Proselytizing is also forbidden. Hindu and Sikh population, once numbering about 50 thousand persons, have emigrated or taken refuge abroad. The few families that remain face hardship conditions, and children cannot attend public schools or universities. They are subject to *Shari'a* law, and they are asked to wear special signs, a yellow piece of cloth, for identification. Small Christians and Jews communities lived in the country, but most members have left.<sup>149</sup>

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<sup>146</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>147</sup> Ibid.

<sup>148</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>149</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]



In September 1999, the Taliban issued new decrees aimed at non-Muslims that forbid them from building new places of worship, allowing them only to worship at existing holy sites; banned non-Muslims from criticizing Muslims; ordered non-Muslims to identify their houses by placing a yellow cloth on their rooftops; forbid non-Muslims from living in the same residence as Muslims; and, required that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance.<sup>150</sup>

On 8 January 2001, Mullah Mohammad Omar promulgated a decree to apply capital punishment to Afghans who converted from Islam to either Judaism or Christianity.<sup>151</sup>

#### **4.6 Right to Freedom of Expression and Press**

The Taliban authorities sharply restrict the right to freedom of expression and press. Under Taliban's rules, televisions, videocassette recorders, videos and satellite dishes are banned. The movement tightly controls Radio Voice of Shariat, the sole broadcast outlet.<sup>152</sup> According to a report published by Reporters Without Borders, "Afghanistan is one of the country where absolutely no press freedom exists." The Taliban totally controls all means of communication, and relentlessly attacks foreign journalists, cameramen and photographers.<sup>153</sup> In July 2000, a western journalist reported that, while being detained, he observed his Afghan associate being severely beaten. The journalist was subsequently expelled from the country, and his associate remained in detention and beaten routinely until he escaped from prison. On 11 August 2000, three foreign journalists were arrested on the orders of the Taliban Deputy Minister for the Promotion of Virtue and the Suppression of Vice, on the charge of taking pictures of a football match.<sup>154</sup>

In August 2000, the Taliban introduced strict regulations governing the work of foreign journalists in the country. A list of 21 points to be respected was given to foreign journalists upon arrival. Journalists are required to inform the Taliban authorities when they travel outside of Kabul and to stay out of prohibited areas outside of Kabul. They may work only with approved interpreters and local assistants, must renew their work permits every year, and must register all of their professional equipment.<sup>155</sup>

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<sup>150</sup> Human Rights Watch, *World Report 2000 – Afghanistan*, 1 December 1999, [Internet]

<sup>151</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001, p. 24

<sup>152</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>153</sup> Reporters Without Borders, *Afghanistan: The Taliban and the Media*, September 2000

<sup>154</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001, p. 21

<sup>155</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

During a seminar of provincial representatives of the Taliban Ministry of Information and Culture, a proposal was discussed for consideration by the Taliban leader to relax the ban on television, so that it could be used to promote Islam.<sup>156</sup>

On 14 March 2001, the Taliban Ministry of Information and Culture announced the closure of the BBC office in Kabul, ordering the correspondent to leave the country within 24 hours. The announcement came after a BBC radio programme described the destruction of pre-Islamic monuments in Afghanistan as barbaric.<sup>157</sup>

Opposition groups operate radio stations and publish propaganda newspapers. The Northern Alliance operates the only television station in Afghanistan from its headquarters in Feyzabad.<sup>158</sup>

#### **4.7 Right to Freedom of Assembly and Association**

The Taliban authorities sharply restrict the right to freedom of assembly and association. There are few civic institutions and no known trade unions.<sup>159</sup> National and international NGOs continue to operate in the country. However, there were reports that the Taliban required burdensome registration procedures and attempted to exert control over staffing and office locations. All factions continue to harass and interfere with the operations of domestic and international NGOs, including aid organizations.<sup>160</sup>

#### **4.8 Economic, Social and Cultural Rights**

The alarming statistics and socio-economic indicators provide some insight into the limited enjoyment of human rights by Afghans. The drought, coupled with conflict and crippling poverty, has exacerbated an already bad situation, particularly in terms of the right to food, health and adequate shelter.<sup>161</sup>

The need to cut back on mine action activities due to inadequate funding is likely to further threaten the right to life of mine-affected communities.

The edict issued by the Taliban authorities in July 2000 restricting the employment of Afghan women by the United Nations and NGOs, with the exception of the health sector, is a clear violation of the right to work and to an adequate standard of living.

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<sup>156</sup> United Nations General Assembly, *Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Afghanistan*, A/55/346, 30 August 2000, p. 13

<sup>157</sup> BBC Monitoring Online, *Russian TV Reports Closure of BBC Office in Afghanistan*, 14 March 2001, [Internet]

<sup>158</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>159</sup> Ibid.

<sup>160</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>161</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 12

In the absence of an effective central government, labour rights are not defined. Most of the population relies on agricultural activities or work in the informal sector. The only large employers in Kabul are the governmental structure of minimally functioning ministries, and local and international NGOs. Workers in government ministries have been fired because they received part of their education abroad or they had contact with the previous communist governments. Others reportedly have been fired for violating Taliban's regulations concerning the length of the beard.

During a briefing to the United Nations Security Council on March 2001, the United Nations Under-Secretary-General for Humanitarian Affairs and Emergency Relief Coordinator, Kenzo Oshima, who has visited Afghanistan in February, stated that the Taliban "appear to be both unable and unwilling to cater to the basic concerns and needs of people under their control [...] and they seem to be consumed by their immediate goals of military gain and religious progress.

## 5. Vulnerable Groups

In a situation of protracted and ongoing conflict, appalling economic conditions and spread human rights violations, there are no clear-cut rules on who is or is not at risk in Afghanistan. However, members of non-Pashtun ethnic groups not associated with the Taliban, members of certain Pashtun tribes not linked to the Taliban, minority religious groups, educated women, educated Afghans not associated with the Taliban, and intellectuals seeking an end to the war, Afghans working with the United Nations and NGOs, people associated with the former pro-Soviet governments, are among the prime targets of human rights abuses.<sup>162</sup>

### 5.1 Political Dissidents

Several civilian-based opposition parties function clandestinely in Afghanistan. The Taliban have harassed many of their members. The United Nations Secretary-General in his November 2000 report on the situation in Afghanistan denounced the continued targeting and killing of Afghan leaders for political reasons.<sup>163</sup> Human Rights Watch confirmed that attacks on Afghan political figures opposed to the Taliban continued in Pakistan.<sup>164</sup> On 15 July 1999, Abdul Ahad Karzai, a prominent Afghan politician living in the United States, was killed by two assailants in Pakistan. He is believed to have been targeted because of his prominent role played in the efforts of the former king to reach a negotiated settlement.<sup>165</sup>

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<sup>162</sup> Information Seminar for Refugee Status Determination Authorities on Afghanistan and Iraq, Statement by Abbas Faiz, Amnesty International, 2000

<sup>163</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 3

<sup>164</sup> Human Rights Watch, *World Report 2000 – Afghanistan*, 01 December 1999, [Internet]

<sup>165</sup> Amnesty International, *Human Rights Defenders in Afghanistan: Civil Society Destroyed*, 1 November 1999 [Internet]

Other Afghans personalities were slain in the Pakistani city of Peshawar. In none of these cases has a suspect been identified or apprehended by Pakistani law enforcement forces. In March 1999, it was reported that the Taliban arrested and reportedly severely tortured up to 200 Afghan political figures in the past year on account of their peaceful political activity. More than a dozen among them have been killed and around 100 remained in detention.<sup>166</sup>

Winning over the loyalty of opponents and switching sides has been part of the civil war in Afghanistan. The Taliban governor of the northern province of Konduz, Arif Khan, was assassinated on April 2000 in Peshawar, Pakistan. Before his assassination, it was rumoured that he was about to switch side and join the opposition forces. Arif Khan, as a *mujahidin* commander, had been loyal to Commander Massoud's party. After the assassination, the Taliban appointed Khan's brother as governor in the attempt to keep his followers. Both sides denied any involvement in the assassination.<sup>167</sup> On 25 July 2000, the Taliban arrested Mohammad Bashir Baghlani, the governor of Baghlan Province and one of the Taliban's key allies in northern Afghanistan, on charges that he had established secret contacts with the opposition. The arrest triggered clashes between the Taliban and the Northern Alliance. Shortly afterwards, Abdullah Jan Wahidi, the former governor of Laghman Province, who had announced his alliance with the Taliban in a publicized ceremony in late April, defected back to the Northern Alliance. In late August, it was reported that differences had developed between the governor of the central province of Bamian, Maulawi Islam, and the Taliban.<sup>168</sup>

In October 2000, it was reported that the Taliban had arrested 40 members of the National Islamic Council of Afghan People for Peace in Kabul, a new opposition union thought to be based in Peshawar, Pakistan, and supported by field commanders and tribal elders from eastern Afghanistan, a region which has always been a powerful and a fairly autonomous part of Afghanistan as a result of the drug and smuggling trade which passes through it.<sup>169</sup>

## 5.2 Ethnic Minorities

After more than twenty years of civil war, Afghan society has become more and more ethnically polarized. Following the Soviet withdrawal, the civil war continued, despite efforts by two successive interim governments to engender a transition to elections, and the former pattern of 'communists versus *mujahidin*' was transformed into a conflict largely along ethnic lines.<sup>170</sup>

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<sup>166</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>167</sup> Middle East International, *Trouble for the Taliban*, 21 April 2000

<sup>168</sup> United Nations General Assembly, Fifty-fifth Session, *The Situation in Afghanistan and its Implications for International Peace and Security*, Report of the Secretary-General, A/55/633, S/2000/1106, 20 November 2000, p. 5

<sup>169</sup> EIU, *Country Report – Afghanistan*, November 2000, p. 31

<sup>170</sup> European Platform for Conflict Prevention and Transformation, *Afghanistan: Endless War in a Fragmented Society*, January 1999, [Internet]

Minority groups continues to face harassment by the Taliban. Arbitrary detention, hostage taking and summary execution for imputed political opinion are used for minority populations (i.e., Tajiks originating from the Panjshir Valley, the stronghold of Commander Massoud, and Uzbeks in Faryab province) as a pre-emptive measure to deter opposition to emerge in certain areas or where there is an increased number of security incidents attributed to the opposition or as a direct response to developments at the front-lines.<sup>171</sup> The main element of these violations is not the ethnicity or the religion, rather the actual or imputed opposition to the Taliban.

According to reports, non-Pashtun travelers, at Taliban checkpoints, can only proceed at the behest of a fellow Pashtun or on payment of bribery. As part of its policy of forced displacement, in August 1999, the Taliban systematically burned the houses and crops and destroyed the agricultural infrastructure of Tajik civilian living in areas north of Kabul. Among the Tajiks forcibly displaced were some 8,000 children, women and elderly men, reportedly separated by the Taliban from their male relatives and sent to the deserted Sarsashi camp near Jalalabad, where they were effectively held prisoners by guards. They were moved to the former Russian embassy in Kabul only after international pressure. Reportedly, some one thousand men were held prisoners by the Taliban. The displaced Tajiks families in the Panjshir valley received meager assistance from the international community until late November 1999, when the Taliban allowed the United Nations to dispatch humanitarian aid.<sup>172</sup>

According to the Special Rapporteur Afghanistan, Dr. Kamal Hossain, in May 2000, there were credible reports that Taliban forces under the command of Mullah Dadallah systematically executed ethnic Uzbek, prisoners in the Samangan province. The killings appeared to have been large-scale. Those executed were variously reported to have been prisoners of war, Hazara conscripts who refused to serve with the Taliban and young men who had been arbitrarily detained shortly before.<sup>173</sup>

At the same time, civilians suspected of collaborating with the Taliban on account of their ethnic origin were arbitrarily detained by factions opposing the movement, and severely beaten. Their family members were also subjected to ill-treatment.<sup>174</sup>

Most of the refugees fleeing to Pakistan from Taliban-controlled areas are members of ethnic minorities, mainly Tajiks from Takhar and Parvan provinces, Uzbeks and Turkomans from throughout northern Afghanistan. Some of the new arrivals are also Pashtuns, primarily from areas north of Kabul. Most of the 'old refugees' are instead Pashtuns, many of whom share the political and cultural values of the mostly Pashtun Taliban.<sup>175</sup> During his visit to Iran, the Special Rapporteur on Afghanistan met refugees waiting to be interviewed at the screening centre. He reported that most of them were Tajiks or Hazaras, mainly Shi'a, although there were also Pashtuns and

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<sup>171</sup> Human Rights Watch, *Massacres of Hazaras in Afghanistan*, 19 February 2001, p. 8

<sup>172</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000 [Internet]; and, Human Rights Watch, *World Report 2000 – Afghanistan*, 1 December 1999, [Internet]

<sup>173</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001, p. 19

<sup>174</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000, [Internet]

<sup>175</sup> U.S. Committee for Refugees, *Afghans in Crisis*, 2 February 2001

Farsi-speaking persons from Herat. They claimed to have fled because of threats to their lives and did not wish to return to a place where they feared to be persecuted or discriminated and their lives and personal security could be at risk.<sup>176</sup>

### 5.3 Religious Minorities

Hazaras form a majority of the population in the central highland region of Afghanistan known as Hazarajat. A significant minority is also present in the cities of Kabul and Mazar-i-Sharif. Most Hazaras are Imami *Shi'a* Muslims, recognizing the leadership of a succession of twelve Imams beginning with the Prophet Muhammad's son-in-law Ali. The religious identity of the Hazaras sharply distinguishes them from the *Sunni* Muslims who predominate in most other regions of the country and has contributed to their political and economic marginalization by successive governments in Kabul. The emergence of the Taliban, militant *Sunni* Muslims who tend to regard *Shi'a* as not being true Muslims, further undermined the Hazaras' position.<sup>177</sup>

Hazara civilians, particularly males, are reported to have been the targets of systematic killings over the years, as the control in the region has passed back and forth between the two rival factions. Hundreds of men, and in few instances women and children, were reportedly separated from their families and to date there has been no news of their whereabouts.<sup>178</sup> The risk of persecution for the Hazaras exists not only for their ethnic and religious background, but also for their imputed political opinion as they are suspected of supporting the Hezb-e-Wahdat party, which controlled central Afghanistan.

The Hazarajat region is more negatively affected than other areas both by the conflict and by poor social and economic conditions. Most of the region, which has been governed by various factions of the *Shi'a* party Hezb-e-Wahdat since 1989, fell to the Taliban in September 1998. Since then, non-Hazarajat Taliban forces are deployed in order to maintain tight control and to exert heavy pressure on the local population, in particular by restricting their freedom to practice their religious beliefs.

During the fighting over the control of Yakawlang area of Hazarajat in central Afghanistan, between December 2000 and January 2001, there have been numerous credible reports of widespread summary executions of Hazara civilians by the Taliban, who apparently accuse the local population of supporting and cooperating with the Hezb-e-Wahdat forces, affiliated with the Northern Alliance.<sup>179</sup> Amnesty

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<sup>176</sup> United Nations General Assembly, *Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Afghanistan*, A/55/346, 30 August 2000, p. 8

<sup>177</sup> Human Rights Watch, *Massacres of Hazaras in Afghanistan*, 19 February 2001, p. 3. The term Hazaras includes also Sayyids, who account for about five per cent of Hazarajat's population. Sayyids form a distinct caste within Hazara communities, based on their tradition of descent from the Prophet Muhammad and are regarded by some as a separate ethnic group. In Chris Johnson, *Hazarajat Baseline Study: Interim Report*, March 2000, pp. 8-10

<sup>178</sup> Amnesty International, *Summary Execution of Civilians in Yakawlang*, 23 January 2001, [Internet]

<sup>179</sup> United Nations, Press Release, *Secretary-General Very Concerned about Reports of Civilians Deliberately Targeted and Killed in Afghanistan*, SG/SM/7865, 19 January 2001

International reported that the victims, all males as young as 13 years of age, are thought to number between 100 and 300. The killings were accompanied by mass arrests. Also the Hezb-e-Wahdat fighters, while in control of the district, are reported to have treated with brutality those they considered to have collaborated with the Taliban.<sup>180</sup> Human Rights Watch specifies that, in the course of conducting search operations following the recapture of the district, the Taliban detained about 300 civilian adult males. The men were herded to assembly points and then shot by firing squad in public view. About 170 men were confirmed to have been killed.<sup>181</sup> Previously, in May 2000, massacres took place near the Robatak pass, on the border between Baghlan and Samangan provinces, in an area known as Hazara Mazari. Taliban forces, that at the time controlled the area, summarily executed a group of civilian detainees. Thirty-one bodies were found at one site, twenty-six of which were identified as civilians from Baghlan province. All were unlawfully detained for four months and some were tortured before they were killed. Other gravesites are reported to be near the pass.<sup>182</sup> The armed conflict in Yakawlang and the abuses committed in the district by the Taliban resulted in a massive internal displacement of thousand of people. Mullah Mohammad Omar denied any responsibility for the massacre, failing to hold its commander accountable. Human Rights Watch and other human rights organizations called on the United Nations and in particular the United Nations High Commissioner for Human Rights to investigate these massacres.<sup>183</sup>

As of February 2001, several enclaves within Hazarajat remained under the control of a Hezb-e-Wahdat faction led by Mullah Karim Khalili, who governs in some areas with the support of an allied *Shi'a* party, Harakat-e Islami.

## 5.4 Women

The Taliban hold the belief that the State should preserve the dignity and honour of the family and guarantee the personal security of women. A series of legislative acts (edicts) adversely affecting women reflect the combination of an ultraconservative interpretation of Islam with tribal patriarchal norms of conduct, and institutionalized gender discrimination.<sup>184</sup> The Taliban adopted repressive and discriminatory approaches towards women including restrictions on their education, employment, freedom of movement and assembly. Women who defied these policies are subjected to systematic ill treatment.<sup>185</sup> Taliban's social code and interpretation of the *Shari'a*

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<sup>180</sup> Amnesty International, *Summary Execution of Civilians in Yakawlang*, 23 January 2001, [Internet]

<sup>181</sup> Human Rights Watch, *Massacres of Hazaras in Afghanistan*, 19 February 2001, pp. 1-6

<sup>182</sup> Ibid.

<sup>183</sup> Mullah Shahzad Kandahari, was the Taliban general commander of the Khinjan front north of Kabul, in Baghlan province, during the first half of 2000. In this position he had authority over the detention facilities in Khinjan and Pul-I Khumri, where the Robatak prisoners were held, and was in command of the troops stationed in the area. It was also reported that Mullah Shahzad was in command of some of the Taliban troops in Yakawlang in January 2001. Human Rights Watch, *Massacres of Hazaras in Afghanistan*, 19 February 2001, p. 2

<sup>184</sup> United Nations Commission on the Status of Women, Follow-up to and Implementation of the Beijing Declaration and Platform for Action, *The Situation of Women and Girls in Afghanistan*, Report of the Secretary-General, E/CN.6/2001/2/Add.1, 25 January 2001

<sup>185</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000, [Internet]

created severe hardship for women. Taliban officials continued to beat women in detention centers and on the streets for dress code violations (women need to be completely covered or veiled with the so-called *burqa*) and for venturing outside the home without the company of a close male relative (*mahram*).<sup>186</sup> In fact, the Taliban continue to enforce the rural Islamic custom of *pardah* even in urban areas, where these customs had lost their hold, under which women are isolated from men who are not relatives and cannot leave home unless escorted by a close male relative.

These rules particularly affects educated women living in cities, especially in Kabul, who were used to a much more liberal way of living. It is in fact in cities that the Taliban are imposing their rules and punishing the violations with extreme cruelty. In this situation, single women, widows, women heads of household, women denied access to employment and education, and women not respecting or suspected of not respecting the social norms, are particularly at risk. Possibilities for these women to earn their livelihood and secure the necessary basis for survival are non-existent.

In early June 2000, the Taliban issued an edict banning Afghan women from working for international aid organizations except in the health sector, thus creating extreme hardship through the loss of income and female-based relief services.<sup>187</sup> The law represents a gross violation of the rights of Afghan women and narrows access to assistance community to more than 50 per cent of the population, as only women aid workers are allowed to work with female beneficiaries.<sup>188</sup> Women's groups have escalated their campaign against the Taliban. An international forum called "Women on the path of peace in Afghanistan" was held in Dushanbe, Tajikistan's capital, in late June 2000. The Afghan Women's Society also held a meeting, in the Northern Alliance-held city of Taloqan calling on countries to refrain from aiding aggression inside Afghanistan. Meanwhile, the Revolutionary Association of the Women of Afghanistan, based in Peshawar, Pakistan, has stepped up its campaign.<sup>189</sup>

Health care is also segregated; women have little or no access to health care for reasons that include lack of an accompanying male relative or unavailability of a female doctor, and often are forced to seek treatment in too poorly equipped hospitals.<sup>190</sup> Many women, who could theoretically work in the health sector, refrain from doing so as it would expose them within their communities.

In mid-August 2000, the Taliban ordered the United Nations to close all bakeries run by women in Kabul. The bakeries were specifically created by the United Nations to give an opportunity to women who had no male relatives to support them, when the

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<sup>186</sup> Human Rights Watch, *World Report 2000 – Afghanistan*, 1 December 1999, [Internet]

<sup>187</sup> EIU, *Country Report – Afghanistan*, August 2000, p.33

<sup>188</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001, p. 22

<sup>189</sup> EIU, *Country Report – Afghanistan*, August 2000, pp.33-34

<sup>190</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]



Taliban banned all women from working, in 1996. The bakeries have been selling subsidized bread to 7 thousand of the capital's poorest women.<sup>191</sup>

The Taliban continued to formally ban girls from going to school, although some privately-funded 'home schools' for girls were allowed to function and authorities ran limited primary schools for girls in Kabul.<sup>192</sup> In June 2000, Mullah Mohammad Omar issued an edict allowing access to mosque schools to young boys and girls. In Kabul, the religious police of the Ministry for the Promotion of Virtue and the Prevention of Vice keep under close control the officially sanctioned primary and secondary education for girls in mosque schools, obstructing informal home tutoring. In the countryside, where the influence of the religious police is less felt, families can set up home schooling for girls with the support of village elders and tribal leaders.<sup>193</sup>

The United Nations Commission on Human Rights over the years passed resolutions condemning human rights violations by all parties and the continuing violations of women's rights.<sup>194</sup>

In August 1999, the United Nations Sub-commission on the Promotion and Protection of Human Rights adopted a resolution condemning the Taliban for violations of the most fundamental rights of women and girls, stating that Afghan women are "deprived of the enjoyment of civic and political rights and the rights to health, employment, freedom of movement and security".<sup>195</sup>

In September 1999, after a joined visit to Kabul and Islamabad with the Special Rapporteur on Afghanistan, the United Nations Special Rapporteur on Violence against Women, Rakhika Coomaraswamy, condemned the Taliban for its "widespread systematic violation of the human rights of women". She stated that public beatings of women continued and she urged the Taliban authorities to respect international conventions on human rights and dismantle the Ministry for the Promotion of Virtue and the Prevention of Vice, which controls the religious police responsible for the beatings. She also reported instances of trafficking in women and children.<sup>196</sup>

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<sup>191</sup> United Nations General Assembly, *Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Afghanistan*, A/55/346, 30 August 2000, p. 13

<sup>192</sup> Freedom House, *Freedom in the World 1999-2000: Afghanistan*, 2000 [Internet]

<sup>193</sup> United Nations General Assembly, *Interim Report of the Special Rapporteur of the Commission on Human Rights on the Situation of Human Rights in Afghanistan*, A/55/346, 30 August 2000, p. 13

<sup>194</sup> United Nations Commission on Human Rights, Resolution on the Situation of Human Rights in Afghanistan, E/CN.4/RES/1999/9, 23 April 1999; and *ibid.*, E/CN.4/RES/2000/18, 18 April 2000

<sup>195</sup> United Nations Sub-Commission on the Promotion and Protection of Human Rights, *Resolution 1999/14 on the Situation of Women and Girls in Afghanistan*, E/CN.4/Sub.2/RES/1999/14, 25 August 1999

<sup>196</sup> United Nations Commission on Human Rights, *Report of the Special Rapporteur on Violence Against Women*, E/CN.4/2000/68/Add.4, 13 March 2000

The United Nations Security Council condemned grave violations of the human rights of women and girls, including all forms of discrimination against them, particularly in areas under control by the Taliban, and called on all parties, in particular the Taliban, to take measures to end all violations of women's rights.<sup>197</sup> The Economic and Social Council, in its resolution of 27 July 2000, expressed deep concern over the deteriorating economic and social conditions of women and girls in all areas of Afghanistan and condemned the continuing grave violations of their human rights. The Council encouraged the continuing efforts of the United Nations-assisted programmes in Afghanistan to promote the participation of women in those programmes and to ensure that women benefit equally with men from such programmes.<sup>198</sup> More recently, the United Nations Commission on the Status of Women condemned the continuing grave violations of the human rights of women and girls, including all forms of discrimination against them in all areas of Afghanistan, particularly in areas under the control of the Taliban. It also condemned the continued restrictions on women's access to health, including the restrictions on access to education and employment outside the home, on freedom of movement and on freedom from intimidation, harassment and violence, which have a serious detrimental effect on the well-being of Afghan women and the children in their care.<sup>199</sup>

On 9 July 2000, the Taliban arrested a woman, Mary MacMakin, a United States citizen and director of the organization Physiotherapy and Rehabilitation Support for Afghanistan, along with a group of Afghan women working for her, on charges of spying and trying to convert Muslims to Christianity. Under a United Nations-brokered deal the women were released and Ms. MacMakin was ordered to leave the country. The United Nations said the arrests were part of a Taliban crackdown against Afghan women working for foreign organizations.<sup>200</sup>

## 5.5 Persons Affiliated with the Former Communist Regime

Persons affiliated or associated to the former communist government in Afghanistan, through membership of the People's Democratic Party of Afghanistan (PDPA) or as a result of their functions or profession, continue to face serious risk of human rights violations by the Taliban. The degree to which these persons are at risk depend on several factors, such as the degree of identification of the person with the communist ideology and the human rights violations committed during that era, the rank or position previously held and the context in which the person operated, family and extended family links, education and stay abroad.

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<sup>197</sup> United Nations Security Council, *Statement by the President of the Security Council*, S/PRST/2000/12, 7 April 2000

<sup>198</sup> United Nations Economic and Social Council, *Resolution 2000/9*, 27 July 2000

<sup>199</sup> United Nations Commission on the Status of Women, Forty-fifth Session, *Resolution on Discrimination of Women and Girls in Afghanistan*, 17 March 2001

<sup>200</sup> Facts On File News Service, *Afghanistan: Taliban Arrests, Frees U.S. Aid Worker*, 26 July 2000

A decree issued by Mullah Mohammad Omar on 12 December 1999 ordered the identification of government employees who won awards during the Soviet occupation of Afghanistan, starting a new repression against non-Taliban educated Afghans.<sup>201</sup> Previously, on 28 May 1998, he had issued an order to look for communists and their sympathizers and ‘punish’ them, as they bear most of the responsibility for the Soviet invasion of Afghanistan and the civil war. Following the announcement there were reports of a wave of arrests and sacking of government employees who received rewards or scholarships, or were promoted during and by the communist government, and who had been educated in countries of the former Soviet Union or other socialist countries.

### **5.6 Certain Professional Profiles (i.e., Journalists, Intellectuals, Artists, Teachers)**

Persons favouring a secular democracy, openly expressing critical views about the war and the situation in the country, or advocating freedom of expression, are at risk of being subject to serious human rights violations by all parties in Afghanistan, both within the country and in refugee areas in Pakistan.<sup>202</sup> The risk is present also for any suspected opposition: a suspicion, a rumor or a behaviour might suffice to this end. A person found absent from mosques at prayer time or found trimming his beard can be thought of distancing himself from the Taliban. This applies even more to ethnic Pashtuns as they might be seen as contributing to the disunity of the movement.

The risk is higher for educated persons, in particular if educated abroad. The Taliban detained hundreds of personalities on account of their opposition to the continued war; many were tortured and more than a dozen were reportedly killed after being arrested. Several Afghan personalities, living as refugees in Pakistan, were killed by gunmen believed to be close to the Taliban.<sup>203</sup> Political killings and harassment of moderate Afghan leaders and intellectuals residing in Pakistan continued and many believe that these killings and harassment occurred at the direction of the Taliban. In 1999 a number of moderate activists relocated out of Pakistan to other countries, in part as a reaction to killings in Pakistan in 1998 and 1999.<sup>204</sup>

Given the ban on music, depiction of living objects in paintings, photography or sculpture, artists face risk of being persecuted if found or suspected not to comply. In addition, artists are deprived of their means of income. On 1 June 2000, a gunman shot and wounded Mohammad Enam Wak, an Afghan author, at his home in Peshawar, Pakistan. The shooting may have been in response to a book Mr. Wak had published examining the idea of an Afghan federation on the basis of ethnic groups.<sup>205</sup>

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<sup>201</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000, [Internet]

<sup>202</sup> Amnesty International, *Human Rights Defenders in Afghanistan: Civil Society Destroyed*, 1 November 1999, [Internet]

<sup>203</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000, [Internet]

<sup>204</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>205</sup> Ibid.

## 5.7 Other Groups

### *Children*

The situation of children is very poor. Families have been torn apart in the fighting, many children have lost parents or sibling, others have been forced to flee from their homes, either abroad or to other parts of Afghanistan. All suffered from disrupted schooling and economic hardship. The physical, emotional and mental development of generations of Afghan children has been severely affected by the ongoing conflict.<sup>206</sup> Infant mortality is 250 out of 1,000 births; Medicins Sans Frontières reports that 250,000 children per year die of malnutrition. One fourth of children die before the age of five. Approximately 45 per cent of the population is made up of children aged 14 or under. Physicians for Human Rights reported that children sometimes are denied medical care when the authorities do not allow male doctors to visit children's wards, which may be located within the women's ward of a hospital, or do not allow male doctors to see children accompanied only by their mothers. A United Nations Children's Fund (UNICEF) study also reported that the majority of children are highly traumatized and expect to die before reaching adulthood. According to the study, some 90 per cent have nightmares and suffer from acute anxiety, while 70 per cent have seen acts of violence, including the killing of parents or relatives.<sup>207</sup>

According to UNICEF, Afghanistan has some of the worst education indicators in the world, with 90 per cent of the girls and 75 per cent of the boys not attending school in Taliban-controlled areas. According to recent United Nations Educational, Scientific and Cultural Organization (UNESCO) data, as few as three per cent of the girls and 39 per cent of the boys may be receiving some form of primary education, the quality of which remains poor.<sup>208</sup>

Children from the age of six often work to help support their families by herding animals in rural areas and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices expose children to the danger of landmines.<sup>209</sup>

All parties in the Afghan conflict have been responsible for direct abuses of children's human rights. Hundreds of thousands have been killed in indiscriminate bombing and shelling of their homes, schools and playing fields. Hundreds, possibly thousands, have been subjected to deliberate and arbitrary killings and torture. Many more have been killed or maimed by landmines. Girl children, and at times boys, have suffered rape and sexual assaults. As the Taliban clamped down on political activists, children

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<sup>206</sup> Amnesty International, *Children Devastated by War: Afghanistan's Lost Generations*, 1 November 1999 [Internet]

<sup>207</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

<sup>208</sup> United Nations Commission on Human Rights, *Report on the Situation of Human Rights in Afghanistan*, E/CN.4/2001/43, February 2001, p. 4

<sup>209</sup> USDOS, *Country Report on Human Rights Practices 2000 – Afghanistan*, 26 February 2001, [Internet]

have reportedly been held hostage in place of their fathers who have escaped arrest.<sup>210</sup> The Taliban reportedly recruited Afghan children deploying them as guards at checkpoints, as patrols in the streets and as security guards in stadiums during the execution of cruel, inhuman and degrading punishments. Reportedly, there is a presence of child combatants in Taliban military rank.<sup>211</sup>

## 6. Afghan Refugees and Asylum Seekers – Global Trends

### 6.1. Afghan Refugees in Main Asylum Countries

Since the mid-1990s, government estimates of the *prima facie* Afghan refugee population in both Iran (1.4 million) and Pakistan (2 million) have remained quite stable. Nevertheless, more than 700,000 Afghan refugees repatriated from these two countries during the past four years (see box). One of the main reasons for this apparent contradiction is that, in both countries, registration does not cover the entire Afghan refugee population. Changes in the refugee population, therefore, are ill-reflected in the official population estimates in both countries.

Return of Afghan refugees from Iran and Pakistan					
From	1997	1998	1999	2000	Total
Iran	2,000	14,000	161,100	215,600	392,700
Pakistan	84,500	93,000	91,600	76,800	345,900
Total	86,500	107,000	252,700	292,400	738,600

Despite continued refugee returns, almost half a million Afghan refugees fled to neighbouring countries during the past four years, most of whom are hosted by Iran and

New arrivals ( <i>prima facie</i> ) of Afghan refugees in major asylum countries					
ASY	1997	1998	1999	2000	Total
IRN	-	-	-	259,500	259,500
PAK	12,700	-	92,700	77,600	183,000
TJK	-	-	-	10,700	10,700
TKM	2,300	-	-	-	2,300
TOT	15,000	-	92,700	347,800	455,500

Pakistan. The outflow was particularly high during 2000, when some 350,000 Afghan refugees sought asylum in these two countries (see box).

<sup>210</sup> Amnesty International, *Children Devastated by War: Afghanistan's Lost Generations*, 1 November 1999 [Internet]

<sup>211</sup> Amnesty International, *Annual Report – Afghanistan*, 1 June 2000 [Internet]

## 6.2. Resettlement and Refugee Status Application (UNHCR Offices)

Resettlement departures of Afghan refugees from 10 main UNHCR country offices					
ASY	1997	1998	1999	2000	Total
IND	494	762	677	1,138	3,071
PAK	30	209	830	1,613	2,682
IRN	8	8	240	1,072	1,328
UZB	14	3	27	110	154
AZE	-	2	1	75	78
SAU	15	-	-	54	69
ARE	-	-	8	36	44
LEB	-	-	-	43	43
MLS	-	-	21	21	42
TUR	-	-	16	11	27
TOT	561	984	1,820	4,173	7,538

UNHCR country offices in Pakistan and Iran have significantly increased (see box).

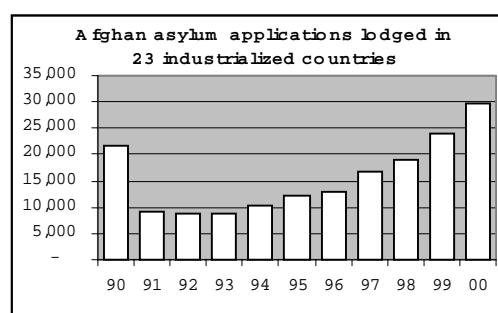
The number of Afghan nationals applying for refugee status under the UNHCR mandate has also increased rapidly in the past four years, from less than 1,000 in 1997 to over 4,300 in 2000 (see box). The recent increase in registered asylum applications in the UNHCR Baku Office (from 78 in 1999 to 902 in

Afghan refugee status applications lodged in main receiving UNHCR Offices					
ASY	1997	1998	1999	2000	Total
UZB	-	515	904	2,156	3,575
IND	630	364	360	353	1,707
TKM	8	400	930	169	1,507
AZE	45	94	78	902	1,119
SYR	-	811	53	94	958
KUW	152	51	12	137	352
INS	8	12	39	196	255
MLS	52	23	54	123	252
TUR	4	27	133	81	245
ARE	12	31	-	93	136
MDA	-	47	28	14	89
THA	13	14	13	27	67
TOT	924	2,389	2,604	4,345	10,262

2000) is particularly noteworthy. During 2000, a total of 4,420 Afghan asylum applications was received by 28 UNHCR Offices. These Offices decided on some 3,340 Afghan applications during 2000, 1,530 of which resulted in refugee status, 906 cases were rejected, whereas 900 cases were closed for other reasons. Excluding the “otherwise closed” cases, the refugee recognition rate for Afghan asylum-seekers under the UNHCR mandate during 2000 amounted thus to some 63 per cent. The number of Afghan refugee status applications pending in UNHCR Offices increased from 1,432 on 1 January 2000 to 2,515 by the end of the year, an increase of 76 per cent.

## 6.3. Asylum Applications Submitted in Industrialized Countries

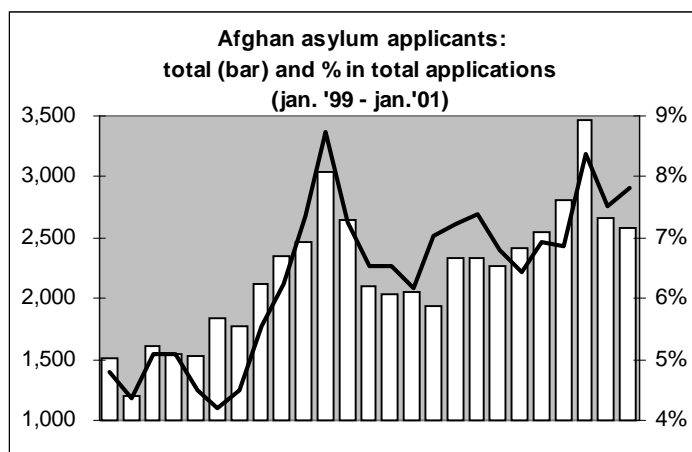
During the period 1990-2000, some 170,000 Afghan asylum applications were received in the 23 industrialized countries. Apart from the early 1990s, the annual number of applications has risen continually, from less than 10,000 in 1991 to 1993 almost 30,000 applications in 2000. During 1990-2000, the largest number of Afghan asylum applications was received by Germany (38%), followed by the Netherlands (19%) and Denmark (10%).



During 2000, the distribution of Afghan applications was quite different with Germany, the Netherlands and UK (cases only) receiving each some 18 per cent of all Afghan applications, followed by Austria (14%).

#### ***6.4. Monthly Asylum Applications in Industrialized Countries, 1999-2001***

The number of asylum applications lodged by Afghan nationals in 24 European countries has risen from around 1,500 during early 1999 to more than 2,500 since September 2000. The share of Afghan applications in the total number of applications lodged has increased from less than five per cent in



early '99 to around eight per cent since November 2000 (see box). As indicated above, Germany, the Netherlands, the UK and, more recently, Austria, are currently the main recipient countries of Afghan asylum-seekers (Annex I).

#### ***6.5. Refugee Status Determination Under Government Procedures***

During 2000, almost 38,000 Afghan asylum applications were registered in the 25 industrialized countries listed in Annex II. In these countries, some 25,900 refugee status decisions were made on Afghan asylum applications, 4,840 of which resulted in refugee status, some 4,510 resulted in some form of humanitarian status, 9,370 applications were rejected whereas almost 7,200 applications were closed for various, non-substantive reasons. Excluding the "Otherwise closed" cases, the Convention recognition rate for Afghan asylum-seekers in these countries amounted thus to some 26 per cent, whereas the total recognition rate (incl. humanitarian status) reached 50 per cent during 2000 (see Annex II). The Convention recognition rate was relatively low in Finland (2%), Germany (1%), Italy (9%), Norway (3%) and Sweden (5%) and relatively high in Australia (93%), Canada (93%), Denmark (81%, first instance) and the United States (over 80%).

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## Annexes

### Annex I

Monthly asylum applications lodged in Europe, North America and Australia, Jan. 1999 - Feb. 2001																										
asy	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.	Mar.	Apr.	May	Jun.	Jul.	Aug.	Sep.	Oct.	Nov.	Dec.	Jan.	Feb.
AUS	62	41	100	108	122	219	159	201	186	225	423	363	294	385	146	232	365	479	379	297	427	381	433	387	725	-
BEL	9	13	20	20	17	15	30	43	42	68	63	61	31	36	47	62	84	86	101	103	67	69	93	82	61	32
BUL	35	15	8	4	22	22	6	23	12	21	58	51	54	50	37	5	18	14	27	34	95	138	137	66	61	-
CZE	154	105	191	106	226	179	219	111	239	219	301	262	172	101	73	91	131	159	67	32	30	84	127	50	-	-
DEN	25	10	21	45	23	89	66	19	44	35	115	41	82	52	277	56	91	99	128	133	67	93	186	64	-	-
FIN	3	2	3	1	-	3	-	-	3	1	8	-	-	-	1	1	2	2	5	3	13	3	1	-	-	-
FRA	15	14	15	6	7	11	15	18	9	17	19	17	15	22	22	11	27	21	26	23	16	27	10	20	17	21
GFR	327	337	448	382	262	301	321	379	365	437	525	416	365	332	426	253	406	373	350	461	513	645	763	512	442	352
GRE	12	9	-	2	27	-	4	1	35	14	12	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
HUN	140	44	119	185	133	184	168	316	285	192	251	221	159	109	190	273	213	167	164	134	208	172	225	171	183	186
IRE	1	-	-	-	1	-	-	5	1	5	-	-	2	-	1	1	-	-	-	1	1	-	-	-	-	-
LUX	1	2	-	-	-	-	-	-	-	-	3	-	-	-	-	-	-	-	7	-	7	-	-	-	-	-
NET	349	231	256	249	262	258	320	377	390	505	609	594	391	352	334	348	390	404	440	561	412	417	526	480	342	249
NOR	5	4	2	18	15	12	15	13	12	23	27	26	9	6	9	6	19	44	43	47	30	38	40	35	25	25
POL	32	38	23	33	14	32	30	70	81	87	54	57	7	20	-	6	32	27	15	9	21	38	72	41	4	-
POR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	1	-	-	-	-	-	3	-	-	-
ROM	1	11	12	10	19	11	2	33	52	63	38	40	34	58	26	1	11	8	22	3	7	15	57	40	58	-
SVK	13	3	45	10	36	74	29	36	160	133	63	41	79	23	46	111	49	36	33	11	37	55	111	33	53	81
SVN	-	-	-	-	-	-	-	-	-	-	3	1	5	6	-	1	6	12	3	10	26	34	63	81	21	-
SPA	3	1	1	5	2	-	1	1	5	3	6	-	17	-	-	4	-	-	1	1	5	6	1	2	2	-
SWE	25	28	30	21	33	26	17	27	30	26	48	40	25	20	21	40	42	12	32	40	30	28	25	59	30	40
SWI	16	33	25	43	8	26	43	23	37	36	41	41	45	18	27	9	42	27	47	30	40	36	66	53	39	58
GBR	275	255	285	295	295	370	330	415	355	355	375	380	315	450	365	425	405	365	380	475	495	535	520	490	510	615
CAN	-	-	-	-	-	-	-	-	-	-	-	-	43	43	43	36	36	36	38	38	38	47	47	47	491	-
USA	-	-	-	-	-	-	-	-	-	-	-	-	23	20	10	19	20	15	11	-	22	17	29	17	203	17
AUL	-	-	-	-	-	-	-	-	-	-	-	-	142	239	8	73	192	115	88	33	115	33	47	241	604	57
TOT	1,503	1,196	1,604	1,543	1,524	1,832	1,775	2,111	2,343	2,465	3,042	2,652	2,309	2,342	2,109	2,064	2,582	2,501	2,407	2,479	2,722	2,911	3,582	2,971	3,871	1,733
EUR	1,503	1,196	1,604	1,543	1,524	1,832	1,775	2,111	2,343	2,465	3,042	2,652	2,101	2,040	2,048	1,936	2,334	2,335	2,270	2,408	2,547	2,814	3,459	2,666	2,573	1,659
EU15	1,107	943	1,179	1,134	1,051	1,292	1,263	1,486	1,465	1,691	2,206	1,912	1,537	1,649	1,640	1,433	1,813	1,841	1,849	2,098	2,053	2,204	2,561	2,096	2,129	1,309

## Annex II

Asylum applications, refugee status determination and pending cases concerning Afghan asylum-seekers in Government procedures, 2000														
Asylum country	L*	Pending 01-Jan	Applied since 1 Jan.	Decisions since 1 January					Pending 31-Dec	Calculations				% change pend. cases
		Recog- nized		Other (hum.)	Rejected	Otherw. closed	Total	Refugee recognition rates						
								Incl. o/w. cl.		Excl. o/w. cl.				
		Total								Ref. status	Total	Ref. status	Total	
AUL	FI	-	1,326	1,329	-	94	8	1,431	340	92.9	92.9	93.4	93.4	
AUS		-	4,205	295	-	217	-	512	-	57.6	57.6	57.6	57.6	..
BEL	AR	-	-	2	-	15	-	17	-	11.8	11.8	11.8	11.8	..
BEL	FI	-	861	46	-	22	-	68	-	67.6	67.6	67.6	67.6	..
CAN	N/FI	311	488	436	-	31	23	490	308	89.0	89.0	93.4	93.4	-1.0
CZE	AR	482	1,210	22	-	129	1,146	1,297	395	1.7	1.7	14.6	14.6	-18.0
DEN	N/AR	-	-	35	56	61	-	152	-	23.0	59.9	23.0	59.9	..
DEN	N/FI	-	1,328	878	92	119	-	1,089	-	80.6	89.1	80.6	89.1	..
FIN	N/FI	-	31	1	44	-	2	47	-	2.1	95.7	2.2	100.0	..
FRA		-	240	-	-	-	-	-	-	..	..	..	..	..
GBR	N/FI	-	5,235	-	-	-	-	-	-	..	..	..	..	..
GFR	N	1,229	5,380	-	-	-	-	-	-	..	..	..	..	-100.0
GFR	R	-	5,756	-	-	-	-	-	-	..	..	..	..	..
GFR	R/AR	-	-	31	752	2,467	197	3,447	9,229	0.9	22.7	1.0	24.1	..
GRE	N/AR	-	446	69	1	89	-	159	363	43.4	44.0	43.4	44.0	..
HUN	N/JR	553	2,185	82	176	389	1,643	2,290	448	3.6	11.3	12.7	39.9	-19.0
IRE	N/FI	-	6	7	-	3	-	10	-	70.0	70.0	70.0	70.0	..
ITA		-	-	30	-	321	-	351	-	8.5	8.5	8.5	8.5	..
NET	AR	-	-	482	254	2,791	637	4,164	4,842	11.6	17.7	13.7	20.9	..
NET	FI	-	5,055	324	2,345	205	2,340	5,214	4,113	6.2	51.2	11.3	92.9	..
NET	JR	-	-	-	-	-	-	-	1,976	..	..	..	..	..
NOR	N/AR	-	-	-	-	57	-	57	-	-	-	-	-	..
NOR	N/FI	-	326	16	104	519	-	639	-	2.5	18.8	2.5	18.8	..
POL	N/AR	-	-	-	-	2	-	2	-	-	-	-	-	..
POL	N/FI	-	299	-	-	8	392	400	-	-	-	-	-	..
POR		-	4	-	-	-	-	-	-	..	..	..	..	..
ROM	R/FI	10	282	27	35	191	-	253	-	10.7	24.5	10.7	24.5	-100.0
RUS	N	1,009	1,088	160	-	1,317	-	1,477	620	10.8	10.8	10.8	10.8	-38.6
SVK	N/FI	90	624	5	-	28	559	592	122	0.8	0.8	15.2	15.2	35.6
SVN		4	247	-	-	2	11	13	238	-	-	-	-	5,850.0
SWE	N/FI	-	374	33	563	78	13	687	-	4.8	86.8	4.9	88.4	..
SWE	N/AR	-	-	-	44	124	1	169	-	-	26.0	-	26.2	..
SWI	N/FI	468	433	201	46	53	52	352	621	57.1	70.2	67.0	82.3	32.7
USA	EOIR	196	225	151	-	31	68	250	171	60.4	60.4	83.0	83.0	-12.8
USA	INS	193	218	182	-	2	89	273	150	66.7	66.7	98.9	98.9	-22.3
Total		4,545	37,872	4,844	4,512	9,365	7,181	25,902	23,936	18.7	36.1	25.9	50.0	426.6
Source: Governments														
All data are provisional and subject to change.				*(L)evel					*(L)evel					
				N	New applications				FA	AR + FI				
				R	Re-opened applications				FJ	FI + JR				
				FI	First Instance				INS	US Immigration and Naturalization Service				
				AR	Include admin review/appeal				EOIR	US Executive Office for Immigration Review				
				JR	Include judicial review/appeal				Backlog	UK only				

### Annex III: Map of Afghanistan