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**Finnish Fact-Finding Mission**

# Afghanistan

**Report from a fact-finding mission to Afghanistan  
5 – 19 September 2006**

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### APPENDIX 1.

# 1. Introduction

Between 5 and 19 September 2006 the Finnish Directorate of Immigration, Country Information Unit carried out a fact-finding mission (FFM) to Afghanistan with the aim of collecting updated information regarding following questions:

- The situation of “vulnerable groups”.
- The situation in Central Highlands and especially Ghazni Province.
- The situation regarding personal documents.
- The situation regarding the return of asylum applicants whose applications have been rejected.

The Finnish Directorate of Immigration stated as its priority area the Central Highlands with a specific interest on Jaghuri district (Ghazni) due to the fact, that the majority of Afghan asylum seekers in Finland are young ethnic Hazara men from Jaghuri District of Ghazni Province. Special attention was therefore given on the security situation in Jaghuri, illegal commanders in Jaghuri, and other issues that could explain the reason for immigration to Finland.

Besides this, a key task for the FFM was to get up to date information on the overall human rights situation, specifically that of “vulnerable groups”, and the performance of the judicial system and the possible regional differences in these. Additionally, the FFM had the task to find out the situation regarding personal documents and the situation regarding the return of asylum applicants whose applications have been rejected.

The delegation consisted of one researcher, a local translator and a local driver. The delegation held meetings in the capital Kabul, Mazar-i Sharif, Kunduz, and Bamyán. Additionally, first-hand information of the situation in Faryab province is included into this report, since the researcher worked for six months in the province during February-August 2006.

Meetings were held with some relevant authorities. However, the main focus was on national/international NGO's and individuals involved in human rights issues.

Due to the wish of the majority of the persons/organisations interviewed to be quoted anonymously, reference is made intentionally in a way that avoids naming the source in question. Location and date of the interview is, however, included. Those persons interviewed who did not have objections to be quoted, are named and they are included into the reference list. The requests for anonymity were presented on various grounds but mainly due to the desire not to damage working conditions with the local population and the authorities, and to avoid being branded as “spies” for western countries.

The criteria for selecting the interviewed sources included, how representative they were, their competence and knowledge in the relation to the issues examined, and the time available to the small delegation. As far as possible, an attempt was made to verify factual information from sources by the use of other available sources. The sources' assessments and views on particular issues are reproduced faithfully in this report.

The delegation was well received in Afghanistan.

A trusted local interpreter was used. The Finnish FFM was only possible due to his engagement and professionalism. Due to his current nature of employment, also he stays anonym.

However, this report is dedicated to him and his family; may their dream of a house in Kabul with a glass tower come true.

## 2. Vulnerable groups

### 2.1. Women

#### Overview

During and after the Finnish FFM, the situation of Afghan women made headlines. The NGO Womankind Worldwide published a documentary regarding the situation of women in Afghanistan. According to the report<sup>1</sup>, millions of Afghan women and girls continue to face systematic discrimination and violence in their households and communities, although there have been some legal, civil, political, and constitutional gains.<sup>2</sup> Domestic violence remains widespread. The most urgent challenges are safety and the realisation of civil and political rights. Additionally, according to the NGO, there has been a dramatic rise in cases of self-immolation by Afghan women since 2003. The NGO speculates that these are the result of forced marriages, thought to account for about 60-80% of all Afghan marriages. Approximately 57% of girls are married before the legal marriage age of 16. Additionally, according to Womankind Worldwide, Afghan authorities rarely investigate women's complaints of violent attacks.<sup>3</sup>

Additionally, the NGO Medical Mondiale commented in a BBC article, that "young girls are killing themselves from frustration and because they feel that there is no way out for them". Cases of self-immolation in the capital have doubled since the year 2005. In Kabul alone, some 36 cases of self-immolation have been recorded."<sup>4</sup>

#### Human rights situation in general

According to the director of an Afghan NGO running women's shelters, the reason for domestic abuses and the culture of domestic violence lies in the core values of the society, which do not recognize equal human rights for both sexes. The tradition of domestic abuse, forced marriages and underage marriages are just symptoms of the problem.<sup>5</sup>

According to an Afghan organisation active in the field of human rights, in Faryab, human rights violations inside Afghan families are a daily occurrence, a result of three decades of war, and an old tradition. The husband virtually owns his wife and children and can do with them as he pleases. Men are seen as the guardians of their families. In the current set of traditions and norms, a man and his rights are protected. The tradition is exploitative of women and children. Domestic violence is surrounded by silence: women are not aware of their rights and do not inform authorities about their ill-treatment. The fear of condemnation from the surrounding society and the fear of state authorities' corruption also prevent women from demanding their rights.<sup>6</sup>

The situation of women is closely linked with the overall security situation. Without security the role of traditional authorities, be it religious or former mujahideen commanders, will increase and that will harm women's rights. After the fall of the Taliban, there has been only a marginal change for better for Afghan women. The overall security situation is a good indicator for assessing the situation of women in a

<sup>1</sup> Womankind Worldwide: "Taking Stock Update: Afghan Women and Girls Five Years On", October 2006.

<http://www.womankind.org.uk>

<sup>2</sup> Womankind Worldwide: "Taking Stock Update: Afghan Women and Girls Five Years On", pages 6-7:2006.

<sup>3</sup> Womankind Worldwide: "Taking Stock Update: Afghan Women and Girls Five Years On", page 7:2006

<sup>4</sup> BBC News, "Afghan women seek death by fire" 15.11.06.

<sup>5</sup> Interview, Director of an Afghan NGO, Kabul 17.9.06

<sup>6</sup> Interview, official of an Afghan NGO, Meymaneh, 27.2.06, 24.4.06, 24.7.06.

particular area.<sup>7</sup> This view is shared by the Human Rights and Gender Adviser of the Office of the Special Representative of the European Union for Afghanistan, Sari Kouvo, according to whom a pressing security situation will override women's affairs and domestic issues.<sup>8</sup>

According to a gender official working for an Afghan organisation, after three decades of war, the situation of women is worst in rural areas. In the Bamyan countryside, there are several problems regarding women's rights. These include forced marriages, early pregnancies, domestic violence and women's bad working conditions. According to him, one reason for the situation is the remoteness of many areas in Bamyan. Due to the mountainous terrain, "Radio Bamyan" is received only within a nine-kilometre radius. Due to this, there is a genuine lack of information about women's rights and of human rights in general. According to him, there is a surprising direct link between media coverage of a particular area and human rights violations reported: if the area has radio coverage, people are more aware of their rights and consequently complain about violations.<sup>9</sup>

According to Ms Kouvo, the situation for women has changed since the US intervention in 2001: in Kabul there is considerable freedom for women to participate in public life, be educated and move unescorted. A significant improvement for the participation of women in public life has been the fact that in the parliament 25% of the seats are reserved for women.

However, for less educated women the changes have been marginal. The deteriorating security situation has also influenced the life of women: their freedom of movement is limited and girls are not able to attend school. There are differences between the situation of women in rural and urban areas, between the ethnicities and social groups. This makes categorical statements impossible. Also, a regional division is impossible, since although the northern parts of the country tend to be more liberal, they also include conservative pockets.<sup>10</sup>

## **Marriage**

According to an official of the Ministry of Women's Affairs, the modern western understanding of marriage is not valid in Afghanistan: marriage has more to do with power and economic interests than with love. Historically, gender roles and women's status have been tied to property relations. In Afghanistan property includes livestock, land, and houses or tents. Women and children tend to be assimilated into the concept of property and to belong to a male.<sup>11</sup>

According to an official of the Ministry of Women's Affairs, in the Afghan civil law it is clearly stated, that the minimum marriage age for girls is 16<sup>12</sup> and for boys 18 years. Theoretically a young couple can get married without the consensus of their parents, but if they want to register their marriage in a court, the court will check from the parents whether the couple has their approval for the marriage. If the court suspects that sexual intercourse has taken place before marriage, this can lead to prosecution.<sup>13</sup>

According to an Afghan Women's organisation, forced marriages and marriages of minors are currently the biggest problems facing women all over the country, regardless of region, religion, and ethnicity. Traditional customs still dictate how marriage is seen by the society. This has not changed during the five years of freedom from Taliban rule. According to a member of this organisation, women faced difficulties

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<sup>7</sup> Interview, Director of an Afghan NGO, Kabul 17.9.06.

<sup>8</sup> Interview, Rights and Gender Adviser of the Office of the Special Representative of the European Union for Afghanistan, Sari Kouvo, Kabul, 6.9.06.

<sup>9</sup> Interview, gender officer, Afghan organisation, Bamyan, 13.9.06

<sup>10</sup> Interview, Rights and Gender Adviser of the Office of the Special Representative of the European Union for Afghanistan, Sari Kouvo, Kabul, 6.9.06.

<sup>11</sup> Interview, Ministry of Women's Affairs official, Kabul, 29.7.06.

<sup>12</sup> Conflicting age limits were mentioned, most commonly 15 or 16 years respectively.

<sup>13</sup> Interview, Ministry of Women's Affairs official, Kabul, 29.7.06.

already long before the Taliban came to power. So, it would be too optimistic to think, that the current traditions would change as fast as politics.<sup>14</sup>

According to an official working for a Afghan organisation active in human rights issues in Faryab, arranged marriages are almost the norm, especially in the countryside. In Faryab, it is not uncommon, that men want to marry girls much younger (even 10-12 year olds) than they themselves are. There is also nothing strange in that for example an 18-year old girl is married to a 12-year old boy. There are usually very strong symbolic and economic sub-interests behind marriages. Economic interests can prevent and postpone the marriage of a woman. As an example the official mentioned the border city of Andkhoy, which is famous for its carpet-industry, where parents arrange the marriages of their daughters only when they are already 35-40 -years old, because they earn more money through their daughters as cheap labour force than through marriages. When the daughters are then arranged to marriages, it is common that the new husband is more interested in the woman as labour force than as mothers.<sup>15</sup>

It is common to settle debts with arranged marriages.<sup>16</sup>

According to members of a regional office for a Afghan organisation active in the field of human rights in Mazar-I Sharif, as a difference to southern and eastern parts of Afghanistan, in the northern parts of Afghanistan it is not so common to settle blood feuds by giving brides as compensation. But, as in Faryab, arranged marriages are the norm. It was, however, mentioned, that in the north boys have to some degree influence on who are considered as possible brides.<sup>17</sup> However, the regional office of the same organisation in Kunduz could give an example from their region of blood feuds that had been settled by giving brides as compensation.<sup>18</sup> Also in Bamyan it was stated, that in Hazarajat it is not uncommon that women are used in settling debts and animosities. However, it was also stated that the situation of women tends to be better in the Hazarajat region than in other parts of the country, and that a woman could be represented for example in a village shura.<sup>19</sup>

In Kunduz, the FFM mission was informed of a case that brings together several interesting aspects of the current human rights and women's rights situation. According to the Afghan organisation active in the field of human rights, an 11-year old girl was kidnapped by a local commander named Mullah Nazar, the district governor of Ali Abad district. Mullah Nazar is a famous commander connected to the Jamiat-i Islami -party. According to the mother of the girl, the girl was kidnapped by this commander, who in turn gave the girl as a bride to his sub-commander. The girl was promised to the sub-commander when the girl was six months old. According to the Afghan human rights organisation the commanders involved were protected by the Kunduz province governor Engineer Omar. According to a human rights official, the case highlights the following facts. Firstly, the girl's human rights were violated already when she was baby. Secondly, although the situation in Kunduz is stable, the Commanders are still powerful and protected by the local authorities, if these are not directly, like in this case, part of the establishment. The reason for this collusion between government authorities and former commanders is, ironically, a way to keep the overall situation stable.<sup>20</sup>

### **Mixed Marriages**

According to an official with the Ministry of Women's Affairs, there are no barriers or obstacles to mixed marriages. The official noted, that during the civil war, when Pashtos and Hazaras and other ethnicities were fighting each other, persons from mixed marriages were in some regions persecuted. Nowadays,

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<sup>14</sup> Interview, member of a Afghan women's organization, Kabul, 19.7.06.

<sup>15</sup> Interview, official with an Afghan human rights organisation , Meymaneh, 27.2.06, 24.4.06, 24.7.06.

<sup>16</sup> Interviews in Faryab, Mazar-i Sharif, Kunduz, Bamyan, Kabul.

<sup>17</sup> Interview, official with an Afghan human rights organisation, Mazar-i Sharif, 9.9.06.

<sup>18</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.06.

<sup>19</sup> Interview, official with the Ministry of Women's Affairs, Bamyan, 12.9.06

<sup>20</sup> Interview, official with an Afghan human rights organisation, Kunduz 10.9.06.

however, there are more mixed marriages. Yet, in some areas it is possible that Taliban minded Mullahs would resist mixed marriages between Shia's and Sunni's.<sup>21</sup>

Ethnically mixed marriages are not uncommon between Uzbeks, Tajiks and Turkmens. An ethnically mixed marriage is more common in urban areas than in the countryside. However, the official with the Ministry of Women's Affairs noted that local conditions and relations between the ethnicities have a great impact on the amount of mixed marriages. Mixed marriages between Pashto and non-Pashto persons are outside of Kabul quite uncommon in contrary to Kabul itself.<sup>22</sup>

In Faryab it was stated, that interestingly a women when married to another ethnicity, will adopt the ethnicity of her husband. As an example of mixed marriages it was stated that General Dostum is from his ethnicity an Uzbek – Turken and his rival, Malik Pahlawan an Uzbek-Pashtoo.

### **Divorce**

Marriage is commonly sealed by the village mullah, who also has the right to grant a divorce. Usually there are no written marriage documents, which fact makes witnesses very important. Nowadays it's very common to make a wedding film, which is, at least in Faryab, Mazar-i Sharif and Bamyān also recognized by the authorities as sufficient proof that a wedding has taken place in reality.

An official with the Ministry of Women's Affairs in Kabul stated that divorce for women is possible, but harder to get than for a man, who only needs to repeat three times "I divorce you". According to the law, there are circumstances, when a woman is allowed to divorce her husband. These are: the mental illness of the husband or another form of untreatable sickness, the husband's inability to provide for the family, the husband's impotency and the long absence of the husband from his wife.<sup>23</sup>

An engagement will automatically be broken off, if the couple is not married in four years from the date of engagement.<sup>24</sup>

According to a women's organization involved with the monitoring and developing of women's participation in the judiciary process, divorce is not common in Afghanistan, but there is a steady increase in women trying to flee from unhappy marriages and seek divorce. Women are increasingly aware that they also have rights. At the same time, the larger society thinks that it is somehow shameful and a disgrace for the whole family if a woman wants a divorce. The judges are not above these attitudes. Women who want to get divorced are facing heavy pressure from the society, which unfortunately can also take the form of a "honour killing". In many areas of Afghanistan, especially in the South and East, the authorities would most likely not make efforts to bring the murderer to justice.<sup>25</sup>

FFM heard of successful divorce cases in Faryab, where for example a woman was granted a divorce after the couple could not get children during 17 years of marriage. In another case, a woman was granted divorce after her husband was missing for 25 years. The Faryab court has also granted divorces in cases where the father or mother has resisted marriages of their daughters. The same court however stated differently in another case, where a mother of two small children escaped from her opium-addicted husband, who had threatened to kill his whole family. The mother was supported by her brother and mother, since the father of the woman was already dead. The village shura had intervened on several occasions and warned the husband without any effect. The mother wanted to divorce her abusive husband and take custody of her children. The provincial judiciary declined to take up the case and stated that the

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<sup>21</sup> Interview, official with the Ministry of Women's Affairs, Kabul, 29.7.06

<sup>22</sup> Interview, official with the Ministry of Women's Affairs, Kabul, 29.7.06

<sup>23</sup> Interview, official with the Ministry of Women's Affairs, Kabul, 29.7.06.

<sup>24</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06,24.4.06, 24.7.06.

<sup>25</sup> Interview, Afghan women's organisation, Kabul, 7.9.06.

couple should solve the issue by themselves. According to the local AIHRC, the above mentioned cases just highlight, that the court rulings are very difficult to predict.<sup>26</sup>

The regional office of an Afghan organisation working in the field of Human rights in Mazar-i Sharif stated that especially young girls all over the country are fleeing arranged, unhappy marriages. The reason for these arranged underage marriages is besides tradition the pure lack of information of children's and women's rights. There is a distinct difference between urban and rural areas: there are less problems in provincial centres and cities than in the countryside. However, forced marriages are common in Balkh, Sar-i Pul and Samangan, with the exception of Jowzjan, where forced marriages are a big problem.<sup>27</sup>

According to a representative of an Afghan NGO working with women's human rights, a woman in Mazar-i Sharif, if the woman is unable to live with her husband, the law gives the woman the right for separation, but the woman and her family have to pay compensation for it. The NGO sees in this an adopted policy of the judiciary to uphold tradition against the modernization of the society: In the view of judges, normal Afghans are so uneducated, that if women now hear of "human rights", they are going to sue for divorce just because their husbands have spoken harshly or slapped them. The reasoning goes, that if the courts would take an active role in defence of women's rights and grant divorces, the traditional family bonds would start to dissolve. So, in an effort to uphold these traditional bonds courts protect men's interests and hope for traditional mechanisms to take care of the issue.<sup>28</sup>

As an example, the NGO mentioned the district of Andarab in Baghlan province, where some Commanders had married up to four times: in these families there was no internal harmony and additionally some of the commanders stayed long periods outside the country. The commanders' wives have increasingly complained about their situation. The courts however have not granted these women divorce, but separation, stating that the parties should settle the issue by themselves.<sup>29</sup>

In Baghlan province, in the Tala-wa-Barfag district which is divided between Tajiks (around 30% of population) and Ismaili Hazaras (70% population) traditional mechanisms are still strong. A man who beat up his wife after a family dispute was summoned to represent himself in front of the shura. After the shura had heard his version of what had happened, he was given a serious warning.

In the same district in another case a woman, whose husband had been missing for 10 years, was granted divorce. The woman remarried. However, her first husband returned to his village soon after the woman had re-married. The woman ran away from her second husband. This was a grave violation of the rights of the second husband. Before violence could break out, the local court summoned the two men and the woman to present their cases. Sexual intercourse had not taken place with the first husband. The court decided, that the divorce decision was valid and that the woman had now to stay with her second husband.<sup>30</sup>

### **Access to justice**

It was stated by several interviewed persons, that while women are usually punished by customs and traditional mechanisms, men are more often prosecuted by law. The judiciary is, however, easily influenced by religious argumentations and customs.<sup>31</sup> It was also stated by an official with the Ministry of Women's Affairs, that although all the governmental authorities are in place, the courts are still weak. Tradition is still stronger than institutions, although the most restrictive practices are fading away. Still,

<sup>26</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06,24.4.06, 24.7.06.

<sup>27</sup> Interview, official with an Afghan human rights organisation, Mazar-i Sharif 9.9.06

<sup>28</sup> Interview, representative of an Afghan NGO, Mazar-i Sharif 9.9.06

<sup>29</sup> Interview, representative of an Afghan NGO, Mazar-i Sharif 9.9.06

<sup>30</sup> Interview, representative of an Afghan NGO, Mazar-i Sharif 9.9.06

<sup>31</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06,24.4.06, 24.7.06

the awareness of women's rights is only slowly increasing among women: previously women were not even aware of their rights under the sharia law.<sup>32</sup>

In Bamyan, an official with an International organisation stated that on the regional level judiciary is not paying enough attention on human rights issues, particularly on women's and children's rights. For example in Bamyan there was case, where a woman who wanted a divorce was prevented from filing her divorce papers by the Writing department<sup>33</sup>. Additionally she was threatened and accused of "immorality". This case was, according to the same official, by no means a single case. Women's rights are also sidelined by the police and the judiciary by their wish to "arbitrate instead of investigating" in issues seen as domestic. The population does not trust the judicial system due to abuses of power and corruption.<sup>34</sup>

The authorities have an obligation to intervene in domestic violence, investigate and refer the case to the prosecutor's office. In most domestic violence cases in Faryab the cases are not prosecuted due to corruption and the incompetence of prosecutors and judges. The majority of members of the judiciary are still religiously trained and lack understanding of the Afghan law. Additionally, it is not uncommon that reaching a verdict will take from 1-1.5 years.<sup>35</sup>

There have been cases, where a couple has been sentenced for premarital intercourse to jail for six months. Having served their sentences the couple has been free to marry. In another part of Afghanistan the law could have been implemented more harshly, which, according to the office of an Afghan human rights organisation in Mazar-i Sharif, shows the sometimes great differences, in the implementation of the same law.<sup>36</sup>

If a woman runs away from his family, this is seen in the northern regions as an act of crime. However, if the woman has run away out of desperation due to severe physic violence, authorities can protect her. Yet, due to the lack of women's safe houses usually the only option is protective custody by the police. If the case is not too severe, usually the police will try to negotiate the woman's return to her husband. If the case however is very severe, it is likely the police will investigate. In these kinds of cases it would be likely that the court would grant divorce for the woman.<sup>37</sup>

According to the Human Rights and Gender Adviser of the Office of the Special Representative of the European Union for Afghanistan, Sari Kouvo, bringing a case into the judiciary system is usually a small gamble. Corruption is a huge problem. The most educated judges are leaving the country or move to Kabul. On the district level the judiciary are badly trained and lack motivation. In many cases, the judges have a religious background, while the prosecutors tend to have a local political one.<sup>38</sup>

In one case, a girl had been engaged to a man by her family. However, she fell in love with another man, and escaped her husband-to-be to her lover. The local district police chief arrested the lover and accused him of kidnapping and rape. The lover was jailed. The prosecutor and the district police chief were bribed by the family of the girl's husband-to-be. The prosecutor and district police chief forged documents, including a false confession by the boyfriend. The Kunduz office of an Afghan organisation for human rights got involved. They managed to prevent the forced marriage from happening and got the girl to a medical examination. The examination proved that the girl had not been violated. Due to the

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<sup>32</sup> Interview, Afghan women's organisation, Kabul, 7.9.06

<sup>33</sup> responsible for writing and filing the applications for the court, since illiteracy is widespread.

<sup>34</sup> Interview, official with an international organisation, Bamyan 13.9.06.

<sup>35</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06, 24.4.06, 24.7.06.

<sup>36</sup> Interview, official with an Afghan human rights organisation, Mazar-i Sharif 9.9.06

<sup>37</sup> Interview, official with an Afghan human rights organisation, Mazar-i Sharif 9.9.06

<sup>38</sup> Interview, Rights and Gender Adviser of the Office of the Special Representative of the European Union for Afghanistan, Sari Kouvo, Kabul, 6.9.06.

changed situation, the provincial prosecutor took the case and nullified the engagement. However, the final verdict against the boyfriend has been delayed, since the provincial court has taken a stance according to which the issue is about a cultural conflict between law and culture.<sup>39</sup>

In another case from Bamyan, a girl ran away from her home because she had been forcefully married to a much younger boy. The girl escaped together with her boyfriend. The parents of the girl wanted to kill the girl and her boyfriend. The local office of an international organisation tried to talk to the parents, but they accused the organisation's Afghan workers of being bad Muslims. The community elders negotiated a settlement, and the family of the girl's boyfriend paid an compensation to the girl's family. However, the father and uncle of the girl are threatening to kill the girl. The ANP has warned the father and uncle that they will intervene if necessary.<sup>40</sup>

### **Weak support network**

In Kunduz there are no women's shelters, but the local Ministry for Women's Affairs has been active in developing provisional shelters and other protective arrangements for "women at risk". However, financial strains have hampered the activity of the department. The head of the department, Fahima Kakar, complained about the weak support she gets from Kabul.<sup>41</sup> The Ministry of women's Affairs has its own lawyers who are providing legal services for women. Especially in the last 6 months, there have been many cases from Takhar and Badakhshan. In comparison, Kunduz is quite peaceful, although domestic violence does not look at district or provincial borders.<sup>42</sup>

In the Hazarajat area the support structure for women and children is very poor. The Bamyan Women's Affairs Department also lacks financial support and its plans for a women's shelter have not materialized. If a woman is at risk, she is currently put into an orphanage for the time being and later sent to Kabul.<sup>43</sup> Both Bamyan and Kunduz offices complained that due to understaffing, the ability of the departments to help women is hampered.<sup>44</sup>

According to the Director of an Afghan NGO that runs a shelter for 20 women at risk, domestic violence is rampant. The NGO cooperates with UNHCR and the Ministry of Women's Affairs, which introduces women at risk to the NGO. Women's shelters have to work almost in secrecy, because they would be otherwise targeted, not only by the Taliban, but also from common people.<sup>45</sup> The Ministry of Women's Affairs is trying to build up a national network for shelters. However, the "demand does not meet the supply". There is only one NGO that is specialized for running a women at risk –shelter in Kabul with 5 to 6 other NGOs providing other shelter for women in need of help. Additionally, the Ministry tries to negotiate with the families for a safe return for the women.<sup>46</sup>

Even if a safe return is promised, this does not always materialize: in a case in Jalalabad, a 16-year old girl who had run away from her home was killed by her father. However, there have been also successful cases. Very sensitive cases cannot always be handled in the original region. There is a network connecting the shelters in Kabul, Herat and Mazar-i Sharif. The shelters in Kabul take care of the eastern and southern parts of Afghanistan while also taking care of the neighbouring provinces, like the Ghazni province. As typical cases the Director mentioned women given as settlement for blood-feuds from Khost and Paktia, girls engaged as babies and now running away from unhappy marriages from Badakhshan and women escaping violence from Ghazni and Kandahar.<sup>47</sup>

<sup>39</sup> Interview, official with an Afghan human rights organisation , Kunduz, 10.9.06

<sup>40</sup> Interview, office of an international organisation, Bamyan 13.9.06

<sup>41</sup> Interview, Ministry of Women's Affairs official, Kunduz, 10.9.06

<sup>42</sup> Interview, Ministry of Women's Affairs official, Kunduz, 10.9.06

<sup>43</sup> Interview, Ministry of Women's Affairs official, Bamyan, 12.9.06

<sup>44</sup> Interviews, Ministry of Women's Affairs officials in Kunduz 10.9.06 and Bamyan 12.9.06.

<sup>45</sup> Interview, Director of an Afghan NGO, Kabul 17.9.2006

<sup>46</sup> Interview, Director of an Afghan NGO, Kabul 17.9.2006

<sup>47</sup> Interview, Director of an Afghan NGO, Kabul 17.9.2006

In large parts of Afghanistan, it is still impossible for women's rights groups and shelters to operate. According to the Director of the Afghan NGO that runs a shelter in Kabul, the justice system still lacks authority and customary law, the shuras, administrative justice. The shuras on the other hand are under the influence of local commanders. Due to this, women flee to Kabul believing that the government can help them. Unfortunately in many cases this is a false hope. Domestic violence cases can drag over three years in courts. Additionally the justice system favours men and inside the judiciary there is a lack of interest concerning issues involving women's rights.<sup>48</sup>

Regarding internal displacement, the human rights officer working for an international organisation mentioned a case, where a divorced woman fled to another village after the family of her former husband had threatened her. The rumours and accusations of "immoral behaviour", spread by her former husband's family, reached her village and the woman had to flee again.<sup>49</sup>

### **Self-immolation**

Although some NGOs stated with alarm, that self-immolations and suicides were on the rise, the FFM heard only of one self-immolation in the area where it conducted interviews during its fact-finding mission and in the north-western province of Faryab. The office of an international organisation in Bamyan stated that self-immolations happen even in Kabul and Herat, where the cultural influence of Iran is more powerful.

However, an official of a NGO working in the field of human rights in Northern Afghanistan informed the FFM of a self-immolation in Takhar, where a woman burned herself due to domestic violence. Nobody has started to investigate the issue since the husband of the woman is a General in the Afghan army in Kandahar. According to the NGO, not even the Ministry of Women's affairs has been willing to investigate the suicide.<sup>50</sup>

## **2.2. Children**

One day before the FFM delegation arrived to Afghanistan, the Afghan parliament agreed on a new law to protect children's rights. The law contains eight chapters and 66 articles. However, according to an NGO representative, the situation will not change with passing new laws, although the law was welcomed.

The situation has improved in terms of judicial status of children who now officially are recognized to have special needs. Additionally, awareness that also children have rights is spreading. However, especially in rural areas children, mostly girls, face many difficulties. Young children are used to help support their families in various tasks. These include domestic tasks, like herding livestock and collecting firewood. Additionally, boys are sent to beg or other very small income jobs. These include everything from helping in workshops to collecting scrap metal and working in factories.<sup>51</sup>

An organisation working in the field of children's human rights, stated that although the Afghan constitution gives protection to children, children's rights are violated on a daily basis. At the same time, children rights are receiving even less attention than for example women's rights. Afghan children are facing comprehensive neglect, mental and physical violence and forced to work often in hazardous environments, sexual abuse, outright trafficking and the prevention of the right to learn.<sup>52</sup>

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<sup>48</sup> Interview, Director of an Afghan NGO, Kabul 17.9.2006

<sup>49</sup> Interview, official with an Afghan human rights organisation, Mazar-i Sharif, 9.9.06

<sup>50</sup> Interview, Afghan NGO official, Kunduz, 10.9.06

<sup>51</sup> Interview, NGO representative, Kabul, 17.9.06.

<sup>52</sup> Interview, NGO representative, Kabul, 17.9.06.

According to a official working for a international organisation, the number of children sent to big cities and involved in low-income jobs is increasing. A reason for this has been the droughts in many rural areas, and farmers have had to send their children to cities to try to get work there.<sup>53</sup>

However, the circumstances of Afghan children have stayed largely the same after the Taliban regime was overthrown, with the huge difference, that education has become available in some sort or the other. The fragile security situation and repatriation of Afghan refugees has had an direct impact on the increase in the number of drug addicts. Year's of conservatism, ignorance, war, and extreme poverty have exposed a generation of children to violence and hardship at home. Underage marriages are very common. Child labour is very widespread. Additionally, beatings and sexual abuse at large are widespread secrets that the authorities rarely investigate. Due to these reasons, many children turn to crime, including prostitution, theft, drug smuggling, and murder.<sup>54</sup>

The FFM was informed of two very striking cases:

In Baghlan province, an 8-year old girl was paid as blood money to another family. After receiving the girl, she was very severely beaten and tortured. The case of the girl received nationwide attention thanks to Aryana Television and the girl was due to this taken into protective custody. A NGO working with children's rights is now giving the girl therapy. The police arrested the man, but he was jailed not because of child abuse, but on other charges.<sup>55</sup>

In Bamyan, an 14 -year old boy, who had been deported from Iran, was arrested by the local police for an unknown reason. At the police station, the boy was raped by eight police officers. The eight officers where arrested and have confessed. According to the law, the officers face six to twelve years prison. If sharia is implemented, the officers face a death penalty. During the civil war, the Wahdat party punished sodomites by throwing them down from high cliffs.<sup>56</sup>

According to a human rights official with an international organisation, children in Afghanistan are facing a vast array of problems, from underage marriages, to the exchange of young girls to settle disputes and honour killings. However, according to the human rights official, there is a severe lack of information of these problems. According to some recent UNAMA and UNICEF studies, some 26% of Afghan children aged 5-14 are working, and 43 percent of women are married before the age of 18. More than four out of five had stated that corporal punishment was normal, while such violence was also common against children who worked. About 7,000 of the country's children had at one time been associated with armed groups or conflict.<sup>57</sup>

According to an Afghan NGO official, the age of criminal consent was recently raised from 7 to 13. Most jailed girls are convicted for "moral crimes". Boys on the other hand are sentenced commonly for theft. For the families whose boys are sentenced, the boys were the breadwinners. Their sentences vary from some months up to a year. Children who are judged by courts tend to be from the cities, where the traditional authorities are weak, or else from areas where the traditional authorities, like the village shura, cannot reach an agreement on their punishment.<sup>58</sup>

In Kunduz, the regional office of an Afghan organisation working in the field of human rights stated that according to the law the police can arrest even a minor, a child under 12 years, but instead of putting him

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<sup>53</sup> Interview, official with an international organisation, Kabul 17.9.06

<sup>54</sup> Interview, NGO representative, Kabul 17.9.06

<sup>55</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.06.

<sup>56</sup> Interview, official with an Afghan human rights organisation , Bamyan, 12.9.06.

<sup>57</sup> Interview, official with an international organisation, Kabul, 17.9.06.

<sup>58</sup> Interview, NGO representative, Kabul 17.9.06.

under detention, the minor is put into a foster care. According to the same human rights officer responsible for monitoring children rights, there are three categories of child abuses common in their area. The first category consists of minors used as forced labour, as sellers in bazaars or labour in workshops where the small hands of the minors are needed (carpeting, electricity). The majority of these children are half-orphans, who are working for food. The second category consists of addicted children and minors. There are no clinics for these youths. However, this category, although the individual cases are very complicated, is not the most problematic in Kunduz, while there are high numbers of drug addicted children in Ghor and Badghis provinces. The third and most problematic category is children and forced marriages. In the Kunduz area, even very young children are married and used as compensation for settling blood feuds and family feuds.<sup>59</sup>

An Afghan organisation working in the field of children's human rights, criticised UNICEF for neglecting the needs of orphans. According to the organisation, UNICEF has big plans for building schools, but the rights of orphans are neglected.<sup>60</sup>

In Kunduz region, there are three orphanages for 145 children. These orphanages have two categories of children: full orphans and half orphans with one of their parent, almost always the mother, still living but unable to take care of the children. The half-orphans are not staying overnight but are provided with meals and support, like education. Full orphans are staying overnight in a guesthouse or with some relatives. The problem is that also children who are not orphans at all make use of these structures, some commanders have sent their children to the orphanages to get education.<sup>61</sup>

In another example of a case of violation of children rights in Ali Abad district of Kunduz province, the father of a three year old girl sold ["married"] his doter due to his debts. The girl stayed with her family until she turned eleven. After her birthday, the girl was delivered to the persons the father was in debts. The girl has disappeared. The police arrested her father.<sup>62</sup>

## **Child trafficking**

According to Fahim Hakim, the deputy chair of AIHRC, combating of child trafficking is a major priority for AIHRC. The AIHRC has an own Child Protection Unit, which is responsible for the monitoring of trafficking, to educate law enforcement officials about trafficking and the planning, and participation in a committee directing the efforts against child trafficking. According to Mr. Hakim, child trafficking is a very difficult issue, since it is difficult to distinguish child trafficking from other children's rights violations. Child trafficking is additionally part of a wider net of criminality and is mixed with the wider problems of human trafficking, gun running and drug trafficking.<sup>63</sup>

An Afghan organisation working in the field of children's human rights, stated that there has been a rise in child abductions in Afghanistan. In the Mazar-i Sharif region there have been two confirmed child trafficking cases in the last four years. However, there are some mystic disappearances most likely linked to child trafficking. The investigation of child trafficking and compiling trustworthy statistics on these cases is difficult. Most cases remain undetected, and are kept in secrecy due to fears of revenge from the traffickers or local commanders allied with these.<sup>64</sup>

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<sup>59</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.06.

<sup>60</sup> Interview, NGO representative, Kabul 17.9.06.

<sup>61</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.06.

<sup>62</sup> Interview, official with an Afghan human rights organisation Kunduz, 10.9.06.

<sup>63</sup> Interview, AIHRC, Deputy chair Fahim Hakim, Kabul, 18.9.06.

<sup>64</sup> Interview, Afghan NGO, Mazar-i Sharif, 11.9.06

According to a human rights official interviewed in Kunduz, there have been cases of child trafficking in the last two years. The police has rescued 88 children from child traffickers and returned them to their families. The most used scam for kidnapping children is that the parents are promised that their child is going to receive a stipendium to study or work abroad in Pakistan, Iran or Saudi-Arabia. However, the “welfare” organisation is not genuine and it is suspected to actually work in Eastern Europe. The children are not found again and there is circumstantial evidence that the children were taken to Iran as cheap labour force. According to the official, the government is not interested in the rights of children and is not considering this issue as a priority. Also international organisations are, according to the official, not taking this issue seriously.<sup>65</sup>

The majority of disappeared children have been girls, most likely forcefully married or forced to prostitution, but there have been cases, where small boys have also mysteriously disappeared.<sup>66</sup>

Although there are several international organisations and local NGO’s, Afghanistan still lacks an support structure for children’s rights. The government has taken steps to create a network of orphanages. However, there are still shortcomings: not all child prisoners are segregated from adult prisoners in their own detention centres, they only receive limited education and health care. However, the situation regarding prisons is improving.

Despite recent legal reforms designed to overhaul the sentencing procedure, it remains common for boys to spend weeks or months in jail before their cases even come to court. Even once they have completed their sentence it may take several more months before the system locates their files and releases them.<sup>67</sup>

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<sup>65</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.06.

<sup>66</sup> Interview, official with an Afghan human rights organisation Kunduz, 10.9.06

<sup>67</sup> Interview, Afghan NGO Mazar-i Sharif, 11.9.06

## 2.3. Disabled

The Finnish FFM delegation met with the Deputy Minister of Martyrs and Disabled, Mr. Najibullah Fahim.<sup>68</sup> Deputy Minister Fahim started with an overview of the responsibilities of his ministry, which include the identification of disabled and the administration of social security benefits, mine survivor assistance, legislation and awareness work. According to Deputy Minister Fahim, all the wars Afghanistan have faced has created a nation of millions physically disabled persons. The overall situation of disabled persons in Afghanistan is very bad. Additionally to the lack of sufficient support structures, disabled persons face discrimination from the society in every day life.

A family that is entitled for the social benefit payment because a member of the family was martyred, is identified by a process which starts when a member of family contacts the Ministry in Kabul or one of its provincial offices. There they will fill out a form. The Ministry will investigate by interviewing the applicant, neighbours, and the community to verify that the family has indeed lost a family member in the wars. The application has to be approved by the district governor and a commission responsible for martyr's affairs in the Ministry. An ID-card will be given to the martyr's family.

A person is identified as disabled by a process which starts when the individual hoping for sick pension contacts the Ministry in Kabul or one of its provincial offices. There he will fill out a form. After this, the seriousness of the disability will be judged by a medical commission, which is composed by medical specialists. They will examine the applicant, interview him and then give a professional opinion of the nature of the disability. After this, the applicant is given a certificate, which the applicant has to deliver to the Ministry. A commission at the Ministry will then make the decision, if a person is entitled to the disabled status. A person who is given the status, will be registered and issued with an ID-card. After this, the person is entitled to receive a monthly social benefit payment of 400 Afghanis per month, that is paid in a single annual payment of 4800 Afghanis.

Deputy Minister Najibullah Fahim admitted that these 4800 Afghanis are insufficient even to guarantee a basic standard of living. There are no additional payments for medication. Basic health care is, however, provided by basic health care centres free of charge. For persons in need of prosthesis, the ICRC will provide these and additionally the ICRC as well as other NGO's are providing rehabilitation services for disabled.<sup>69</sup>

## 2.4. Journalists & human rights activists, persons working with international organisations/military forces

### Journalists

A HRW official stated that journalists are facing increasing pressure from former commanders. In special risk are those journalists who criticize powerful former commanders still active in politics. According to the HRW official interviewed, this pressure can also take place in Kabul. Several journalists who have criticised issues that have included "religious" or "traditional" questions have faced intimidation. Due to this, many journalists avoid topics that could lead to problems. There have been several highly followed cases, where journalists have been accused of "un-islamic" reporting. As an example the HRW official mentioned the case of Ali Mohaqiq Nasab, who was sentenced because he demanded that women should have the same rights as men. Some religious leaders even demanded the death penalty for him. Instead he was sentenced to two years for blasphemy. Later, the Kabul High Court reduced the sentence and finally freed him. During the summer 2006, several journalists were killed in different incidents, of which some

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<sup>68</sup> Interview, Deputy Minister of Martyr's and disabled, Mr. Najibullah Fahim, Kabul, 18.9.06.

<sup>69</sup> Interview, Deputy Minister of Martyr's and disabled, Mr. Najibullah Fahim, Kabul, 18.9.2006.

were the work of Taliban, but others by commanders, of whom some were working now as governmental authorities.<sup>70</sup>

Especially radio stations have faced problems. The number of local radio stations have witnessed an outright boom. This is easily explained, since written media does not find lot of readers. Despite this, several newspapers exist and are distributed also in rural areas.

The local radio station in Bamyan had received anonym threats because the radio station aired programs about women's rights and other topics that some thought were un-islamic. However, the majority of feedback to the station was positive.<sup>71</sup>

In Ghazni's Jaghuri district, a local radio station had faced opposition before it started, but after it started, opposition from local religious leaders soon faded.<sup>72</sup>

### **Human rights activists**

Several interviewed Human rights activists stated that they fear local and regional Commanders. The majority had faced some sort of intimidation or had received direct threats. Several stated that additionally to threats by commanders also some local people had threatened them due to their work. Threats from governmental officials were according to these interviews not common. It was stated by one person interviewed, that journalists and human rights activists face similar problems. However, as a difference to for example truck drivers, who are targeted by the Taliban, journalists and human rights activists are targeted intentionally, while truck drivers are more a "target of opportunity".

### **Persons with connections to international organisations**

although Afghanistan has seen a massive increase in numbers of international organisations and NGO's, persons involved with "outsiders", especially western military forces, have become a group that especially Taliban or forces allied to these anti-western forces have targeted. It was stated by a Afghan NGO, that persons who work for ISAF have been threatened also in Kabul. Especially Afghan interpreters have been targeted in the South. Harassment has, however, taken place also in Northern parts of the country. According to a member of this NGO, who previously worked for ISAF, the harassment can be just verbal abuse that can be traced back to jealousy of the good pay interpreters are getting or outright violence due to the "misguided" thoughts that working with westerners is unislamic. Often the Taliban threaten the interpreters/NGO workers by so called "night letters" and give a choice to the person to resign before violent action is taken against him. Common is also that the threat is given trough intermediates. Also local former commanders can pressure interpreters/NGO workers but disguising it as Taliban threats. In the northern regions it is however not common, that Commanders would directly threat interpreters/NGO workers due to the fear of risking their position and possible punitive actions by ISAF.<sup>73</sup>

According to three Afghans working for ISAF in Kabul, not even all their relatives know their employment, and the persons have actively tried to prevent the spreading of the information concerning their employer. Two of the interviewed had faced resistance from their own close family, due to security fears. However, due to the good salaries many take the risk. According to an Afghan female working for ISAF, she has faced from taxi drivers abusive language and malicious insinuations about her morale.<sup>74</sup>

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<sup>70</sup> Interview, HRW official, Kabul, 6.9.2006 and 7.9.2006.

<sup>71</sup> Interview, Radio Bamyan journalist, Bamyan, 12.9.06

<sup>72</sup> Interview, Radio Bamyan journalist, Bamyan, 12.9.06

<sup>73</sup> Interview, Afghan NGO official, working with human rights issues and previously employed by ISAF, Kabul, 18.9.06

<sup>74</sup> Interview, Afghan coworkers with ISAF forces, Kabul, 27, 28.7.06.

In Bamyán, an official of national organisation stated privately, that his female colleague had faced sexual harassment from her superior. According to the official, women have a lot of problems in their workplaces, even in state ministries. This hampers women's possibilities to integrate into the society. According to the same person, another Ministry had in its Bamyán office a female computer operator. She was forced to have sexual intercourse with two of her superiors, and was threatened with sacking if she would refuse or complain. After some time, the local NDS office heard rumours about this, and out of fear of getting stigmatized the woman fled the area.<sup>75</sup>

An official with an international organisation also stated that women who work for international organisations are indirectly pressured, harassed and even threatened, also in the Hazarajat area. The official mentioned, that in summer 2006, a local religious leader had stated that it is a sin for a woman to work in a western NGO.<sup>76</sup>

## **2.5. Christians & other religious minorities**

A human rights officer working with an international organisation and responsible for the five northern provinces, stated that Christian NGO's are operating freely and there has been no reported incidents of persecution against Christians or converted persons. However, the officer stated that public conversion could lead to persecution by non-state actors and if the case would get public attention, also the government could be forced to take action against the convert.<sup>77</sup>

An international organisation stated also in Mazar-i Sharif, that during the year 2006, their Afghan co-workers had been threatened and accused of abandoning Islam and secretly converting to Christianity. This was linked to a visit of several hundred South Korean students, who were accused of preaching Christianity and trying to proselytize. According to the same official, people wanted to demonstrate against these, but the authorities prevented this. No death penalties were handed out. However, there are now many rumours of converted Christians.<sup>78</sup>

In the central highlands area, there have been no cases of death penalties or known cases of persecution due to religious conviction. However, the official of an international organisation stated that there are persons who have abandoned religion but not publicly: they keep their convictions for themselves. According to the official, it would be strange and very uncommon, that somebody would publicly state his conversion from Islam to another religion.

Regarding Shia-Sunna relations in Afghanistan, it was stated that there is no schism between the Hazaras and Tajiks due to religious reasons. If there are tensions, these can be traced back to economical or political disputes.<sup>79</sup>

In Bamyán, there is a small community (15-20 persons) of Sikhs. There are no reports of discrimination against these.<sup>80</sup>

## **2.6. Former members of the PDPA (People's Democratic Party of Afghanistan)**

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<sup>75</sup> Interview, Afghan organisation official, Bamyán, 13.9.06.

<sup>76</sup> Interview, office of an international organisation, Bamyán, 13.9.06

<sup>77</sup> Interview, Afghan NGO official, working with human rights issues and previously employed by ISAF, Kabul, 18.9.06

<sup>78</sup> Interview, official with an Afghan human rights organisation, Mazar-I Sharif, 9.9.06

<sup>79</sup> Interview, official with an international organisation, Bamyán, 13.9.06

<sup>80</sup> Interview, official with an international organisation, Bamyán, 12.9.06.

One distinct group of asylum seekers in Finland are persons with a past or associated with the PDPA, the KhAD, the communist regime [as civil servants] or in the Soviet trained armed forces. Some applicants have stated their fear of persecution due to their own association and/or of some of their close relative with the former communist regime. Mainly the feared persecutor is somebody who himself was persecuted by the applicant or thinks he was responsible for his persecution.

According to a Human Rights Watch Research Consultant who has spent two years in Afghanistan, there is no systematic, physical persecution against former communist officials. However, discrimination can take place if the individual has been active in activities that had offended or harmed other persons. On the other hand, normal, non-violent activity within the communist apparatus does not usually lead to persecution. State authorities are not engaged within former communists, besides very well known leading figures of the communist regime and the KhAD who have been, or should be, according to the new constitution, put on trial for their past crimes.<sup>81</sup>

Many former communists, for example the former Foreign Minister of the Najibullah regime, Ghulab Zoy, have made a political comeback. This has been possible, if the individual has reconciled with his own family and tribe.<sup>82</sup> The FFM witnessed Ghulab Zoy participating in a talk show on Aryana Chanel, where he commented critically on the performance of the current Karzai government, the US policy in Afghanistan and the military operations against the Taliban.<sup>83</sup>

HRW was unable to give any examples of cases where persecution of a low-level former members or person associated with the communist regime would have been taken place. At the same time, HRW stated that this could not be excluded as a possibility.

The Human Rights and gender Adviser of the Office of the Special Representative of the European Union for Afghanistan, Mrs. Sari Kouvo stated that she had not heard of attacks against former communists or persons associated with the communist regime. Mrs. Kouvo stated that in some regions it could be perhaps more difficult for a person with a communist past but added to this, that on the other hand many former communists had made their way to the current official government structure and could again “pay back” to their former foes. According to Mrs Kouvo, it is very difficult to give a categorical statement on the situation of former communists, since in some parts of the country the former communists could be persecuted but at the same time in some other area they are in power.<sup>84</sup>

According to an Afghan NGO working with human rights issues, former communists are not in a particular risk:

*“They are not more in risk than somebody else who has been on the wrong side of the line – how could they, almost half of the population was at some point in the last 30 years on the side of the [communist] government.”<sup>85</sup>*

According to the NGO, there are however differences between urban and rural areas and regions. The NGO speculated that in urban areas a individual’s former past would not be so important than in remote rural areas. The same NGO believed that in some regions, especially in the North of Afghanistan, it is less problematic to be a former communist than in the South, Pashto dominated areas.<sup>86</sup>

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<sup>81</sup> Interview, HRW official, Kabul, 6.9.2006 and 7.9.2006.

<sup>82</sup> Interview, HRW official, Kabul, 6.9.2006 and 7.9.2006.

<sup>83</sup> Ayna –television program, 16.9.2006.

<sup>84</sup> Interview with Sari Kouvo, Kabul, 6.9.2006.

<sup>85</sup> Interview, Afghan NGO, Mazar-i Sharif, 9.9.2006

<sup>86</sup> Interview, Afghan NGO, Mazar-i Sharif 9.9.2006

The regional offices of an Afghan organisation working in the field of human rights in Bamyán, Kunduz, Maimána, and Mazar-i Sharif could not give any examples of state or non-state persecution against former communists in their areas of operation. However, several offices stated that being a former member or associated to the communist regime could lead to discrimination and in connection to some other issues (family disputes, land disputes) to persecution by non-state actors and illegal armed groups and their commanders.<sup>87</sup>

A human rights official responsible for five northern provinces had not heard of persecution against former communists.<sup>88</sup>

The possibility of a person to reconcile with his community depends on many factors. These include family, tribe, and ethnicity of the person and the nature of the activity the person was involved in the communist apparatus.<sup>89</sup> Additionally, if the person is very influential, wealthy and well connected, he can put his past behind by paying compensation to his former victims.<sup>90</sup> It was also pointed out that in some cases the fact that somebody had been powerful during the communist era and had favoured his/hers own village/region could be enough to settle the issue of association with the communist regime and the Soviets.

An international humanitarian organisation also active in human rights issues stated that in North Afghanistan discrimination and persecution of former communists is almost absent. According to this same organisation, communists are well presented in the current state structure. Only in the case that a person still confesses to be communist and tries to enter local or national politics with an openly communist, anti-religious agenda, the person could face violent persecution.<sup>91</sup>

The Deputy Chair of the AIHRC, Ahmad Fahim Hakim pointed out that European countries should be very careful in giving asylum for former members of the communist regime and its security forces, since some have potentially been involved in crimes against humanity and should be put on trial for their crimes.<sup>92</sup>

HRW pointed out that the judicial process against the former head of the Afghan intelligence department Asadullah Sarwari violated basic trial process standards and was not conducted fairly. However, also HRW stated that former communists should not be automatically granted asylum.<sup>93</sup>

## 2.7. Former Taliban members

The level of persecution of a former member or a person associated with the Taliban by a non-state actor depends, according to an Afghan NGO working with human rights, on several factors. The first factor is how the community perceives the time under the Taliban. In areas where Taliban were engaged in persecution of minority ethnicities or otherwise treated the local population harshly, it is more likely that a local member of the Taliban could still face discrimination. A second factor is the level and motivation of participation/collaboration of an individual with the Taliban. A profound question is *why* did the individual join the Taliban movement? Did this happen out of religious-political conviction, a desire to survive, out of a political ulterior motive or out of ethnic consideration? Additionally, did the collaboration harm the community? A further factor is the social status of the individual's family and the

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<sup>87</sup> Interviews with Afghan human rights organisation offices in Maimána 18.8.06, Kunduz 10.9.06, Mazar-i Sharif 11.9.06, Bamyán 12.9.06 and 13.9.06.

<sup>88</sup> Interview, official with an international organisation, Mazar-I Sharif, 9.9.06

<sup>89</sup> Interview, official with an Afghan human rights organisation, Meymaneh 18.8.06.

<sup>90</sup> Interview, state official, Kabul 19.9.06.

<sup>91</sup> Interview, official with an international organisation, Mazar-i Sharif 11.9.06

<sup>92</sup> Interview, Ahmad Fahim Hakim, Kabul 18.9.06.

<sup>93</sup> Interview, HRW official, Kabul, 6.9.2006 and 7.9.2006

overall ethnic makeup of the community. If the individual belongs to an ethnic minority in an area where there has been long standing ethnic tension, discrimination and/or persecution is possible. Finally, a key question is, how do the family and tribe perceive the person's actions during the Taliban rule?<sup>94</sup>

According to another Afghan NGO, another aspect that should be kept in mind is the time period the individual was working together with the Taliban. According to the NGO it plays a role if the collaboration with the Taliban took place before the Taliban moved in, or later, when the Taliban already had established themselves in the area.

Due to the several factors at play, the treatment of former Taliban members or collaborators varies from province to province and from district to district. However, it seems that ordinary Taliban members generally are not discriminated or persecuted.

Regional differences should still be kept in mind. For example, in the Uzbek dominated northwest Faryab province Taliban affiliation is used as an accusation. In the districts Almar and Qaisar the local Pashto population has faced discrimination due to their ethnicity, which has been seen automatically by local powerbrokers as evidence of Taliban infiltration. On the district-level local authorities have participated in this discrimination. However, the province level authorities and the Faryab provincial council have taken some active measures to dismantle this discrimination.<sup>95</sup>

In the Hazara dominated Central Highlands, the attitude towards persons who were or are associated to the Taliban movement has been two-fold. Surprisingly, the local population is not categorically against local commanders/authorities who collaborated with the Taliban, but instead see that these collaborated out of necessity. Additionally, there is even some gratitude for these, since the majority is of the opinion that the commanders and village leaders with their collaboration saved the local population from Taliban persecution and retributive violence. Overall, it was stated by several contacts, that collaboration with the Taliban on the local and district level was very common.<sup>96</sup> However, a member of an international organisation represented another view, stating that in Hazara dominated areas collaboration with the Taliban was rare.<sup>97</sup>

However, in other incidents where some individuals, or members of a political grouping collaborated in order to revenge through/with the help of the Taliban against their political opponents, there have been after the fall of the Taliban incidents of revenge killings and retributive violence.

In the district of Jaghuri (Ghazni province), a repeatedly mentioned case involved a well known Taliban collaborator with the nickname "Carlos". According to several sources, "Carlos" revealed several dissidents and opponents of the Taliban. On the eve of the toppling of the Taliban regime, "Carlos" swapped his side and started to work as an informant for the new Afghan authorities. However, he saw it best to move to Kabul. Later, in the year 2004, "Carlos" was sent back to Jaghuri to inform the population about the DDR process. When he arrived in the area, the local population wanted to kill him due to his Taliban time collaboration. With the help of security forces, "Carlos" was able to flee the area and is now living in Kabul.<sup>98</sup> Another high-level collaborator was Commander Wasiq.

In another case, a powerful, Nasr -connected commander in the Jaghuri area, Ismat Morad, took revenge on persons he thought were behind his capture and torture by the Taliban. These persons were allegedly

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<sup>94</sup> Interview, Afghan NGO, Kabul 6.9.2006

<sup>95</sup> Observations made during February-August 2006.

<sup>96</sup> Interview, Afghan NGO, Bamyán, 12.9.2006, Interview with an Afghan human rights organisation official, Bamyán 12.9.2006.

<sup>97</sup> Interview, International Organization, Bamyán 13.9.2006. [Note: the contradictory view was stated by a non-Afghan, who has worked in the area after the Taliban time.]

<sup>98</sup> Interview, Afghan specialist, Kabul 7.9.06, official with an Afghan human rights organisation Bamyán 12.9.2006.

involved with the Nehzad party and their motive for treason was to weaken the Nasr faction in the area. After his return to Jaghuri in the year 2005, Ismat Morad captured, tortured and finally killed three persons he suspected for his denouncement.<sup>99</sup>

In Jaghuri, the Nasr faction has persecuted some individuals who collaborated actively with the Taliban. However, due to the fact that numerous persons collaborated with the Taliban, the revenge has concentrated on only a few “high profile” individuals.<sup>100</sup>

In Kunduz, a member of the local human rights officer working for a Afghan organisation stated when asked whether former Taliban members are discriminated, that:

*“Many here [Kunduz province] are still quietly sympathizing with the Taliban, so no, there has been no cases where normal Taliban membership would have been the reason for persecution.”<sup>101</sup>*

There has been established a National Reconciliation Commission (NRC), also known as “Peace Commission”, headed by the former mujahideen president and speaker of the upper house of parliament Sibghatullah Mujadidi. The commission was formed to encourage dissidents and integrate them into the national life. The commission was formed in line with the announcement of general amnesty by President Hamid Karzai for Taliban and other dissidents in year 2005. Officials of the reconciliation commission say over 3,000 dissidents, mainly from the Taliban and Hizb-i Islami of Gulbuddin Hekmatyar, have joined the peace process since the coming into existence of the National Reconciliation Commission.

The actual procedure to apply amnesty is simple. A person who wants to reintegrate and put his past behind him, should voice his wish to a person he trusts and send him to one of the provincial offices. After the commission is informed of the individuals desire to reintegrate, the commission will investigate, if there are any obstacles for the reintegration of the person. Additionally, the commission will inform the authorities, that the individual wants to reconcile with the society. If the individual is not a notorious criminal but just has been a fighter, the person is invited to a reconciliation meeting. Here the person has to voice his desire to reconcile with the society and promise not to fight the government any more. After this, there will be a dinner and the person is given a document that states that the person has been granted amnesty. The commission will also contact the community of the reconciled individual and state, that the individual should now be accepted.

## **2.8. Blood-feuds and “honour killings”**

Although blood-feuds and honour killings are often mentioned together with the security problems in Afghanistan, many interviewed stated that the issue of “blood-feuds” and “honour killings” are not a daily issue for Afghans. Rather, these issues are exceptional and mainly a part of Pashto culture. At the same time it was mentioned, that the fact that the ethnicities live mixed has led to the transmission of cultural influences. So, when assessing the likeliness of blood-feuds and honour killings, several other aspects should be taken into account: social background, ethnicity and proximity to large Pashto settlements, and whether the area is rural or urban.<sup>102</sup>

According to the office of an Afghan organisation active in the field of human rights in Faryab, blood-feuds and “honour killings” are inseparable of taking justice into your own hands due to the judiciary systems corruption and insufficiency. The actions of the justice system are hard to predict. In some cases

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<sup>99</sup> Interview, Afghan specialist, Kabul 7.9.06.

<sup>100</sup> Interview, Afghan specialist, Kabul, 7.9.06, official with an Afghan human rights organisation Bamyan 12.9.2006.

<sup>101</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.2006.

<sup>102</sup> Interview, Afghan NGO official, Kabul, 6.9.2006.

the judiciary is able to give hard verdicts which are also implemented against persons who have committed “honour crimes”, but then again sometimes a murder is not even investigated.<sup>103</sup>

The three decades of war have changed the popular understanding of what is “normal”, right and wrong. As an example, a case was mentioned of the killing of the mother and brother of a convicted rapist. However, in less severe and overt cases a murder or a blood-feud can be settled in Faryab province with financial compensation or by giving a girl as a bride.<sup>104</sup>

According to human rights officer working for an international organisation in Mazar-i Sharif, and responsible for five northern provinces, there have been no reported blood-feuds or “honour killings” in these areas. However, the officer stated that this could also be due to the fact that these are not reported and that “honour killings” are hard to investigate.<sup>105</sup>

However, according to an Afghan organisation active in the field of human rights, its Mazar-i Sharif regional office stated that there have been blood-feuds. However, blood-feuds are very difficult to investigate, since they are usually carried without publicity. In the northern regions, the ANP has been active in trying to intervene in cases where a blood-feud is possible. The people are aware of the often disastrous outcomes of blood-feuds and are trying to avoid these, by offering ways to negotiate difficult situations and assessing the risk for their family. Also the community, for example the village council, elders, etc. can and usually will try to mediate so that the blood-feud spiral could be avoided. The Afghan organisation working in the field of human rights in Mazar-i Sharif was unable to assess which areas are relatively more plagued by blood-feuds.<sup>106</sup>

In Kunduz region, especially in Takhar and Badagshan provinces there have been “honour killings”. The reason for the concentration of the cases to Takhar is also explainable by history: during the civil war, there was heavy fighting in Takhar, which has hardened the attitudes of the locals. In Badagshan, the reason is the backwardness and a very conservative tradition.<sup>107</sup>

According to the local office of a Afghan organisation active in the field of human rights, especially in Badagshan there are blood-feuds. However these are very uncommon and it is very seldom that a murder spirals to a blood-feud between two families. In the North-East, the police is investigating and trying to prevent blood-feuds. However, there are differences how effective the police is. In Baghlan and Kunduz the police is “fairly good”, but in Takhar there are serious “shortcomings”.<sup>108</sup>

There have been no reported “honour killings” in Bamyán during the year 2006. However, in the year 2004 there was an “honour killing” in Kahmard, Saygan area. According to a human rights officer with an international organisation, the area is dominated by Tajiks, who tend to be more conservative than Hazaras.<sup>109</sup>

In Bamyán, there have been no cases of blood-feuds accompanied with “overkills”. But there are “risk cases”, which could lead to a blood-feud spiral. The most risky cases are according to a human rights officer working for an international organisation related to land disputes. However, until September 2006, actual killing has been very uncommon although there was some fighting in Panjab district between two families due to a land dispute, though without any casualties.<sup>110</sup>

<sup>103</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06, 24.4.06, 24.7.06.

<sup>104</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06, 24.4.06, 24.7.06.

<sup>105</sup> Interview, official with an Afghan human rights organisation, Mazar-i Sharif, 9.9.06

<sup>106</sup> Interview, official with an Afghan human rights organisation, Mazar-i Sharif, 9.9.06.

<sup>107</sup> Interview, Afghan NGO official, Kunduz, 10.9.06

<sup>108</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.06

<sup>109</sup> Interview, official with an international organisation, Bamyán, 13.9.06.

<sup>110</sup> Interview, official with an international organisation, Bamyán, 13.9.06.

Sexual violence and pre-marital as well as extra-marital relations outside marriage are for the woman and her family great sources of shame. For the violated woman, and her status inside the family is essential, whether she was forced to the act. If there are suspicions that the violated woman did not resist, was provoked, or gave her consent to the act, it is still common that the woman is killed by her father or closest male relative.<sup>111</sup>

If the family, however, accepts that the violation happened without any influence by the violated woman, the woman can stay with her family. The fact that the woman was violated does not prevent her to get married, if she can find a husband.<sup>112</sup>

Pre-marital intercourse is heavily sanctioned. If a woman has been in intercourse before or outside marriage, it is still common, that the father or the closest male relative kills the woman. However, in Faryab, there have been cases, where a couple who had been in intercourse were married by the approval of both families. This, however, is not the norm.<sup>113</sup> The same was stated by an international organisation in Kunduz, with the addition, that this is possible if intercourse has not taken place.<sup>114</sup> If the authorities are active in resolving the case, there have been cases that virginity tests have been made in hospitals.

### 3. Internal displacement and returnees

In the view of a human rights officer working for an international organisation and monitoring the human rights situation in five northern provinces, internal displacement is possible, if the person has family in another province. For a woman to flee alone the possibilities for internal displacement are close to nil.<sup>115</sup> If the family is convinced that the woman was accountable for her violation, the woman can not seek protection inside the extended family. In this case, the only possible protector is the police. Internal displacement is only theoretically possible, because a lonely woman can not travel alone without a male escort.<sup>116</sup>

Regarding refugees from the five northern provinces, the human rights officer stated that previously there had been legitimate reasons for asylum, but that nowadays the situation has changed and there is probably no risk for life to return. Also the risk of torture and severe physical harm has to be assessed as unlikely. However, at the same time it is unlikely that a person could seek justice for past violations through the governmental authorities or procedures.<sup>117</sup>

Another official stated in Kunduz, that internal displacement is possible in the North-Eastern region. As example he mentioned some villagers from the surrounding districts who had found refuge in Kunduz City and lived without any problems after having problems with local commanders. The present of governmental authority is a magnet: a person fleeing some problems for example from some district of Taloqan province will found refuge in Kunduz, Takhar and Kabul. However, any categorical statements are impossible to make, since it has to be assessed, how strong the motivation or the commitment is of the person who wants to persecute his enemy. Additionally, there are also differences in what kind of resources the fleeing party has in his use.<sup>118</sup>

Political murders or revenge killings have not taken place after 2002.<sup>119</sup>

<sup>111</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06, 24.4.06, 24.7.06.

<sup>112</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06, 24.4.06, 24.7.06.

<sup>113</sup> Interview, official with an Afghan human rights organisation, Meymaneh, 27.2.06, 24.4.06, 24.7.06

<sup>114</sup> Interview, official with an international organisation, Kunduz, 10.9.06.

<sup>115</sup> Interview, official with an international organisation, Kabul, 17.9.06

<sup>116</sup> Interview, official with an Afghan human rights organisation Meymaneh, 27.2.06, 24.4.06, 24.7.06.

<sup>117</sup> Interview, official with an international organisation, Mazar-i Sharif, 9.9.06

<sup>118</sup> Interview, official with an international organisation, Kunduz, 10.9.06.

<sup>119</sup> Interview, official with an international organisation, Kunduz, 10.9.06.

## 4. Security

Of special interest for the FFM was the overall security situation in the regions the FFM visited. During the year 2006, several news agencies, international and national organisations and NGO's reported a severe deterioration in the security situation in Afghanistan. Indeed, during the FFM delegations visit, two devastating suicide attacks took place in Central Kabul. The majority of interviewed sources stated as their main concern the continuing insecurity and violence. In areas the FFM mission visited, the core concern was a spreading of Taliban violence to their areas. A common theme of discussion was the frustration of the population to the slow progress and the corruption of governmental officials. These two aspects together were seen by everybody interviewed as the main threats to the current situation. However, the majority interviewed in Bamyan, Faryab, Kabul, Kunduz and Mazar-i Sharif, stated that although the security situation had shown an increase in insecurity, the security situation was still satisfactory to the average Afghan, not connected to political parties etc. In overall, it was stated that the main reason for insecurity were criminality and the fear of Taliban violence spreading.

### 4.1. North-West

In Faryab, there were rumours of Taliban activity in the border regions to Badghis province. However, the main source of instability in the north-western part of Afghanistan were the low-level factional clashes between local militias connected to General Abdul Rashid Dostum's Jumbesh party and Malik and Gulli<sup>120</sup> Pahlawan's Hezb-i Azadi party in the villages of Chaqmaq, Kateh Qala and Ghonda Sang in Pashtun Kot district. The conflict between four local commanders escalated from sporadic clashes during the first half of the year to a key shootout in August. The opposing groups were lead by Commander Shamal and his brother Hajji Murad from the village of Chaqmaq and Khalifa Saleh, and Nasim from Ghonda Sang. While Commander Shamal and his brother were connected to the Jumbesh party, Khalifa Saleh and Nasim were connected to Hezb-i Azadi. The conflict in Faryab is a good example of different interlinked aspects in a local conflict.

Politically, the conflict was part of a personal animosity between Abdul Rashid Dostum and Malik Pahlawan. Malik's older brother, Rasul Pahlawan controlled Faryab as a sub-commander of Dostum. He was feared and disliked by the local population due to his harsh rule. According to local rumours, Rasul was killed by the order of Dostum, because Rasul had started to challenge his authority. Malik was bitter about his brother's death and took revenge by betraying him and aligning himself with the Taliban and letting them to advance to Jowzjan province. Later Malik betrayed also the Taliban and had to make company to Dostum in exile, through in Iran.

After the fall of the Taliban, Malik has tried to make a comeback to his old fiefdom of Faryab. This has led to occasional clashes and has ended to the disadvantage of Malik. The "infiltrating" of Faryab started with Ghonda Sang already in the year 2005. Ghonda Sang is a very remote mountain village that was not occupied even by the Soviet forces. The rationale of Azadi's strategy seems to have been to step by step enlarge its grip by starting from areas only symbolically in control of Jumbesh. The village of Kateh Qala is the home village of Khalifa Saleh, who wanted to move and open a party office in Kateh Qala. Kateh Qala is strategically located on one of the main roads.

Besides this party political, high level rivalry between Dostum and Malik, there is also a more local dimension. The home village of Commander Shamal and his brothers is Chaqmaq, high in the mountains. The village lacks water. Kateh Qala on the other hand is situated in a valley, with enough water resources. Commander Shamal and his brothers have occupied one side of the village Kateh Qala for years in order

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<sup>120</sup> The FFM delegation participated in a wedding in Mazar-i Sharif on the 9.9.06 and had the "honour" to sit in the same table with Gulli Pahlawan.

to protect the water resources for Chaqmaq. The villagers of Kateh Qala of course have seen this as an illegal occupation. Additionally, Commander Shamal has taxed the villagers and the Kateh Qala bazaar. Together with a long lasting animosity between the rivalling Commanders, the mix of nationwide politics, lack of water resources and economic interests set the scene for a violent clash.

This took place in the first week of August, when possibly up to 14 people, including four civilians died in a week of fighting. Serious human rights abuses were also reported, including numerous rapes. Khalifa Saleh was detained by the Afghan National Army, but Shamal has remained at large, although several attempts to catch him have been made. According to *the Economist*, one reason he has not been captured is that the deputy chief of police is a former bodyguard of Dostum.

Interior Minister Zarar Ahmad Maqbul threatened both parties with dissolving them due to the fighting in Faryab. This sparked angry demonstrations in Jowzjan and Kunduz in support of Jumbesh and to official statements by Dostum and Malik that they have no links to militias. Since Jumbesh is now in full control of Faryab, there has been no further clashes between Jumbesh and Azadi militias.

It has to be noted however, that although there were serious clashes in Kateh Qala, the province as a whole stayed calm. People who fled Kateh Qala village to Meymaneh have been safe and some have returned. However, besides the conflict in Kateh Qala, there were tensions between Uzbeks and Pashtos in Almar and Qaisar. There are several rumours, that the Taliban would try to get a foothold of Faryab, and indeed two rockets were launched against the Afghan Army base, but it is also possible, that besides the Taliban, other elements have a interest to shift the security forces' interest away from local commanders to "talibs".

But beside violence and conflicts, there were also concrete positive developments. In the governmental structure, the former deputy governor Sayyed was replaced by a more neutral person. Regardless of initial demonstrations launched by Jumbesh loyalists in early August, deputy governor Abdul Satar Bariz has taken his position. In spring 2006, a company of Afghan National Army was deployed permanently to Meymaneh, strengthening now the grip of the government in the province. In January, a new Chief of Police arrived in Meymaneh. Under Chief of Police Ziayi the police has taken a more active role in the districts.

But maybe more importantly, development took more concrete forms in autumn when the provincial capital Meymaneh was connected to the electricity network and started to receive imported electricity from Turkmenistan. Additionally, the paving of the streets of Meymaneh was greeted positively by the local population. Another economic boost to the local economy will be the upgrading of the ring road to Turkmenistan's border and further south. Especially development aid from the governments of Norway and Finland through the Faryab PRT have benefited the local police forces.

In the possibly least likely place for the Taliban to operate, General Abdul Rashid Dostum's home province, Jowzjan, four NGO workers were killed in May, although most likely the attack was carried out by common criminals.<sup>121</sup>

## 4.2. North

According to a security analyst, a sharp increase in attacks could be witnessed in Afghanistan's northern provinces. These attacks were mainly aimed against ISAF forces while the most common weapon used Improvised Explosive Devices and other remote controlled explosives. Bomb explosions and small clashes took place in Mazar-i Sharif, Kunduz and Baghlan. According to the analyst, the majority of the attacks were carried out by small Taliban raiding parties and/or by local drug lords, in order to hamper the will of ISAF and local police forces to target the drug business. If the attacks on the other hand were the

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<sup>121</sup> Interview, Security analyst with an international organization, Mazar-i Sharif, 11.9.06.

work of the Taliban, the motive for these attacks was to show to their own audience that attacks also in northern Afghanistan were possible. A certain increase of Taliban activity could be witnessed also in Balkh and Sar-i Pul.<sup>122</sup>

However, the most troubled areas according to another analyst have been more remote areas in the north, Badakhshan and some parts of Kunduz. A special dynamism is in play in Badakhshan, which was never occupied by Taliban, but where an increase of instability has been visible in some districts. The remote Badakhshan province has been the heartland of Jamiat-i Islami party. Although Jamiat-i Islami was the backbone of the Northern Alliance, during 2006, attacks against western forces and NGO's have multiplied. In May, two workers of the non-governmental organization PATCO were killed. There have been several attacks against ISAF in the Shahr-i Naw district and land disputes and taxing rights in Shahr-i Buzurg district, between Commanders Mohammed Nabi, Suhbat, Abdul Maroof and Abdul Rasul.<sup>123</sup> According to another, Afghan analyst, the instability in Badakhshan is different from Taliban violence, and has more to do with economic interests. Badakhshan is one of the main poppy producers and the local commanders don't want the government or ISAF to intervene in their businesses. According to the analyst, it was a mistake from ISAF to take an anti-narcotic stance, since this has caused these attacks. For normal Afghans, these attacks are not a threat, since their aim is to scare ISAF forces. According to him, "Afghans have already learned to avoid ISAF convoys". Additionally, the local police force is also corrupted.<sup>124</sup>

In Balkh, ISAF forces shot a well known former Taliban leader and criminal gang leader, Nematullah in September, a few days after the FFM delegation left Mazar-i Sharif. However, in overall Mazar-i Sharif was not hit with a sharp increase in attacks, although in June two bomb attacks exploded near the Blue Mosque.<sup>125</sup> According to an AIHRC official, the local population was very unwilling to let Pashtoons to return to Balkh. There has been an old Pashtoo enclave in Balkh, but now because of Taliban fears the local Uzbek and Tajik population is complicating their return, by demanding reparations from the Taliban. However, some Pashtoons have returned to Mazar-i Sharif.

In Kunduz province, two hot spot districts are Khanabad and Ali Abad, where several attacks against the PRT have taken place, including a suicide bombing in June. According to the analyst, both Khanabad and Ali Abad have a Pashtoo majority and a history of radicalism: Gulbuddin Hekmatyar is from the area and when the Taliban regime started to collapse, many foreign fighters fought in these regions. According to some estimates, in these two districts there are between 150-250 talibs and Hezb-i Islamis fighters. Additionally, some local commanders cooperate and sympathize with them because it is not in their interest that the government is getting stronger in the area. Additionally, there are less dramatic conflicts over land, especially in Archi district.<sup>126</sup>

Both analysts stated that the current instability mainly targeted ISAF forces and the government's efforts to strengthen its hold over these northern regions. Both also agreed that for a normal Afghan, unconnected to political issues, the main threats were common criminality and domestic violence. The government's ability to administer justice was assessed to be limited, due to corruption and the fact that the local population trusted more on traditional justice mechanisms. Both analysts also agreed, that local shuras had a strong standing especially in Badakhshan.<sup>127</sup>

According to a UNAMA official, land disputes in the Kunduz region are especially problematic, because it is well irrigated and fertile. Land disputes are not a new phenomenon and can be traced to the time of

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<sup>122</sup> Interview, Security analyst with an international organization, Mazar-i Sharif, 11.9.06.

<sup>123</sup> Interview, Security analyst with an Afghan organization, Kabul, 17.9.06.

<sup>124</sup> Interview, Security analyst with an Afghan organization, Kabul, 17.9.06.

<sup>125</sup> Interview, Security analyst with an international organization, Mazar-i Sharif, 11.9.06.

<sup>126</sup> Interview, Security analyst with an international organization, Mazar-i Sharif, 11.9.06

<sup>127</sup> Interview, Security analysts in Mazar-i Sharif 11.9.06 and Kabul, 17.9.06

Zahir Shah: land rights have been passed so many times to so many players that it is very difficult to solve these problems; several individuals may have fully legal documents for the same land from different time periods. Additionally local commanders have occupied illegally lands whose righteous owners have left the area during the civil war.<sup>128</sup>

The local judiciary is able to solve these land disputes only to a certain extend. Due to corruption, people are unwilling to seek a decision by the courts. Beside corruption, the courts lack “know how” and experience how to solve these problems. Additionally, there is simple lack of manning and resources. However, the Kunduz region has benefited greatly by the work of the Norwegian Refugee Council.<sup>129</sup>

According to a human rights official, if compared province by province, there is a high density of commanders especially in Takhar and Badakhshan while the situation in Kunduz is better. In Kunduz, there are no powerful commanders and the government is present. But for example in Takhar, a former commander and currently Wolesi Jirga member Ghulam Mustar prevented the arrival of a new deputy chief of police to “his” province. The stagnant economical situation but the rise of prices have strengthened the economical standing of the commanders: they have been giving loans to farmers and tied them to their side in many places.<sup>130</sup>

The number of complains about persecution of local commanders has sharply decreased, since the police is getting better:

*“Formerly, if a commander wanted to kill somebody, he just did it. Now the situation is different. The commanders are concerned about their situation and are decreasingly risking their status by committing serious human rights abuses. Instead the gun, they now use money to safeguard their position”.*<sup>131</sup>

Also the official stated that the physical security situation in general was “OK”, and that the main problems to normal Afghans are poverty and personal tragedies and a subjective feeling of insecurity and frustration about the slow progress since the fall of the Taliban regime.<sup>132</sup>

## 5.1. Overall Security situation

During the year 2006, the security situation deteriorated in southern and eastern parts of Afghanistan. However, although not immune against instability, the security situation in Central Highlands remained stable. A deterioration in the security situation could be witnessed in some districts of provinces near to Hazarajat, especially in Uruzgan province and some districts of Ghazni, Ghor, and Wardak provinces.<sup>133</sup> In Ghazni, those areas with Pashto population were mainly hit by Taliban and Gulbuddin Hekmatyar’s Hezb-i Islamis violence. There were stark differences in the security situations from district to district. Inside Ghazni, those areas further south were “very troubled” while other districts in the northern parts of the province did not see a deterioration and remained stable in spite of individual attacks.<sup>134</sup>

In Wardak, especially traffic on the Kabul-Kandahar highway was targeted by Taliban elements. Targets of opportunity were fuel tankers and trucks which the Taliban suspected of serving as logistical support for ISAF. As in Ghazni, the attack happened not far from resident Pashto areas. The government

<sup>128</sup> The Kunduz –river valley was visibly fertile with rice, corn and sesame fields.

<sup>129</sup> Interview, official with an international organisation, Kunduz, 10.9.06

<sup>130</sup> Interview, official with an international organisation, Kunduz, 10.9.06

<sup>131</sup> Interview, official with an Afghan human rights organisation, Kunduz, 10.9.06

<sup>132</sup> Interview, official with an international organisation, Kunduz, 10.9.06.

<sup>133</sup> Interview, high-ranking member of ISAF, directly involved with Ghazni province, Kabul, 30.7.06.

<sup>134</sup> Interview, high-ranking member of ISAF, directly involved with Ghazni province, Kabul, 30.7.06.

established several checkpoints on the road. For normal people, these are a source of annoyance due to corruption.

In the areas dominated by Hazara's, the level of participation in the DDR and DIAG process was good. However, there are still suspicions that the Hazara's are keeping weapons hidden, keeping a wary eye on the development in the south and in case of the destabilisation reaching also Hazara areas. If needed, the Hazara's could form tribal militias.<sup>135</sup>

In the last few years there have been no political killings in the Bamyan region. After the fall of the Taliban, there was fighting between Akbar and Khalili. Commanders are still in power, especially in the areas of Kahmard, Daikundi and Pansharaw. They influence the overall political and economical situation. Especially in Kahmard, where there is coalmining industry, the commanders are keeping a tight grip on power.

In the assessment of the UNAMA official, the health sector in Hazarajat works quite good compared to the judiciary and the ANP.

However, in some cases the judiciary and the authorities are fulfilling their tasks well. This is more likely, if none of the persons involved have a relationship (family, same village, bribes) with the authorities involved.<sup>136</sup>

According to a US State Department official, the security situation in Central Highlands (Bamyan region) was not affected by the situation in the southern and eastern parts of the country. However, instability had an effect on the attitude of the population that grew more pessimistic during the year 2006. According to the State Department representative, in Central Highlands there had been no military buildup involving Hazara militias or clashes between Hazara militias. There had been some criminal acts and land disputes, but nothing that could be treated as threatening or a reason for asylum. The inter-Hazara relations are good and so are the relations between Hazaras and Tajiks, although some local tensions exist.<sup>137</sup>

Also according to a UNAMA official dealing with human rights issues and working in the Central Highlands, the Hazarajat is free of violence free compared to other parts of Afghanistan. The situation is, however, not as good as the international community believes. There are domestic violence, forced marriages, child marriages, murders and land disputes. According to her in most complaints the UNAMA office receives, the victim and the aggressor are known to each other. Domestic violence is very common and present in every household, although it is rarely spoken about.<sup>138</sup>

## 5.2. Ghazni province overview

During the second half of year 2006, the Taliban were able to strengthen their positions in some districts of Ghazni province. The Taliban imposed their rule to some parts of Ghazni, at top of them Andar, while the government's attention was, due to more severe security problems, further south (Kandahar, Helmand).<sup>139</sup> The strengthening of the Taliban included the adaptation of Taliban style justice, which materialized in killings of several robbers and elimination of criminal gangs. In addition, the Taliban

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<sup>135</sup> Interview, high-ranking member of ISAF, directly involved with Ghazni province, Kabul, 30.7.06.

<sup>136</sup> Interview, official with an international organisation, Bamyan 13.9.06.

<sup>137</sup> Interview, US State department official, Bamyan, 12.9.06.

<sup>138</sup> Interview, official with an international organisation, Bamyan, 13.9.06.

<sup>139</sup> Interview, high-ranking member of ISAF, directly involved with Ghazni province, Kabul, 30.7.06.

escalated their attacks against the government and US-led coalition troops. According to several news articles<sup>140</sup>, Taliban fighters in some areas were roaming around freely.

Ghazni saw the change of its provincial governor on the 19.9.06, when the Deputy Interior Minister introduced the newly appointed governor of Ghazni province to local officials. Until September, the governor of Ghazni had been the former commander Hajji Shir Alam who was replaced with the former governor of Khost province, Mairajudin Patan. The change of the governor did not influence the Taliban insurgency in Ghazni's southern parts. As the focal point of fighting remained Andar district. Additionally, instability continued to spread to Ghazni's southern districts, mainly to the neighbouring districts of Qarambagh, Gelan, and Gero, with the occasional attacks in other close districts. However, Jaghuri was not targeted.<sup>141</sup>

A quick, one source listing of all reported attacks district-by-district from the second half of the year 2006 confirms this view:

### **Ghazni City**

Beside the occasional rocket attacks, the provincial capital Ghazni City has been relatively safe. However, some terrorist attacks have taken place. The main targets have been high ranking governmental officials, NGO's and individual Afghans, who Taliban have targeted for political affiliation or other reasons. Security officials claimed to have foiled an assassination attempt against the new Ghazni governor Merajuddin Patan in Ghazni City. The security forces arrested a young man, who had fastened 15 kilograms of explosives to his body and was later identified as Ainullah, resident of Pakistan's North Waziristan Agency.<sup>142</sup> This prevented assassination attempt was by no means unique, since two months earlier the Security Chief of Ghazni Wakil Kamyab narrowly escaped a landmine explosion, that took place minutes after his convoy passed through the area near the shrine of Mo-i Mobarak. A security guard was killed and another was wounded in the blast.<sup>143</sup> In August an intelligence officer was killed while defusing a bomb recovered by police in the Department of Refugees and Returnees' Affairs in Ghazni. Another bomb was discovered and diffused in the office of the Afghan Red Crescent Society. A day before, another bomb was discovered and diffused in the Shah Mir Baba area of the city.<sup>144</sup> In July, the Taliban fighters executed an 23-year old Afghan girl in Noghi village, 15 kilometers south of Ghazni, accusing her for alleged "immoral acts with American forces". The American PRT stated that they had no information about the girl.<sup>145</sup>

### **Andar**

According to a high-ranking ISAF officer, the main reason for the instability in Andar is its location: Andar district is situated on the border with the restive Paktika province. Additionally, the fact that the Kabul-Kandahar ring road passes through the district gives it a strategic dimension. Kabul-Kandahar Highway is a key route linking the southern provinces with the central capital. As the following list of reported incidents show, the majority of attacks have happened in southern districts through which the ring road from Kabul to Kandahar runs.<sup>146</sup>

The deteriorating security situation in Andar district led the Andar district chief Abdul Rahim Desiwal to urge the local ulema (religious scholars) and elders to persuade the anti-government elements to surrender

<sup>140</sup> See for example Newsweek, Oct. 2, 2006 pages 20-26, IWPR, Mirwais Atal: "US Hearts and Minds Cash Goes to Taleban", ARR No. 236, 28.11.06, available at: [http://www.iwpr.net/?p=arr&s=f&o=325721&apc\\_state=henparr](http://www.iwpr.net/?p=arr&s=f&o=325721&apc_state=henparr)

<sup>141</sup> Interview, high-ranking member of ISAF, directly involved with Ghazni province, Kabul, 30.7.06.

<sup>142</sup> Pajhwok Afghan News 19.12.2006

<sup>143</sup> Pajhwok Afghan News 17.10.2006

<sup>144</sup> Pajhwok Afghan News 13.8.2006

<sup>145</sup> Pajhwok Afghan News 15.7.2006

<sup>146</sup> Interview, high-ranking member of ISAF, directly involved with Ghazni province, Kabul, 30.7.06.

arms and join the government in December.<sup>147</sup> Indeed, Andar has been the scene of frequent Taliban attacks, that have escalated from roadside-bombings and rocket attacks to major Taliban offensives. In the end of August and beginning of September, it was reported that in a string of military operations 37 Taliban were killed in Andar, Waghaz, Qarabagh and Awband districts.<sup>148</sup> These attacks followed a wave of Taliban attacks: On August 24, Taliban fighters fired grenades and mortars at Andar's district headquarters accompanied with Taliban manouvres to isolate the district from the provincial capital Ghazni City with Taliban planting mines on the main roads.<sup>149</sup> After Operation "Mountain Fury", officials in the southern Ghazni province said they had arrested 11 suspected Taliban during an operation in Andar. The raid took place in Miryani village as part of the "Operation Eagle". According to NATO forces, more than 140 Taliban fighters were killed during the Operation Eagle, launched in the southern provinces of Kandahar, Zabul and Uruzgan at the end of October.<sup>150</sup>

As mentioned, a magnet for Taliban attacks was the Ghazni City-Kandahar highway. One ISAF soldier was wounded as a military vehicle stepped on a roadside bomb in Ghbarglon area Andar district.<sup>151</sup> Taliban fighters torched a trailer supplying logistics to ISAF forces in Andar district in December.<sup>152</sup> In October, there was a violent spate of attacks: a trailer supplying foodstuff to ISAF forces was torched and its driver was killed in Spina village on the Paktika-Ghazni Highway.<sup>153</sup> Two days before, the Taliban killed three drivers and torched their trailers.

Already in August, Taliban fighters attacked the road network in Andar by planting mines on all main roads linking the district with the provincial capital.<sup>154</sup> Also civilian traffic was targeted: two civilians were killed when their vehicle hit a roadside landmine in Amin Qala area.<sup>155</sup> At the end of the year, the Taliban changed their modus operandi from the usual roadside bombings and ambushes, and kidnapped five afghan engineers of the Ministry of Rural Rehabilitation and Development (MRRD).<sup>156</sup> Security forces arrested three persons for the kidnapping.<sup>157</sup> Elders, who were assisting the government in safe release of the engineers, also included some members of the Wolesi Jirga and the Ghazni provincial council.<sup>158</sup> However, this was not the first kidnapping in Andar: An Afghan worker of a foreign road construction company was kidnapped in June, while two vehicles of police were destroyed in an attack by Taliban fighters in the same district. The unidentified armed men on motorcycles kidnapped the Afghan worker on the Ghazni - Paktika Highway.<sup>159</sup>

There have been additional reports of road robberies in Andar. A connection to Taliban activity can not be excluded.

During the second half of 2006, security forces and Taliban clashed in Andar<sup>160</sup>, Band Sardi area<sup>161</sup>, Chardiwal area<sup>162</sup>, Nani area<sup>163</sup> in Khadokhel village<sup>164</sup>, Rustamkhel village<sup>165</sup> and Qarambaghi area<sup>166</sup>.

<sup>147</sup> Pajhwok Afghan News 16.12.2006

<sup>148</sup> Pajhwok Afghan News 26.8., 14.9.2006

<sup>149</sup> Pajhwok Afghan News 24.8.2006

<sup>150</sup> Pajhwok Afghan News 1.11.2006

<sup>151</sup> Pajhwok Afghan News 7.12.2006

<sup>152</sup> Pajhwok Afghan News 1.12.2006

<sup>153</sup> Pajhwok Afghan News 22.10.2006

<sup>154</sup> Pajhwok Afghan News 26.8.2006

<sup>155</sup> Pajhwok Afghan News 12.8.2006

<sup>156</sup> Pajhwok Afghan News 20.12.2006, 25.12.2006, 26.12.2006

<sup>157</sup> Pajhwok Afghan News 20.12.2006, 25.12.2006

<sup>158</sup> Pajhwok Afghan News 20.12.2006

<sup>159</sup> Pajhwok Afghan News 30.6.2006

<sup>160</sup> Location unspecified. Pajhwok Afghan News 10.7.06, 16.8.06, 3.9.2006

<sup>161</sup> Pajhwok Afghan News 29.9.2006

<sup>162</sup> Pajhwok Afghan News 16.8.2006

<sup>163</sup> Pajhwok Afghan News 29.8.2006

<sup>164</sup> Pajhwok Afghan News 2.7.2006

<sup>165</sup> Pajhwok Afghan News 22.10.2006

Andar was the scene of a suicide attack at the end of October, when a policeman was killed when a suicide bomber blew himself up in front of the Andar district offices. According to Mohammad Anas Sharif, a Taliban commander in Ghazni and thought to be the Taliban leader in Andar, the suicide attack was carried out by an Afghan national.<sup>167</sup> Two days before, a vehicle carrying Afghan National Army soldiers was destroyed in a rocket attack in Andar's Chardiwal area of Andar on Ghazni – Sharan Highway. One day before the attack, one Taliban fighter was killed and another was captured alive during a clash with Afghan army in the same district.<sup>168</sup>

ISAF forces claimed they had killed three Taliban and destroyed their IED cell in a raid in Andar district's Zakur/Khadokhel village. A coalition soldier was wounded when the people inside the compound opened fire at them as they approached to search the area. The combined force called in close-air support and killed three suspects in the engagement.<sup>169</sup> The coalition's claim was disputed as a government spokesman in Ghazni said 20 Taliban were killed while provincial security chief set the number of dead at six in the same operation. Taliban, on the other hand, admitted the killing of only one of their fighters in Andar while residents said two minors had also become victims in the house of local elder Haji Mohammad Ghani in Zakur/Khadokhel village. According to security forces, local Taliban commanders were holding a meeting in the compound.<sup>170</sup> Separately, an ANA vehicle was blown up in a landmine blast in the Mirai area of Andar district. One soldier was killed and two others wounded in the blast. In Maiman village of the same district, another mine blast killed a policeman and injured two others.<sup>171</sup>

The Taliban have also targeted civilians, seen by the Taliban to cooperate with the GOA. Corpses of three people, described by officials as school students, were found in Andar district of the southern Ghazni province. District chief of Andar, Abdul Rahim Disiwal said the three people, aged 16 - 22, were gunned down in their village of Muhammad Din Khel by unidentified gunmen. Disiwal blamed the Taliban for killing the civilians. Any personal hostility was ruled out to be involved in the incident.<sup>172</sup> A religious scholar and homeopathic doctor, Abdul Hakim was killed in August by the Taliban.<sup>173</sup>

ISAF hearts and minds -projects in Andar were reported to have failed after Taliban burned the foodstuff and other items distributed by Afghan and coalition forces among residents of Andar district. Residents said that the Taliban also snatched money from mullahs given by the coalition forces for renovation and reconstruction of mosques in the district. The assistance was distributed to people in Lashko, Woshnai and Alizai villages of Andar district.<sup>174</sup> A month earlier, during a aid distribution mission, two ANA soldiers were wounded when their vehicle hit a landmine in Andar.<sup>175</sup>

## Gelan

Taliban fighters attacked a security forces convoy between Gelan and Nawa districts in Ghazikhel area in August.<sup>176</sup> In October, a low-ranking Taliban commander Mulla Niamatullah was shot dead by a police unit patrolling in Gelan district.<sup>177</sup> Security forces killed a Taliban commander Mullah Abdurahim

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<sup>166</sup> Pajhwok Afghan News 8.8.2006

<sup>167</sup> Pajhwok Afghan News 31.10.2006

<sup>168</sup> Pajhwok Afghan News 28.10.2006, 29.10.2006

<sup>169</sup> Pajhwok Afghan News 16.10.2006

<sup>170</sup> Pajhwok Afghan News 16.10.2006, 17.10.2006

<sup>171</sup> Pajhwok Afghan News 16.10.2006

<sup>172</sup> Pajhwok Afghan News 9.10.2006

<sup>173</sup> Pajhwok Afghan News 12.8.2006

<sup>174</sup> Pajhwok Afghan News 17.10.2006

<sup>175</sup> Pajhwok Afghan News 21.9.2006

<sup>176</sup> Pajhwok Afghan News 24.8.2006

<sup>177</sup> Pajhwok Afghan News 3.10.2006

Sabawoon and his bodyguard in Gelan district of the southern Ghazni province. According to news agency Pajhwok who quoted Gelan district chief, Mullah Abdurahim was performing a role of self-styled Taliban governor in Bamyan.<sup>178</sup> In November, rockets were fired at the local ISAF base<sup>179</sup> and a few days later ISAF troops and Taliban fighters were involved in a fire-fight.<sup>180</sup> In December, security forces claimed to have arrested three suspected Taliban.<sup>181</sup>

## Gero

In August, one policeman and a Taliban fighter were killed when Taliban forces ambushed a police patrol while it was defusing a land mine.<sup>182</sup> Yet another four policemen were killed in an ambush in Jilam village in September. The ambushed policemen were part of a police convoy sent from Qarabagh to Gero district to help the Gero district chief Abdul Rahim Disiwal, who was besieged along with a police party by the Taliban.<sup>183</sup> Four days later the Taliban shot dead a former local militant commander, Bismullah Khan in Asfandi village. Bismullah Khan was a former local commander in Gero, who was accused by the Taliban for spying for the coalition.<sup>184</sup> The ANP stated two days later, that they had killed nine Taliban fighters following a clash on the Giro-Ghazni City road. Two policemen were also wounded as a landmine hit their vehicle in the same area.<sup>185</sup> After a few months of no reported incidents, one policeman was killed in a Taliban skirmish on December 31, 2006.<sup>186</sup>

## Qarabagh

Security officials said they had arrested a suspected Taliban commander during a joint operation with NATO troops in Qarabagh district of the southern Ghazni province. According to the police chief of the district Abdul Wali Toofan, the detained commander was identified as Mulla Mohammad Usman.<sup>187</sup>

A month earlier, an ISAF soldier was killed and another wounded in a rocket attack in Qarabagh district when the ISAF security patrol was struck by an 'insurgent rocket attack' that took place in Liwani bazaar of Qarabagh district.<sup>188</sup> Earlier in the same month, one Afghan policeman was killed and three wounded in a clash with the Taliban following a pursuit after the Taliban had torched two trucks supplying food items to the US forces stationed in the area.<sup>189</sup> A month earlier, the Taliban killed the driver of Qarabagh district chief, Maulvi Ala Dad. The driver was on his way to Ghazni City from Bakikhel village, when he came under the attack. Taliban commander Anas Sharif took responsibility for the attack.<sup>190</sup>

Police found bodies of an ANA soldier and ex-employee of Care International in Kadi area of Qarabagh in August. The two people were kidnapped by unidentified armed men while on way to Ghazni City from Jaghuri district. Two other people, who were kidnapped along with the deceased, were set free by the unidentified kidnappers.<sup>191</sup> A month later, Taliban forces first kidnapped and then killed education officer Abdul Alim as he was on his way to home. According to the local Taliban commander, Muhammad Anis Sharif Abdul Alim was killed because he was a former communist and an American spy.<sup>192</sup> A week

<sup>178</sup> Pajhwok Afghan News 6.10.2006

<sup>179</sup> Pajhwok Afghan News 24.11.2006

<sup>180</sup> Pajhwok Afghan News 29.11.2006

<sup>181</sup> Pajhwok Afghan News 17.12.2006

<sup>182</sup> Pajhwok Afghan News 7.8.2006

<sup>183</sup> Pajhwok Afghan News 14.9.2006

<sup>184</sup> Pajhwok Afghan News 18.9.2006

<sup>185</sup> Pajhwok Afghan News 20.9.2006

<sup>186</sup> Pajhwok Afghan News 31.12.2006, 1.1.2007

<sup>187</sup> Pajhwok Afghan News 9.12.2006

<sup>188</sup> Pajhwok Afghan News 24.11.2006

<sup>189</sup> Pajhwok Afghan News 15.11.2006

<sup>190</sup> Pajhwok Afghan News 24.10.2006

<sup>191</sup> Pajhwok Afghan News 30.8.2006

<sup>192</sup> Pajhwok Afghan News 6.9.2006

earlier unidentified armed men kidnapped four passengers travelling in a van owned by the NGO Care International as it was on its way from Jaghuri district to Ghazni City.<sup>193</sup> Unidentified armed men kidnapped already in the beginning of August a district official and beheaded another person known for his pro-government attitudes in Jan Murad area.<sup>194</sup> A day earlier, Taliban fighters attacked a police vehicle in Askarkot area of Qarabagh, 10 kilometres from Kabul – Kandahar Highway.<sup>195</sup> In June, four Taliban fighters were killed in a fire-fight in Namurad village.<sup>196</sup>

### **Ab Band**

Two Taliban fighters were killed in Jilga area in the end of August.<sup>197</sup> The next day, a key Taliban commander called Mohammadzai was killed in Jalgai and Asgharai villages in security operations which were part of a wider operation launched in Waghaz, Qarabagh and Ad Band.<sup>198</sup> A month later, the District chief of Ad Band claimed catching four suspected Taliban fighters with remote-controlled bombs.<sup>199</sup> But in October, three civilians were killed when their vehicle hit a landmine in Ab Band district while returning to Qarabagh.<sup>200</sup>

### **Jaghato**

The police chief of Jaghato district Sayed Hassan Salehi was wounded in August with three of his bodyguards as he was on his way to Ghazni City. The attack took place in Do Aaba area.<sup>201</sup>

### **Moqur**

Taliban fighters shot dead the chief of the Maqur district Mr. Habibullah in a ambush in Shahbaz town, some five kilometres south of the provincial capital.<sup>202</sup> The ambush followed an attack a week earlier, when the headquarters of Moqur district was burned down. The Taliban fighters killed two district officials and kidnapped several district officials in an night raid. A local Taliban commander Mohammad Haroon took responsibility for the attack.<sup>203</sup>

An ISAF soldier was killed during a combat operation in Moqur district when their vehicle overturned.<sup>204</sup>

### **Deh Yak**

The Taliban attacked a convoy of NATO forces near Sedu village of the district Dehyak. Two suspected Taliban fighters were detained.<sup>205</sup> In August Security officials arrested four armed Taliban during a security operation after the Taliban fired rockets at the district offices.<sup>206</sup>

### **Khogyani**

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<sup>193</sup> Pajhwok Afghan News 26.8.2006

<sup>194</sup> Pajhwok Afghan News 8.8.2006

<sup>195</sup> Pajhwok Afghan News 7.8.2006

<sup>196</sup> Pajhwok Afghan News 27.6.2006

<sup>197</sup> Pajhwok Afghan News, 30.8.06.

<sup>198</sup> Pajhwok Afghan News, 31.8.06.

<sup>199</sup> Pajhwok Afghan News 30.9.06

<sup>200</sup> Pajhwok Afghan News 14.10.06

<sup>201</sup> Pajhwok Afghan News 22.8.06

<sup>202</sup> Pajhwok Afghan News 1.9.06

<sup>203</sup> Pajhwok Afghan News 26.8.06

<sup>204</sup> Pajhwok Afghan News 2.12.06

<sup>205</sup> Pajhwok Afghan News 12.10.06

<sup>206</sup> Pajhwok Afghan News 21.8.06

Three Taliban fighters, including a commander were detained in the Khogyani district after firing rockets on district headquarters. The arrested local Taliban commander was named as Mullah Bakhat Samad.<sup>207</sup> In August, eight rockets were fired at the Khogyani district headquarters without any effect.<sup>208</sup>

### **Waghaz**

A group of Taliban killed a policeman in Chakar village in August.<sup>209</sup> Earlier in August, the night before Afghan Independence Day, there was a clashes between security forces and the Taliban in Waghaz.<sup>210</sup> In July, two Taliban fighters were killed in an overnight operation by Afghan National Army after the Taliban had attacked Wahgaz district.<sup>211</sup>

## **5.3. Jaghuri overview**

Jaghuri (also seen spelt Jaghori, Jaghoori) is one of the main districts of Ghazni province. Jaghuri is geographically as well as culturally part of the central Hazarajat region. Indeed, according to one person interviewed, Jaghuri has more in common with the Central Highlands than with the southern or eastern parts of Ghazni province.<sup>212</sup>

There are no reliable statistics concerning the population, but a UNHCR District Profile from the year 2002 estimated the population to be 192.216 persons, making it one of the most populous districts in Afghanistan. Although the UNHCR District Profile states that Jaghuri is ethnically 100% Hazara, the FFM mission heard from two unconnected sources of some individuals of other ethnicities resident in Jaghuri.

The district capital of Jaghuri is Sange-i Masha. It is famous for its library and its bazaar. Other important bazaars in the districts are in Angory and Ghujoor.

Additionally, the district is famous for its hospital<sup>213</sup> and clinics, which attract patients even from neighbouring districts. The hospital is run by Shuhada (Martyr's) organisation, led by former vice president Sima Samar. The district benefits of the constant support of the Shuhada organisation, whose roots are in the district.

The most famous Jaghurian is Sima Zamar, former vice president and currently the head of the Independent Afghan Human Rights Commission. Her Shuhada -organization has created a network of welfare offices all around Hazarajat.

Jaghuri has prioritized education. There are between 60-150 primary and middle schools and 22 high schools and girls are welcomed to mixed schools, although in separate classes.<sup>214</sup> As the UNHCR District Profile already in 2002 noted, "*it is also significant that there is a similar number of High Schools for boys and girls*".<sup>215</sup> During the Taliban regime girls' schools were still operating in the district up to the 6<sup>th</sup> grade. Jaghuri has in recent years produced the largest number of students to qualify for further studies in Kabul and other universities in Afghanistan. According to the head of Caravan Cultural Foundation, the situation of women in Jaghuri is generally better than in other parts of the province.

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<sup>207</sup> Pajhwok Afghan News 9.10.2006

<sup>208</sup> Pajhwok Afghan News 29.8.2006

<sup>209</sup> Pajhwok Afghan News 26.8.2006

<sup>210</sup> Pajhwok Afghan News 19.8.2006

<sup>211</sup> Pajhwok Afghan News 29.7.2006

<sup>212</sup> Interview, Mr. Ahmed, resident of Jaghuri, Kabul 07.09.06

<sup>213</sup> Picture can be seen at [www.flickr.com/photos/93238215@Noo/](http://www.flickr.com/photos/93238215@Noo/)

<sup>214</sup> Interview, Mr. Ramin, resident of Jaghuri, Kabul 06.09.06.

<sup>215</sup> UNHCR District Profile ([http://www.aims.org.af/afg/dist\\_profiles/unhcr\\_district\\_profiles/centra/ghazni/jaghori.pdf](http://www.aims.org.af/afg/dist_profiles/unhcr_district_profiles/centra/ghazni/jaghori.pdf))

The Jaghuri official power structure saw some changes during the year 2006. The long serving district governor Zafar Sharif was removed from his position and replaced by commander Irfani in April/May. Also the district chief of police, Mohammed Anif Ehsani was replaced by a non-Hazara in the beginning of the year, January/February 2006.

## 5.4. Political situation

A UNHCR District profile from year 2002 stated that:

*“Jaghori district...is under the control of of Hezb-e-Wahdat (Khalili faction). Officially, members of other political & military parties especially Harakat are said to be accepted but not present.”<sup>216</sup>*

The FFM was unfortunately unable to visit Jaghuri due to security fears on the Ghazni City – Jaghuri road in the Qarabagh District<sup>217</sup> to investigate the current political situation in Jaghuri directly. However, the FFM conducted several interviews with well-informed persons from Jaghuri.

Jaghuri has been politically quite active in Hazara politics, which can be explained at least partly with the higher education level of its population. Jaghuri has been breeding ground for political parties. As an example the party “Nehzat-i Islami Afghanistan” was mentioned, which was created in the late 70’s by two jaghurians, Aqai Ali Rahim and Shaikh Ali Yawar Iftikhar. The party brought together anti-colonialism and islamism. However, as so common with small parties, Nehzat was divided in fractions in 1983. These smaller fractions later joined Hezb-i Wahdat. During the Taliban occupation of the Hazarajat, old tensions between some Hazara fractions came again up. There has been accusations that some Hazara’s collaborated with the Taliban in order to weaken their rival Hazara faction. The Nasr-faction, which is part of Hezb-i Wahdat (Khalili faction), has taken revenge against some individual Nehzad-activists, who collaborated with the Taliban. It was mentioned, that one commander, Ismat Morad killed three persons in year 2005 accusing these villagers for his capture by the Taliban. However, there has been no widespread persecution and former membership in Nehzad does not directly end up in persecution. Another political party that has been active in Jaghuri has been the Pasdaran-i Jihad-i Islami Afghanistan -party. This pro-Iranian came into existence in the early 80’s with the name “Sepah”. It later joined in the year 1987 to Hezb-i Wahdat.

There has been also a history of competition and confrontation between Harakat-i Islami and Nasr. However, the parties have also cooperated, for example in ousting the shura of Sayyed Ali Behesht from the Hazarajat. Both parties also fought the taliban. Currently, there is no confrontation between the different Hazara-parties. However, it was pointed out, that members of existing parties can be involved in personal conflicts, which can get a political label, although the reasons behind the conflicts are private.

There are rumours, that some individual Hazaras are currently cooperating with Taliban, in order to use these in personal conflicts. The Taliban are not active in Jaghuri, but it was stated, that some relations established during the Taliban occupation still exist. On checkpoints outside Jaghuri the Taliban have sent greetings to persons in the Jaghuri area. Additionally, a case was mentioned that shows that the Taliban have influence indirectly also in Jaghuri. Three young men, who returned from abroad to Jaghuri, wanted to organize a “rock” concert”. The regional Taliban command wanted to prevent this. They contacted religious leaders in Jaghuri and told them that this “rock concert” should be forbidden. By putting pressure on Jaghuri religious leaders, the Taliban were able to prevent the concert.

<sup>216</sup> UNHCR District Profile ([http://www.aims.org.af/afg/dist\\_profiles/unhcr\\_district\\_profiles/centra/ghazni/jaghori.pdf](http://www.aims.org.af/afg/dist_profiles/unhcr_district_profiles/centra/ghazni/jaghori.pdf))

<sup>217</sup> The FFM received several warnings of Taliban roadblocks on the road. Indeed, on the same day the FFM was planning to travel to Jaghuri, the Taliban stopped a car and arrested two afghans working for a western construction company, poured gasoline on them and threatened to set them on fire. Luckily the Taliban decided to call the company, who in turn could convince the Taliban that the company is a non-western company with pro-taliban views.

It was stated, that currently in Jaghuri there is a mental power struggle between the “old elite” of religious leaders and commanders and a “new elite” of pro-government, secularly educated persons. Although the dividing lines are blurred, it was stated that many commanders have joined forces and put their problems aside in order to support each other. In practice this power struggle could be seen in the last Wolesi jirga - elections, when Jaghuri put forward many candidates and jaghurians were unable to rally behind one or two candidates. This was noted also in the higher levels of Hazara politics. It was stated, that very high Hazara political figures were unsatisfied with the disunity of Jaghuri, which in their view played into the hands of other ethnicities.

Although the Hazara population is pro-government, a widespread complain is that the government is still marginalizing Central highlands. As prove for this marginalization people see the fact that the government is investing money to pashtoo populated areas that contrary to the Hazarajat, are unstable. This heavy concentration of development to the south has been seen as a form of persecution against the Hazara.

## 6. Personal documents

The most basic, standard document or form, which is used in communication with governmental authorities, is the so called “petition letter”(See annex 1.). This form is also used when a person is applying for a Tashkera or Passport. The cost for a “petition letter” form is 2 Afghanis. The forms are available usually at governmental offices, for example police stations, district and provincial administration offices and governor’s office.<sup>218</sup>

The mostly used Afghan personal document is still the “Tashkera”. The “Tashkera” can also be obtained trough a close male family member. The identity of the applicant is confirmed trough the local register of population. Due to Afghanistan’s violent past, many registers have been destroyed. Because of this, it is common, that village elders/ religious authorities, give an testimony in behalf of the applicant, stating that the applicant if from the family he claims be. If the applicant has living relatives, it is also enough if his, father or uncle in person testify to the local district official that the applicant is a kin. Then it is enough that the name of the applicant’s relative is in the local register of population. After the identity of the applicant has been verified, the matter is referred to the provincial police. It is common, that the provincial police headquarters has an small passport office. The applicant has to provide his photos of himself and file an official application for “tashkera” with the “petition letter”. After filling the application, the application will need the signature of the provincial chief of police or his deputy. With his approval, the documents will be sent to the administrative capital of the region, were the Tashkera will be printed. The document will then be sent to the police station, where it can be collected by the person or his close relative.<sup>219</sup>

### Passport

Passports are not in common use. The following description of the passport application procedure is based on second-hand observations in Mazar-i Sharif.<sup>220</sup>

The application form for a passport is called “Ariza” and costs 5-10 Afghan cents. After filling the application form, the applicant must personally file the form at his provincial police station. The applicant has to prove his identity through his Tashkera. If the person is missing his Tashkera, the police will make enquiries about his identity from the applicants home district authorities. A copy of the Tashkera and the

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<sup>218</sup> Observations made during 5.-19.9.06

<sup>219</sup> First hand observations made during 5.-19.9.06.

<sup>220</sup> the passport office is located in the eastern part of the city.

application form signed by the provincial chief of police or his deputy is send to the regional passport office.

In the regional passport office, the applicant is issued with a new document, called “Tarifa”. The “Tarifa” states the price of the passport, usually 800-1000 afghanis (around 20 USD). The applicant has to go to the state accountant where he will get the payment details. At the bank, the person will receive a receipt for his payment. With the receipt and 4-6 passport pictures the applicant has to go again to the regional passport office, where the applicant now fills the actual application. The passport office will then stamp the document and file the application.

When the passport is ready, there is an additional administration fee of 150 Afghanis (around 2-3 USD)

In Mazar-i Sharif, there were allegations that the regional passport office had started to restrict the issuing of passports. Several common Afghans complained to the FFM, that the passport authorities were issuing passports only to very sick persons, who needed medical care abroad. Another wide spread accusation was that although the passport has an clear fixed price, due to corruption the price of a passport could rise to over 300 USD.

The Kabul pass office is located near the Interior Ministry.

### **Wedding document**

Wedding documents are rarely applied and are not in common use. A marriage document can be obtained from the local court. It is free of charge, although an administration fee and/or, bribes are commonly paid. Nowadays its very common to make a wedding video, which is, at least in Faryab, Mazar-i Sharif and Bamyān also recognized by the authorities as enough proof that a wedding has in reality taken place.

The Finnish FFM had the honour to participate in a wedding in Mazar-i Sharif. The bride and groom were from wealthy families and the wedding ceremonies lasted four days. Many guests had travelled from wide distance to take part of the celebrations. Many notables were present; also from opposing political camps. Also many governmental officials were present. Due to this and the wedding video filmed during the celebration, the father of the bride stated that a wedding document would be unnecessary: everybody would now know, that his daughter is married.

### **Drivers license**

Drivers licenses are not in common use. There has been lot of media coverage on the first driving schools in Kabul but the phenomenon is restricted to Kabul and the biggest cities. The drivers license issue is widely seen as a corruption channel for the police.

## **7. Immigration trends and the situation regarding the return of asylum applicants whose applications have been rejected**

### **7.1. Immigration trends**

According to a very high ranking official working for a international organisation, the relations inside the Hazara population in the Central Highlands area are very tight. According to him, the reasons for immigration from the Central Highlands and especially from Jaghuri, have more to do with the lack of

resources than with security related issues. According to him, the resources of the Jaghuri area are limited. Overall, there is a tradition to send a member of the family outside the regions for work, and due to cultural issues this immigration has concentrated mainly on Iran. Currently, due to the “stable” situation only young males are immigrating while the family stays in the area.<sup>221</sup>

Already in the year 2002 a UNHCR District profile of Jaghuri stated that “*As in neighbouring Malistan, a significant part of the young male population is sent by the head of families abroad, especially Iran, in order to secure regular source of income*”.<sup>222</sup>

This trend was ongoing and “*given the continuing drought, and lack of job opportunities, still many young males, be they returnees from Iran and Pakistan or individuals who never left their district, opt for departure to Iran, Pakistan or even Kabul and Ghazni*”.<sup>223</sup>

The same document stated regarding returnees, that “*Many of these returnees express their intention to return to previous country of asylum, even without proper travel documentation, explaining that life is too difficult in Jaghuri*”.<sup>224</sup>

According to a high-ranking UNHCR official, the main reasons for immigration are indeed socio-economical of nature. The underlying motive for this “push-effect” lays in the areas geological and geographical factors. The soil does not favour cultivation, erosion is widespread, snowfall is heavy in winter and in spring there are severe floods. Additionally, the access to markets is limited since the road infrastructure doesn’t favour the Central Highlands. Additionally the population growth in the area has made the lack of land more critical.<sup>225</sup>

These factors together are much bigger questions than politics and commanders in the Central Highlands area. Security related issues are not a strong “push factors”. When asked about areas that are worse off than others, he stated that in the Central Highland’s the area most affected is Daikundi, followed by Bamyán, parts of Ghazni and Ghor. The situation in Daikundi is especially unfavourable due to the backwardness, lack of structure and the recent droughts. The main route of immigration goes via Kabul to Herat and from there to Iran.<sup>226</sup>

Another interview supported these views. According to a human rights officer working for an international organisation in Bamyán, a recent trend is that young men are leaving the area, especially from Daikundi, in order to find work. However, the human rights officer stated that also major reasons for immigration also include the current instability and underdevelopment of the area. According to her, the main directions for immigration are Iran and Pakistan and inside Pakistan the city of Quetta.<sup>227</sup>

During the Afghan civil war, many Jaghuris immigrated to Pakistan and Iran. They adapted faster to the changing situations than residents of Bamyán province. Additionally, many stayed in Pakistan and Iran and have worked hard to upgrade their living standards there. Additionally, the Jaghuri diaspora is very wealthy. This is a cause for envy and a reason why amongst the Hazara Jaghuris are not particularly liked.<sup>228</sup>

According to the same high-ranking official, there have been seven cases in Bamyán province of a local power broker/commander grabbing land and physically driving the actual owners of the land away. This

<sup>221</sup> Interview, high ranking official working for an international organisation, Bamyán, 13.9.06

<sup>222</sup> UNHCR District Profile ([http://www.aims.org.af/afg/dist\\_profiles/unhcr\\_district\\_profiles/centra/ghazni/jaghori.pdf](http://www.aims.org.af/afg/dist_profiles/unhcr_district_profiles/centra/ghazni/jaghori.pdf))

<sup>223</sup> UNHCR District Profile ([http://www.aims.org.af/afg/dist\\_profiles/unhcr\\_district\\_profiles/centra/ghazni/jaghori.pdf](http://www.aims.org.af/afg/dist_profiles/unhcr_district_profiles/centra/ghazni/jaghori.pdf))

<sup>224</sup> UNHCR District Profile ([http://www.aims.org.af/afg/dist\\_profiles/unhcr\\_district\\_profiles/centra/ghazni/jaghori.pdf](http://www.aims.org.af/afg/dist_profiles/unhcr_district_profiles/centra/ghazni/jaghori.pdf))

<sup>225</sup> Interview, high ranking official working for an international organisation, Bamyán, 13.9.06.

<sup>226</sup> Interview, high ranking official working for an international organisation, Bamyán, 13.9.06.

<sup>227</sup> Interview, official with an international organisation, Bamyán, 13.9.06.

<sup>228</sup> Interview, official with an international organisation, Bamyán, 13.9.06.

happened in the Walash district. The commander and the local farmers had an long time dispute about the ownership of the area. Same official stated, that killings are, however, very rare in land disputes, at least in the Central Highlands area. The seven families are now living in Kabul.

The high-ranking UNHCR official disputed the view of an Afgan governmental organisation working with repatriation of refugees, that there would have been conflicts between returnees from Iran and locals.<sup>229</sup> Also a US State Department official stated that the human rights situation would be worse for returnees than for other Afghans. For example in Ghazni, returnees are benefiting from a new land reform project headed by Directorate of Rural Rehabilitation. The Afghan government has adopted a policy, that returnees have to return to their own province of origin. This has not always been possible: due to a land dispute, there are people from Zabul as IDP's now in Paktika and IDP's from Kunar in Nangarhar. However, there is no large scale movement inside Afghanistan. The current instability in the south has not sparked a large-scale displacement problem, since the local population relies on traditional ways to avoid security hazards by moving to their relatives in a more stable region.

## 7.2. Return and asylum seekers

### Meeting with the UNHCR Deputy Representative

The Finnish FFM delegation had a meeting with the UNHCR Deputy Representative, Keisuke Murata in Kabul on September 18<sup>th</sup> 2006. Also the Associate Protection Officer Muhammad Aziz Rahjo was present.<sup>230</sup>

Regarding the overall situation, Mr Murata stated that during the year 2006 the security situation has deteriorated especially in the southern and eastern parts of the country. Additionally, some parts in the west and north have also seen an increase in violence, although this has been more sporadic and local in nature. The UNHCR is following the situation and listing the provinces and districts that are regarded as volatile. The latest updated overview [in September] was given to the FFM. Mr. Rahjo stated, that the security situation is closely followed by the human rights monitoring group. UNHCR is working closely with the AIHRC, with whom they are currently building up a human rights database which would include all the reported human rights violations district by district.

Regarding Ghazni, Mr Murata and Mr Rahjo were aware that there is movement away from Ghazni and Jaghuri, but they could not provide any reasons for this. Mr Rahjo stated that Jaghuri is a big district: during the Mujahid period there was even talk that Jaghuri should become a province in itself. According to Mr. Rahjo, Jaghuri has always been different from its neighbouring districts thanks to its remote location. Even during the Taliban –period, Jaghuri was “different”: schools for girls kept their doors open and the former commanders kept their power. UNHCR is not aware of any reported land grabbing in Ghazni and especially Jaghuri. According to Mr. Murata, Ghazni has been on contrary very progressive in land allocation: over 7500 plots have been created and now the process of identification of beneficiaries is under way. At the same time the security situation in the districts of Andar and Qarabagh has worsened.

Regarding land disputes and land grabbings Mr Murata and Mr. Rahjo assessed those areas most at risk where the central government is weak and the former commanders are still in *de facto* charge. An ethnic dynamism is also in place in areas, where the question of the right of pasture and land ownership is mixed with ethnic tensions. Land disputes have become one more source to instability. In the Central Highlands area land disputes are especially widespread in Sharestan district and Daikundi province.

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<sup>229</sup> Interview, high ranking official working for an international organisation, Bamyan, 13.9.06.

<sup>230</sup> Interview, UNHCR Deputy Representative Keisuke Murata and Protection Officer Mohammad Aziz Rahjo, Kabul 18.9.2006.

Regarding the current refugee and immigration trends, Mr. Murata pointed out that although some four million Afghans have returned, many have again left the country in search for work in Iran and Pakistan. Iran plays an important role in the immigration trends of Afghanistan. In the year 2004, the Iranian government tried to force the return of Afghans with school fees and other restrictive measures, but this policy has made way for a more relaxed policy. The majority of Afghans in Iran are well integrated. In the Afghan-Iran bilateral talks there has been some discussion about a special work-visa for Afghans, which would allow employment in Iran on the condition that the family stays in Afghanistan. There is a strong need for the better management of movement on the Afghan borders. As an example, Mr Murata mentioned, that in a one to two weeks period, over 200.000 persons cross the Afghan borders without the necessary documents.

UNHCR has no objections to the forced repatriation to areas that are not in the UNHCR list of unstable provinces. If there is a specific, abnormal immigration pattern, for example a heavy concentration to a specific area, UNHCR is willing to investigate and to give an official statement regarding the area. UNHCR, however, objects to repatriations of persons who can not return to their own region due to the fact that reintegration to an unknown region is too difficult.

Regarding the possibility of negotiating a Memorandum of Understanding (MoU) regarding repatriation, Mr Murata stated that UNHCR has no objections to conclude an MoU with Finland. According to Mr Murata the benefits in a MoU compared to an bilateral agreement is the fact, that if kept only as a MoU, this can be signed directly with the Minister of Refugees, Minister Ustad Muhammed Akbar Akbar, and a clearance from the parliament is not needed. If an official bi-lateral agreement between the governments of Finland and Afghanistan is signed, there is a risk that the Afghan parliament needs to be consulted.

In practice, when a person is repatriated and arrives at Kabul airport, a delegation of different organisations will receive the individual. Officials present are from the Ministry of Refugees, DoRR, Ministry of Health, IOM and UNHCR. Additionally, some countries like Denmark, Norway and United Kingdom have had officials from their Directorate of Immigrations present monitoring the situation. UNHCR will take care of the formalities, interviews the person and informs about the repatriation procedures. IOM is in charge of administration of the reintegration package and will arrange a transport to the area of origin, if needed. Practice has, however, shown that many prefer to travel by themselves. There is the possibility to stay in the Ministry of Refugees guesthouse for up to 10-15 nights.

Answering to the question, what happens to persons who don't have any family, Mr. Murata stated that this is quite uncommon, since the overwhelming majority has some contacts at least to their enlarged family. There are orphanages in Kabul, but not a national network.

According to the Rights and Gender Adviser of the Office of the Special Representative of the European Union for Afghanistan, Sari Kouvo, Finland should consider very carefully the prospect of returning asylum applicants whose applications have been rejected, since the situation in Afghanistan is still not stable and all returnees can not stay in Kabul. Additionally there is lack of opportunities, unemployment, and the living costs have risen. A return could also be problematic in the sense, that land disputes are still difficult to resolve. Without contacts to officials and institutions a return could be difficult indeed.<sup>231</sup>

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<sup>231</sup> Ms. Kouvo, Kabul 6.9.06.

