

***A First Step on a Long Journey:***  
***How People Define Violence and Justice***  
***in Afghanistan (1958-2008)***

**Afghan Civil Society Forum-organization, 2011**

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## Introduction

Afghanistan is in the most momentous period of history. On the one hand, it is in the constructive change process and on the other hand it faces the formidable challenge of past human rights abuses and crimes. The Government of Afghanistan supports investigation of past crimes. The establishment of an independent human rights commission as agreed in Bonn Accord, the convention of national human rights workshop and President Hamid Karzai's emphasis on investigating the past crimes in its inauguration, and refraining from signing the national reconciliation bill 2007 are all examples of support to the transitional justice process. Nevertheless, the Government of Afghanistan has not been able to formulate a clear mechanism to implement transitional justice. Afghans demand justice more than ever. Investigating the previous crime is a legitimate right of Afghans. If the government does not seriously consider this issue, the current distrust and gap between people and government will increase and can create gigantic problems for Afghanistan's future.

Afghans have witnessed many rights violation and crimes committed by ethnic and ideological leaders, commanders, belligerent factions and locally powerful forces. After 9/11, the international community and civil institutions have taken steps to redress people's grief. They have strived to assess the human rights violations and crimes committed during different periods in order to inform people. As a result, human rights organizations have published several reports on human rights issues. Nonetheless, Afghanistan has a long road to truth seeking and there exists a wide-range of hidden crimes. Human rights organizations have not been able to identify these hidden areas, since there are powers in the country that prevent the truth to be found.

How People Define Violence and Justice is a research project on international crimes, massacres, rapes, murders, destruction of residential areas, homicide and imprisonment of intellectuals, torture and human rights abuses of the past fifty years. This research extends to the past fifty years of Afghan history and starts from Shah Mahmud Khan premiership during Muhammad Zahir Shah monarchy. Human rights abuses have deep roots and can be traced back to Muhammad Hashim Khan premiership. Therefore, certain parts of this report refer to that period. Afghanistan witnessed rather stable regimes during Muhammad Zahir Shah monarchy and Dawood Khan republic; however, human rights abuses were systematically committed during those periods. An outstanding example of which was depriving ethnic and religious minorities from political and social participation and from the right to education which continued till the end of Dawood Khan republic.

After the communist coup in Afghanistan, the civil war broke out. During these periods heinous human rights abuses took place, the most prominent of which were arbitrary imprisonments, forced disappearances and massacres. After the collapse of Communist regimes and Mujahedin triumph, a new chapter of crimes in Afghanistan began. Ethnical, sectarian and lingual conflicts, territorial divide of cities and villages by belligerent factions, rule of local commanders on the lives and properties of people, destruction of house, rapes, plundering government and people's properties and stealing historic monuments are examples of such crimes.

During Taliban rule, areas such as northern Kabul and Bamyan were turned into burned lands. Some evident examples of Taliban crimes were the massacre in northern Kabul, Bamyan and Mazar-e-Sharif, women rights violation, confiscation of public properties, wanton imprisonments, forced disappearances, and humiliation of human dignity.

In order to assess the past events, How People Define Violence and Justice Project developed a questionnaire that encompasses these abuses and crimes. It consists of five sections and 36 questions. The last fifty years that constitutes our scope of research has been divided in six following periods:

1. The Monarchy (King Mohammad Zahir Shah) 1958 – 1973
2. The Republic (President Mohammad Dawood) 1973 – 1978
3. The Communist Regime 1978 – 1992
4. The Islamic State (Mujahedin) 1992 – 1995
5. The Islamic Emirates (Taliban) 1996 – 2001
6. Islamic Republic (Karzai) 2001 – 2008

The research has been conducted in nine provinces including Kabul, Kandahar, Badakhshan, Bamyan, Herat, Nangarhar, Paktia, Balkh and Faryab. In each province 400 questionnaires were filled, making the total number of interviewees 3600 respondents. These provinces were selected on the basis geographical, political, historical and ethnical criteria. The various sections of this report are in the order of questions answered by respondents. In other words, the table of contents of the current report, with a few changes, is the same as the questionnaire.

The standards for justice and human rights violation in this project are defined by people. Views, beliefs and utterances of respondents constitute the basis of this research. We have strived to utilize the concept of Do No Harm during the implementation of this project, and therefore we have refrained from stating directly the names of criminals. Nonetheless, the names given by the people are noted in the questionnaires and are recorded in ACSFo's archives.

ACSFo cherishes the value of reflecting the voice of masses and has remained impartial throughout the course of this research. ACSFo has tried to project the grievances of the victims in this research and present it in a statistical format. This research demonstrates the realities in words of the respondents who were and are victims of the 50 years of atrocity. This research has been conducted therefore to bring to light the darkest realities from the point of view of the respondent so that measures are adopted to prevent its reoccurrence.





## **Chapter One: Previous Governments (1953- 2008) in Retrospective**

Mohammad Zahir Shah assumed the throne at the age of 18, following his father, Nadir Khan, after his assassination. Muhammad Hashim his elder uncle became the Prime Minister and held the position from 1933 to 1946. After him, Zahir Shah's second uncle, Shah Mahmud Khan became Prime Minister and maintained the position from 1946 to 1953. The third Prime Minister of Zahir Shah reign was his cousin Mohammad Dawood Khan who held the premiership from 1953 to 1963. The Prime Ministers were mainly responsible to administrate the affairs of state and was a dynastical position for 30 years. During the dynastical premiership, Mohammad Zahir Shah possessed little authority and important governmental decisions were made by his uncles. In 1963 Mohammad Zahir Shah assumed greater power and ruled the premiership to be non-dynastical which lasted for 10 years.

Throughout Zahir Shah reign, particularly during the premiership of Mohammad Hashim Khan and Shah Mahmud Khan, no political change or social improvement took place. Military and education expenditure respectively constituted the highest government spending. During Hashim Khan Premiership only 10% of 100,000 eligible children were enrolled in schools and 80% of public schools were located in Kabul, university enrollment was meager too. These two Prime Ministers maintained their authority on every aspect of social life; and built their rule on the basis of fear and intimidation. During the former's rule, people enjoyed no political liberties and participation. They lived under intense pressures of deprivation, and ethnical, lingual and racial hegemony.

Mohammad Dawood Khan put country's economic development on the top of his agenda. He decided to accept the military and economic support of Soviet Union and Eastern Europe countries. With these assistances he undertook many social programs such as constructions of roads and power dams as well as military reinforcement. He was politically authoritative and disputatious and was extremely and aggressively nationalist. He mostly highlighted and added fuel to the Pashtunistan issue.

The Constitution of 1964 was ratified by Constitutional Loya Jirga during premiership of Mohammad Yusuf Khan. It is one of the best documents of Afghanistan from the legal point of view, but it ignored the structural and social issues that eventually resulted in its failure. During these years publication of national newspapers started, but the government kept changing rapidly. Mohammad Hashim Maiwandwal, Noor Ahmad Aitemadi, Abdul Zaher and Mohammad Musa Shafiq were appointed as prime ministers one after another. None of them could deliver land reforms, better tax system, employment, low prices of consumer goods, and improve people's living conditions. The monarchy as a result faced intense crisis, paving the way for Mohammad Dawood Khan to overthrow the monarchy through a coup and to declare the Republic of Afghanistan.

Following a military coup that was supported by Russia, Dawood Khan became the President of Afghanistan on 17 July 1973. Through a presidential statement he abrogated the Constitution of 1964 and the monarchy, declaring his government a Republic. He soon started dissociating from his communist friends that had assisted him to gain power. Instead, he began to control the domestic fundamentalists, which mainly necessitated strengthening his relations with Islamic countries.

Mohammad Dawood Khan proposed a new constitution that allowed only the Ghorzang-e-Millie (National Movement) party to operate. He modified and amended the civil services law as well, appointing the cabinet members from his party mates. This alarmed the communist groups who had felt segregated from the outset. Finally they united, staged demonstrations and with the support of pro-Russian army conducted a violent coup that overthrew Dawood Khan Government on 27 April 1978.

On 27 April 1978 it was announced that the government system changed into Democratic Republic and Noor Mohammad Taraki became the President of Afghanistan. Union of Soviet Socialist Republics (USSR) was the first state to formally recognize the Democratic Republic of Afghanistan. *Khalq* (People) Democratic Party [the ruling party] used the administrative powers and communist ideologies to promulgate a number of ordinances that faced people's disapproval. People found this party acting against the cultural and customary values and beliefs of Afghans, therefore rebellions mushroomed from different parts of the country. The Communist regime started to politically suppress the people by conducting faith-based arrests, secret trials and extra judicial killings. This caused the local uprisings to have an Islamic touch across the country.

In 1979, USSR sent their troops to Afghanistan. Hafizullah Amin, who had killed Taraki and assumed power, did not enjoy Moscow's confidence and was therefore USSR forces first victim. The Russians killed him and installed their loyal communist comrade Babrak Karmal in power.

Meanwhile, the Jihadi organizations succeeded to ensure their dominance in almost all the districts and villages. They were supported and financed through Pakistan by Islamic as well as democratic countries who opposed the communist ideology, particularly United States of America. In 1986, Moscow appointed Najibullah the Director of KHAD (Government Intelligence Services) as the President. After a year the new Constitution was introduced. However, by signing the Geneva Convention in 1988, Russia agreed to expel their troops from Afghanistan. On 28 April 1992 the Communist Regime fell into hands of Mujahedin.

The Interim Government of Mujahedin took control of Kabul on 28 April 1992. In most parts of the country, the factional commanders were in power. Jihadi organizations entered into a fierce warfare within themselves to capture the center, Kabul. The political situation deteriorated and the country descended into an utter anarchy. Jihadi leaders and local warlords established arbitrary check points and committed crimes such as kidnapping, rape, murder, massacre, damage and looting of private and public property, stealing historic monuments, burning schools

and destroying public properties. Kabul, the capital of Mujahedin fell into the hands of Taliban in 1996, who fought against Mujahedin till 2001.

The Taliban established their government in the morning of 27 September 1996 in Kabul, with Mullah Muhammad Rabbani Akhund taking Professor Burhan-ud-din Rabbani's place. Taliban formed a 10-member assembly, headed by Mullah Rabani to manage the country. However, Kandahar remained Taliban Capital. Taliban changed the name of state to "Islamic Emirates of Afghanistan" and gave the title of Amir-ul-Momineen (Commander of the Faithful) to their leader Mullah Muhammad Omar. Taliban, who entered the political and military arena with slogans of rescuing the people of Afghanistan from the sufferings imposed by the malfeasant and evil groups, dragged out President Najibullah from the office of United Nations and hanged him. People experienced the beginning of Taliban government with the execution of a president. Hence, fear and terror dominated Kabul entirely and Kabul inhabitants; thereafter, witnessed public hangings and hands and legs mutilation of those who were declared criminals by Taliban groups or judges. The chopped hands and feet were hanged in cities' squares.

Subsequently, Taliban declared photography, video recording, watching television and listening to music haram (religiously prohibited) and therefore printing photos were banned in all print media. Girls schools were closed, women and girls were legally banned from getting out of the houses for going to schools, offices or work. Men were forced to grow long beards and women to stay at home. Women were not allowed to even go to a doctor without their husbands (or Mahram). Women public bathrooms (hamams) were totally closed. Theaters and all other recreational centers were closed down.

On 13 September 2001 the Taliban regime was toppled by American air raids that targeted Taliban and Al-Qaeda military establishments. At end of September 2001, Taliban, apparently, collapsed in all over Afghanistan, but their terror strategy did not.

In late 2001, United Nations initiated the Afghan State-building talks in Bonn, Germany wherein all factions except Taliban were invited to discuss the steps forward towards peace-building and state-building. The talks that lasted for 9 days resulted in Bonn Accord that was signed on 05 December 2001. The Interim Government was established, Hamid Karzai was elected as the President, and peace keeping forces entered the country with the aim of establishing security and supporting the rehabilitation process. The transition of power took place on 22 December 2001, putting an end to Taliban political and military authority and the long lasting war. The Emergency Loya Jirga was held in June 2002, which approved Hamid Karzai as Head of Afghanistan Transitional Government for two years. For the first time in the political history of Afghanistan, a government was established that represented the will of the majority of the people.

In early 2004, representatives of the nation ratified the Constitution through a Loya Jirga. In September 2004, presidential elections were held and Hamid Karzai, the head of Interim Government, was elected the President of Islamic Republic of Afghanistan for 5 years. In 2005 parliamentary elections were held and the Parliament was formed. Security sector reform and

disarmament programs were carried out by Afghanistan donors. International military assistances also focused on establishing national police and national army. The civil society, the Non-Government Organizations (NGOs) undertook service delivery initiatives. As per people's expectations, due attention was paid to health, education, safe drinking water, electricity, environment protection and roads construction. The donor-led programs that aimed to strengthen democracy brought positive changes in the political life of Afghanistan. A number of national programs such as National Solidarity Program (NSP) were implemented in partnership with civil society groups.



## Chapter Two: Justice

### 2.1 Justice and Rule of Law

How People Define Violence and Justice Research was carried out in nine provinces namely Badakhshan, Balkh, Bamyan, Herat, Faryab, Kabul, Kandahar, Nangarhar and Paktia interviewing 3600 people. One of the questions asked was that in which period justice<sup>1</sup> and rule of law was observed the most. The 7 options were: during Zahir Shah reign, Dawood Khan Republic, Communist regime, Mujahedin, Taliban Islamic Emirates or Islamic Republic of Afghanistan. The respondents had to choose one of these options and state the reasons. As according to the data received from nine provinces, the respondents have mostly held negative view about justice and rule of law during Communists, Mujahedin and Taliban rule. During these periods violation of human rights, women’s rights, children’s rights and social rights, as well as destruction and looting of historic monuments took place widely.

A considerable percentage of respondents in the above mentioned provinces have stated that justice and rule of law were not ensured during any of the governments, because the deprived segments of society have never felt a positive change in their live and have always lived under oppression. Interestingly, in none of the eras in the country we see more than 51% satisfaction for justice. It is only Kandahar during Dawood Khan Period with the highest percentage of 51.

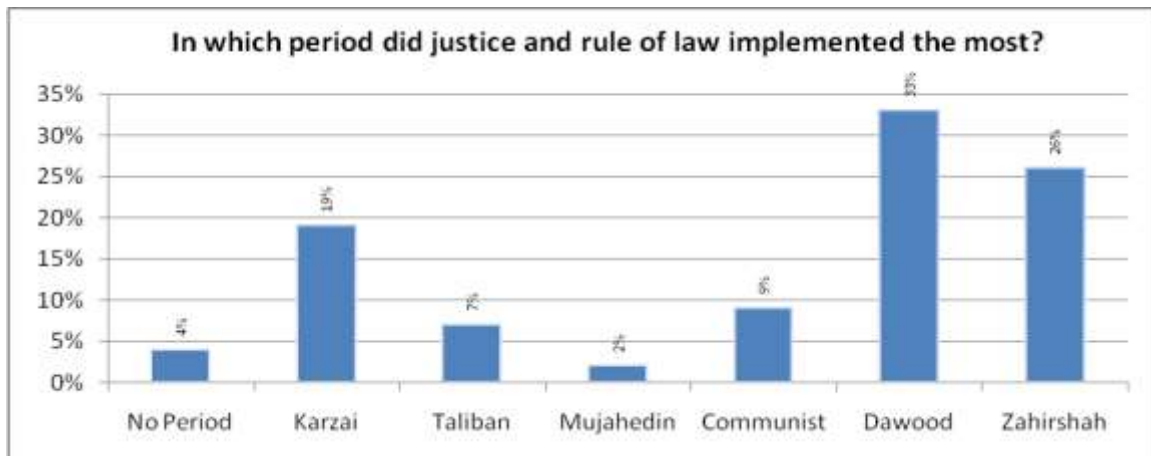


Figure 2-1a: Law and Justice

<sup>1</sup> About justice, article 6 of Constitution of Afghanistan (2003) clearly states that, “The state is obliged to create a prosperous and progressive society based on social justice, protection of human dignity, protection of human rights, realization of democracy, and to ensure national unity and equality among all ethnic groups and tribes and to provide balanced development in all areas of the country.”

The data shows that 33% of respondents have agreed that justice and rule of law was ensured during Republic of Dawood Khan. This is mainly due to the fact that the government had a 5-year plan for Afghanistan economic development and generation of employment opportunities. It also amended the civil services law which enhanced transparency in the process of recruiting government employees. Meanwhile, security was good which according to respondents was because of rule of law.

26% of respondents have agreed that justice and rule of law was ensured during Mohammad Zahir Shah reign. They have stated that security, freedom of mobility, partial freedom of women, agricultural development and establishment of schools in Kabul and provinces were ensured during Zahir Shah rule. Meanwhile, particular attention was paid to literacy and education was made compulsory. Hence, the reign of Mohammad Zahir Shah is considered one of the best periods as far as literacy promotion is concerned.

19% of respondents have stated that justice and rule of law have been ensured during the government of Karzai. They have agreed that women's rights, democracy, freedom of speech and media, administrative reforms, fair jobs, competence-based employment, balanced development, construction of clinics, repair of roads, construction and renovation of schools, supplying drinking water, and development of industries, commerce and agriculture in Kabul and provinces has partially taken place.

9% of respondents have agreed that justice and rule of law have been ensured during the Communist regime. The stated reasons are: implementation of government ordinances especially the land reforms ordinance, freedom of women, ending the tyranny of monarchy on religious and ethnic minorities, providing welfare and educational opportunities, and establishment of formal and informal literacy courses both in Kabul and provinces.

7% of respondents have confirmed that rule of law was implemented by the Taliban. Taliban followed Hanafi jurisprudence and acted unreservedly and expeditiously for the implementation of law. The supreme authority of Islamic Emirates of Afghanistan was Mullah Mohammad Omar Mujahed known as Amir-ul-Momineen (Commander of the Faithful). According to respondents, Taliban seriously and thoroughly implemented their enacted laws. Therefore, in spite of prevalent hunger and poverty in Afghanistan nobody dared to steal a thing.

A resident of Kabul says that "a boy had stolen bread from a bakery; the baker caught him and handed him to a Talib. As soon as his theft was proven, the Talib cut his hand, without receiving any instruction from the higher authorities at all". Such cases represent the seriousness of Taliban in implementation of laws. Taliban laws were Islamic but they carried them out without referrals to the court. Every Talib considered himself the executer of law. A man from Balkh says "Taliban completely implemented the Islamic laws and their laws such as lashing, lapidating, hanging, coloring criminals' face black, displaying the dead body in crowded areas for many days, imprisonment, and conducting prayers test on convicts. They chopped off the hands of thieves, and those accused of adultery and homosexuality was severely punished".

2% of respondents have said that justice and rule of law were ensured during Mujahedin period. As soon as Professor Sebghatullah Mujaddedi assumed power, Mujahedin groups entered into a power struggle and instigated the factional warfare. As a result, no party had full control over any province or district. These parties could not ensure justice and the government became a one-party-rule.

4% believe that justice and rule of law did not take place in any of these governments, from the reign of Mohammad Zahir Shah to Karzai government. Instances of injustice and lack of rule of law pointed out by respondents during the past 50 years were: injustice of the autocratic systems; limitations on political liberties during Zahir Shah rule; arbitrary killings by communists; civil war during Mujahedin; despotism and obscurantism of the Taliban; exemption of criminals and smugglers, unequal implementation of law, and corruption and bribery of Mr. Karzai government.

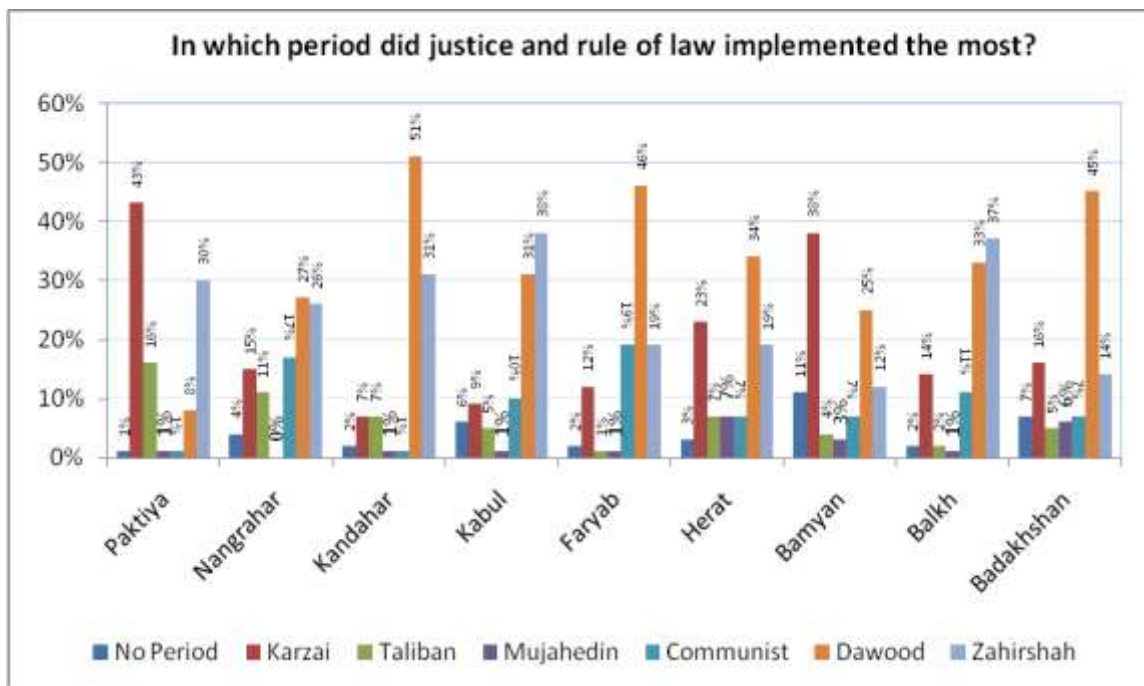


Figure 2-1b: Periods of Considering Law and Justice

According to respondents, there were no honest, righteous and effective people in Mujahedin government who could implement the law. The government headed towards an utter anarchism. Not a single person was appointed in government on the basis of his competence, but all employments were done on the basis of party relations. As a result, the judges, attorneys and legal superintendents could not ensure justice. The government could not guarantee justice and failed to defend those whose rights were violated.

A man from Badakhshan says “the governments have not ensured right to education, right to elect, right to be elected, right to work, and neither have they ensured security to prevent the violation of rights”. A man from Kandahar says “high level government authorities such as provincial governors, district governors, district security commanders and judges have become accomplices of thieves and terrorists; cause hardships on the people, and plunder the property and wealth of the people”.

Hence, the respondents perceive that throughout the past five decades none of the Afghan governments have protected and defended their rights or took steps to redress their grievances.

## **2.2 Government Support to People’s Rights**

From governance’s point of view, the state support to citizens’ rights is the foremost and fundamental responsibility of a democratic government<sup>2</sup>. Based on the research findings, there is a surprisingly large group expressing that they think their rights have not been protected by the government sufficiently. This is evident from the findings that 58% of respondents have asserted that the government has not protected their rights. According to them, those at the apex of government are associated with terrorists and smugglers or are human rights violators not committed to the interest of people and the State. Accordingly, governments did not provide the minimum social welfare necessities for the citizens during the last fifty years. People did not have access to hygienic drinking water, electricity, healthcare centers such as hospitals and clinics and recreation. Thus, we cannot find any government in Afghanistan, which protected the rights of people. Even now, there is no authority that ensures the same; the government officials are drowned in corruption and cannot implement the law effectively.

Whereas 37% of respondents confirmed that the governments have protected their rights. According to them, during the Karzai government, establishment of jobs for women, construction of roads and schools, freedom of press, women’s liberty and right to education, freedom of assembly, freedom of work and support to handicaps and people with disabilities are examples of justice and people’s rights protection ensured by government. They stated that Karzai government accomplished more such achievements than any other government during the last 50 years. The majority in Faryab, Balkh and Badakhshan feel that their rights have been protected during Karzai government.

However 5% of respondents were not aware of their rights. They were mostly illiterate and belonged to poor class of society or they didn’t want to comment. There are many areas in the country where there is no school and people live under worst conditions and have not access to the minimum necessities of life. Bamyan, Samangan and Ghor are prominent example where

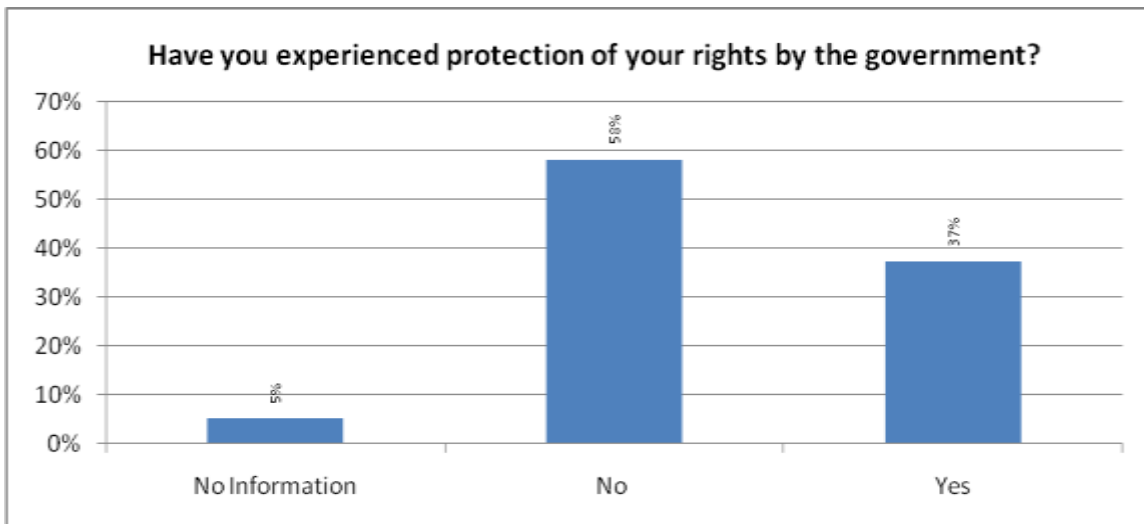
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<sup>2</sup>- According to article 22 of the second chapter of the constitution (2003), “The citizens of Afghanistan – whether man or woman – have equal rights and duties before the law” and the State is responsible to establish a welfare and advanced society based on social justice.



people still live in mountain caves and are therefore completely unaware about their rights. A man from Balkh says, “The governments have not paid attention to democracy, freedom of speech, freedom of religion and sects, and employment. We never enjoyed our rights, sometimes they deceived us with words and sometimes we were punished for asking our right”.

Going further into details the data received from the field indicates that 70% of respondents in Paktia, 69% in Kandahar, 60% in Kabul and Balkh and 56% in Herat and Badakhshan believe that the government has not protected their rights. During these periods people did not witness any improvements in their social and economic life initiated by government. They mentioned that the judicial organs did not resolve legal disputes based on justice but their decisions were influenced by money and personal relations. The majority of respondents stated that they were witnesses to this fact in the judiciary system. Meanwhile in these 9 provinces the respondents made different interpretation of the government support to their rights. Majority of respondents considered the Mujahedin regime and the hostile groups that ruled during that period, the same as the Karzai government and stated that the government did not protect their rights.



*Figure 2-2a: People’s rights*

55% of the respondents in Nangarhar confirmed the protection of their rights by the governments during the last 50 years. Based on its frontier position and fertility, in comparison with other provinces, Nangarhar received more attention during Zahir Shah and Dawood Khan rule; agricultural projects were implemented which ensured relative growth there. Therefore, respondents confirmed that the government has protected their rights.

50% respondents in Faryab believe that the government has protected their rights. Faryab residents, particularly Uzbeks were deprived of political rights earlier. But during the communist

rule and presidency of Dr. Najibullah, the government started establishing militia groups [from Uzbeks] to protect itself. It gave the Uzbeks of Afghanistan political and military authority putting an end to their political and social deprivation. Utilizing that opportunity, the Uzbeks of Afghanistan set up political party called Junbish-e- Milli Islami (the National Islamic Movement). After 1992, this party functioned independently in Northern Afghanistan. During Mujahedin, this party issued its own currency which was used during the war in Northern areas. The residents of this province were for several years under the rule of this party which functioned as a de facto government. Meanwhile, as Faryab is a border province it received much attention by the governments.

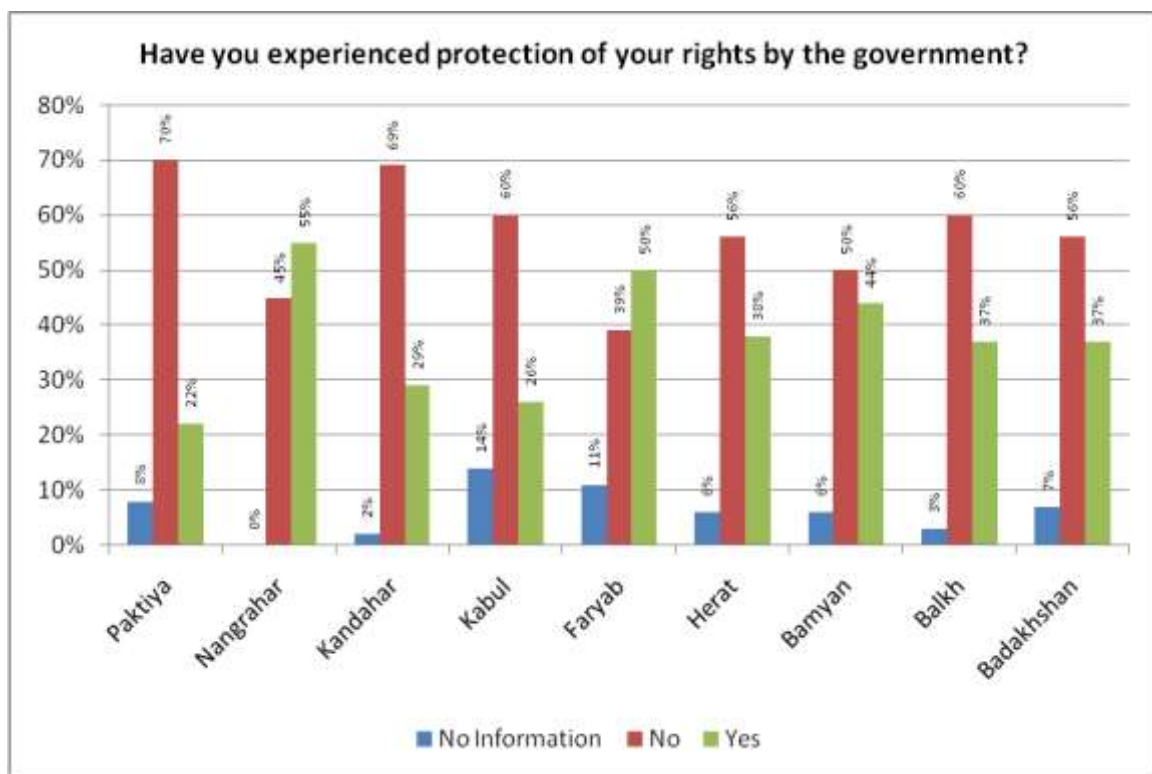


Figure 2-2b: Graphic representation of data received from each province

A woman from Herat said, “The government protects only the rights of those whom it fears and never has protected the rights of the country’s ordinary citizens”. Even in provinces people claim that the government has done nothing for the welfare of their lives; particularly, in areas pertaining to women’s rights, peace, reconstruction, and restitution of those whose rights were violated by the oppressors.

A man from Jalalabad stated, "I am sixty years old and still have not witnessed a single case where my rights were protected by the government". Likewise, a refugee from Herat says, "The government has not protected the rights of Afghan citizens particularly those of the refugees and the vulnerable groups. A number of Afghan refugees in Iran were thrown to the ground from the apartment roofs and the government did not do anything to protect their rights." A man from Nangarhar states that "journalist Naqshbandi was slaughtered by Taliban but the foreign journalist was released". All these are examples of government irresponsibility towards the citizens' rights of protection.

A woman from Kabul says that "the government officials are appointed based on personal relations and expediency; the administrative and judicial system of the country is unsound; anarchism and bribery are dominant in public offices making it impossible for people with clean conscience to reach to apex of bureaus in the government." According to a resident of Balkh "the government belongs to the powerful individuals; and the existence of armed irresponsible groups, cultivation and smuggling of opium, and the inefficiency of government officials limit the grounds for protecting people's rights." As a result, the majority of people are dissatisfied with the governments' efforts to protect their rights during the last fifty years. They have paid less attention to the rights of the people during this period.

### **2.3 Corruption**

Corruption has existed in Afghanistan from long time. During Zahir Shah monarchy and the premiership of Hashim Khan heavy non-official (illegal) taxations were imposed on the people. There were tax officials in every village and district who used their authority to indulge in corruption and bribery. In the next governments this phenomenon expanded due to several reasons. Now, in the current government corruption is the biggest obstacle in the way of development. According to statistics collected in provinces, Karzai government has had the highest level of corruption and bribery in the last fifty years. The period of Mujahedin and Taliban ranks 2<sup>nd</sup> and 3<sup>rd</sup>. The major reasons for corruption in these two periods were factional wars, cultivation and smuggling of opium, lawlessness, insecurity and using corruption as means to livelihoods for local commanders. The most important reasons of corruption in Karzai government were stated differently. Although there are a number of factors that pave grounds for the corruption, but the interviewees stated that after the downfall of the governmental system in 1992, the country converted into local factional administrations. The local Mujahedin commanders ruled the people in their domains. During the war, corruption was the main means to livelihood for these commanders. In 2001, as the local commanders joined the government, the corruption phenomenon transmitted to the government of Afghanistan.

For a more detailed record, please also see the following graph.

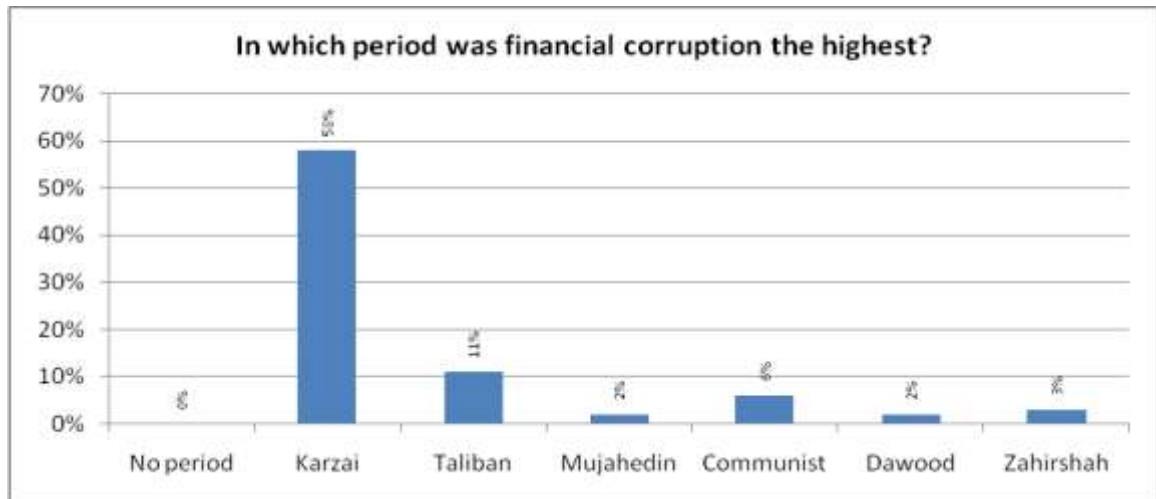


Figure 2-3a: Corruption in each regime

The statistics show that 58% of respondents confirmed the existence of corruption in Karzai government. They believe that the existence of mafia and armed warlords in Karzai government have increased corruption. There are many warlords who are in top governmental (state) posts. The ones who destroyed people's houses in past and are accused of war crimes, are the rulers of today. They have occupied positions such as police commanders, attorneys and educationist, and constitute a major part of police force in the provinces, leaving no opportunity for the sympathetic and competent individuals to serve the country. Likewise, the national police majorly consist of warriors who participated in the factional wars. They have no psychological preparation to combat corruption. Officeholders are not appointed on the basis of their merit but are selected based on their personal relations. Despite the existence of the Administrative Reform Commission in provinces, high ranking government posts are bought.

Meanwhile, in spite of establishing the anti-corruption commission, the Afghan government does not have a mechanism for combating corruption so far. There is a widespread lack of transparency and accountability in government offices. The vagueness surrounding wealth of high ranking officials still exist despite government effort to register their belongings. Weakness of the judicial system, National Security Directorate, and National Police in combating corruption has compounded this issue in Karzai government. A man from Kandahar says, "Family members of high ranking government officials are involved in corruption and opium smuggling".

Respondents pointed out the other factor as the lack of a specific mechanism to combat corruption by donors' agencies in Afghanistan. These countries fund programs that are carried out by NGOs, which are mostly involved in corruption. The majority of projects implemented by these organizations have had little impact on people's lives. Meanwhile, there are cases when some organizations get involved in activities beyond their authority in Afghanistan affairs. Based on President Hamid Karzai's statement, the Taliban were assisted by International Organizations.

It was due to this assessment that a UN and a European Union representative were expelled from Afghanistan in early 2008.

11% of respondents confirmed the existence of corruption during Taliban rule. The Taliban had no proper administrative structure, and their administrative institution was not extensive. People quit their jobs for not being paid and out of Taliban fear. Even then, corruption existed in Taliban government. Taliban imprisoned and tortured people for having weapons. They would extort money equal to price of a gun in exchange of the accused person’s freedom. The decisions for such disputes would be made without passing the proper legal procedure and would take place in exchange of money.

6% of respondents agreed that corruption existed during Communist regime which was ruled by Khalq and Parcham parties. The parties’ ideological code and strict watch of intelligence had limited the grounds for corruption. As a result, people saw less corruption during that period.

Only 2% of respondents confirmed that corruption existed during Mujahedin rule. There existed no functional government offices then and every commander was the ruler of his own area. There were various currencies used in market such as government currency, Nomra bala banki (Rabbani Government currency) currency, Junbish-e- currency and Pakistani rupees. Check points established by belligerent factions and local commanders, embezzlement in government departments, bribery and extortions were major types of corruption during the Mujahedin.

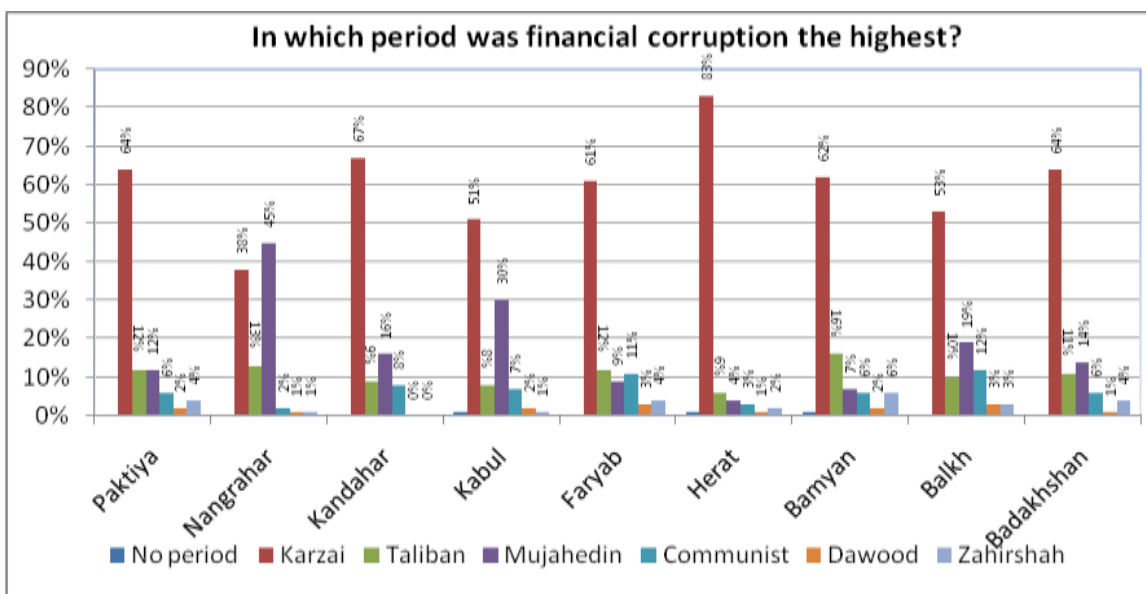


Figure 2-3b: Corruption in percentage from 9 provinces in different mentioned periods

2% and 3% of respondents said that corruption existed during Dawood Khan Republic and Zahir Shah monarchy respectively. During early Zahir Shah Kingdom all high ranking government positions were assigned to his family members, and people were left unaware of the government activities (this system was changed after 1964 constitution). In spite of this, corruption existed in the government. A man from Bamyan says, “During Zahir Shah rule soldiers were considered rulers and they extorted money from people. Lawlessness and feudality were dominant in provinces and people did not have the courage to speak out”. Corruption has existed in all periods and has transferred from past to the present government. War, lack of rule of law, inexistence of central government and interferences of the neighboring countries are all factors to corruption in Afghanistan.

## 2.4 Execution and Imprisonment of Intellectuals

### 2.4.1 Execution of Intellectuals

In the contemporary history of Afghanistan, execution of intellectuals has been a routine issue, for the undemocratic rulers were afraid of the intellectuals’ role in raising social awareness. In the despotic history of Afghanistan, intellectuals have made the most sacrifices. During five decades of conflict, intellectuals have been the main victim of the undemocratic regimes. According to respondents, intellectuals have been mostly executed during communists and Taliban. The Communist regime started the systematic assassination of intellectuals and killed thousands of them and the educated people.

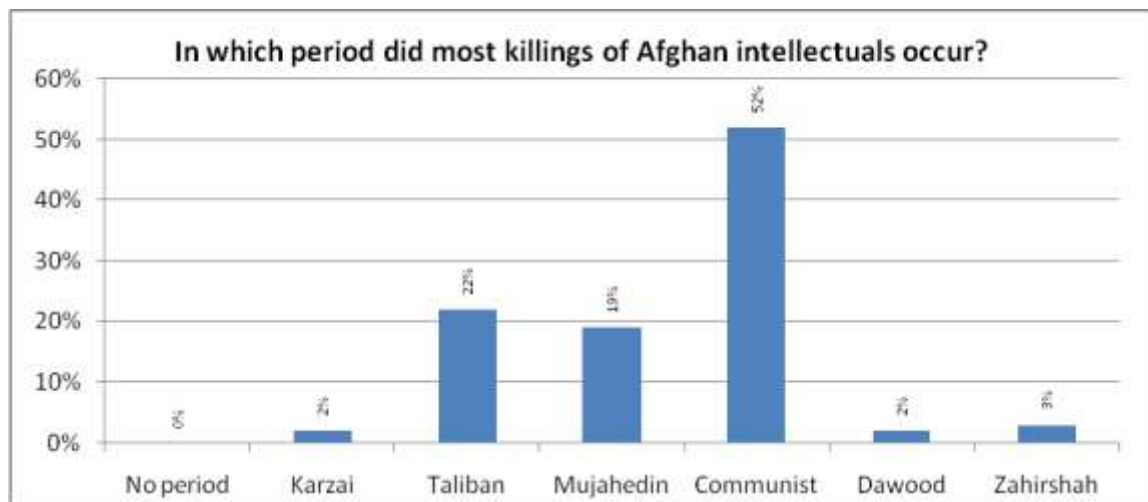


Figure 2-4-1a: Execution of intellectuals from 1958-2008

The communist and Taliban systems were based on ideology and thus more inclined to suppress opposing thoughts. In fact, they could never tolerate the different opinion. During communists’ rule, listening to the BBC radio and assembly and debate of two or three persons in public places were considered a crime. In this conflict even leftist intellectuals who were critics of the system

were killed, the most prominent example of which was the execution of Shola-ye-Jawed leaders as part of the ideological and ethnic cleansing. Majority of the educated people, particularly Hazaras and Hazara students studying in Kabul University were executed in accusation of being Shola-ye (a member of Shola-ye-Jawed group).

The next round of executing intellectuals in Afghanistan was done by Taliban. They had their particular ideology and interpretation of Islam - a way of waging war and enforcing law - which was allegedly according to Sunnah (Prophet Muhammad’s traditions). They mostly used the direct confrontation tactic during wars. Upon conquering Kabul they killed Dr. Najibullah, former President, and a Jihadi leader of Hizb-e-Wahdat, Abdul Ali Mazari. Taliban were unwavering enemies of and Northern Alliance. They would arrest and punish well dressed people or those with short beards. They did not attach any worth to knowledge and intellectual activities and would evaluate everything related to science and technology from Sharia perspective. They considered other knowledge (beyond the Sharia), the science of infidelity and would consider intellectuals and academia as infidels.

52% of respondents believe that the execution of intellectuals took place during Communist government. Khalq and Parcham parties gained power based on their revolutionary ideology which was in contradiction with people’s beliefs. In order to implement their ideology they resorted to suppression of people. Intellectuals critical of this movement were assassinated and thousands of university students were killed. The Communist regime named the coup of 7<sup>th</sup> of Sawr (27<sup>th</sup> April) “The Revolution” and committed mass killings of intellectuals in the name of the Cultural Revolution and battle against imperialism.

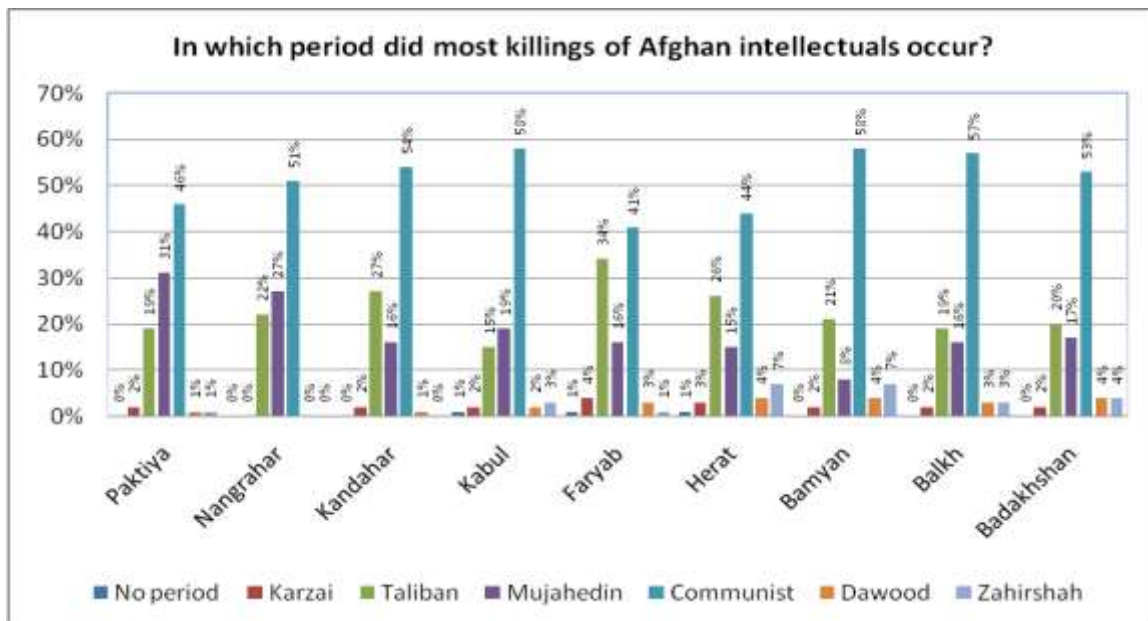


Figure 2-4-1b: Graphic representation of the statistics provided above



The Soviet invasion of Afghanistan provoked waves of unrest that provided a pretext for communists to commit more crimes. During Noor Muhammad Taraki, Hafizullah Amin and Babrak Karmal's rule, thousands of intellectuals were killed. After Noor Muhammad Taraki's assassination by Hafizullah Amin, his government published a list that reported the murder of over twelve thousand educated people by Taraki regime.

22% of respondents say that murdering of intellectuals took place during Taliban rule. Taliban belonged to a religious stratum that rose from madrasa (religious schools) of Pakistan, Kandahar and Zabul. They considered themselves the heir of Islam. In 1992 religious leaders congregated in Kandahar and gave the title of Amir-ul-Momineen (Commander of the Faithful) to the leader of this group, Mullah Muhammad Omar. They translated their crude understanding of the Sharia (religious code) into law and implemented them with all violence. They prohibited all the modern world manifestations and punished their opponents, particularly educated ones severely. A man from Bamyan reports that, "with the assistance of a local commander Taliban arrested an educated person from Yakawlang district of Bamyan and skinned him alive".

19% of respondents hold the view that the intellectuals were mostly executed during Mujahedin rule. They executed the intellectuals on the basis of various accusations. After defeating communist forces and occupying an area, Mujahedin would first burn the schools and later kill the teachers and educated people on the grounds of being communists or trained by communists. A number of intellectuals and teachers were killed in Mujahedin's private prisons. For instance, they used the Markosh (snake killing), technique (placing the head on one stone and hammering with another stone) to slaughter teachers in Darwaz district of Badakhshan.

Mujahedin groups, particularly Hizb-e-Islami assassinated a number of intellectuals when they lived as refugees in Pakistan with the help of other countries [Pakistani] intelligence. In 1986, ten intellectuals were hanged by Hizb-e-Islami in Shamshatoo prison of Peshawar. Mujahedin killed the government forces they took as prisoners for being communist. A man from Nangarhar says, "My home was in Yaka of Pakistan. We went to Noorgul district of Kunar with a Mujahedin group of Hizb-e-Islami. We ambushed a government convoy and arrested a wounded soldier. Later our commander ordered to slaughter that communist. The soldier implored that he was an ordinary man and was forced to join the army. But, the commander did not accept and they slaughtered him".

3% and 2% of respondents respectively believe that Zahir Shah and Dawood Khan Governments executed intellectuals. The majority of intellectuals who opposed Zahir Shah and Dawood's governments were executed. During Zahir Shah Monarchy when Hashim Khan was the prime minister, dungeons were filled with opposition figures. In 1964, police shot dead a number of students during a protest of Kabul University students.

2% of respondents believe that during Karzai government intellectuals were executed. Political assassinations took place and a number of high ranking government officials and parliament members were killed.



### 2.4.2 Imprisonment of Intellectuals

Imprisoning the intellectuals by Afghan governments during the past fifty years was quite usual and customary. Respondents were convinced that most Afghan intellectuals were imprisoned during communists. The Taliban and Mujahedin, respectively have the second and third highest percentage of imprisoning intellectuals. Although Afghan intellectuals were imprisoned in all periods, respondents believe that during Zahir Shah, Dawood Khan and Karzai government intellectuals were least imprisoned. This is particularly a view held in Kabul: 65% of respondents from Kabul believe that intellectuals were imprisoned during communists' rule because Kabul was the center of political and military activities. It was home to major intellectual associations due to its political and academic position.<sup>3</sup>

53% of respondents believed that intellectual imprisonment took place during the communists. They said that communists arrested and imprisoned intellectuals, university professors, students, clergies and local leaders. A man from Kabul says, "Majority of Jihadi leaders were imprisoned during communists' rule. They would accuse common people with political crimes and imprison them". Another man from Balkh reports, "My father was killed in the name of Ashrar (thugs, a name given to Mujahedin by communists) during communists and I spent 5 years and 8 months in Pol-e-Charkhi prison being accused of political crimes and a critic of government." The Majority of Afghan intellectuals and educated people have spent long periods of time in communist prisons.

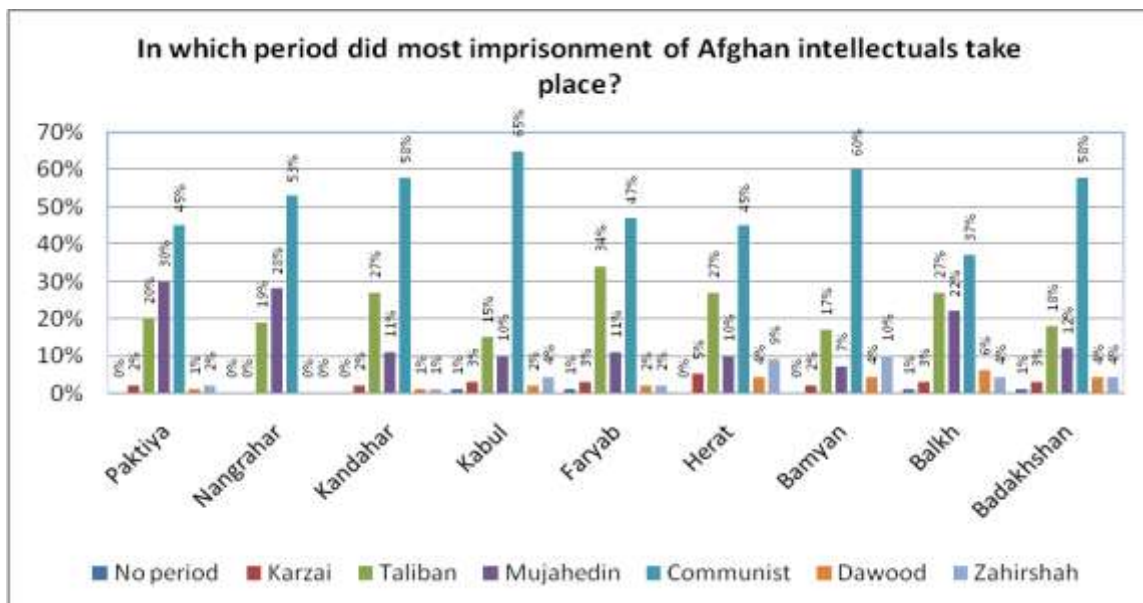


Figure 2-4-2b: Detailed graph of intellectual imprisonment

<sup>3</sup> - For more information on Prisons and Detention Centers in Kabul City, refer to Table 1, Appendix 6, Page 118.

Note: The Sample Table 1 indicates the **detention centers or prisons** listed by the respondents, only.

22% of respondents believed that Taliban imprisoned the intellectuals. They would imprison those with short beard or shaved, without religious cap, neat clothes or those accompanied by an unknown woman (not a relative or mahram). Anyone disobeying Taliban laws were arrested and imprisoned. The Imam of a mosque in Kabul says, "During Taliban I was accused of propaganda against Taliban, thereby arrested, imprisoned and greatly insulted".

16% of respondents said that intellectual imprisonment happened during Mujahedin. They did not imprison the intellectuals systematically, but would eliminate the political and ethnic dissidents. Before and after gaining power, Mujahedin imprisoned in public and private prisons a number of government employees, teachers and students in accusation of being communists. A person from Kabul narrated, "I was a high ranking official of government, and lived behind Rahman Baba High school. During the war between Hizb-e-Wahdat and Etihad-e-Islami I was arrested by one of the former's commanders and forced to dig burrows for two months".

Mujahedin did not care about the differentiation of intellectuals or otherwise during wars and would majorly imprison their factional and ethnic dissidents. Hizb-e-Islami was considered to have a large number of political prisoners during Jihad who were kept in Shamshatoo Camp in Pakistan.

Respondents said that intellectuals were imprisoned during Zahir Shah (4%) and Dawood Khan Government (3%). Many intellectuals were imprisoned for charges of political crimes and freedom seeking activities. Some of those imprisoned are Sayed Ismail Balkhi, Abdur-Rahman Mahmoodi, Ghulam Muhammad Ghubar, Abdul Hadi Dawi, Sarwar Joya, Khowaja Naeem, Ibrahim Gawsawar and Muhammad Ali Gawhar.

2% of respondents believed that Karzai government has imprisoned the intellectuals. Despite presence of voices for democracy and freedom of speech, a number of intellectuals and journalists were detained and imprisoned. Between 2006 and 2008 a number of intellectuals were imprisoned due to different crimes and Accusation such as insulting Islamic values, inquisition, using media to express their views, distributing articles related to 'misogyny in Koran', etc.

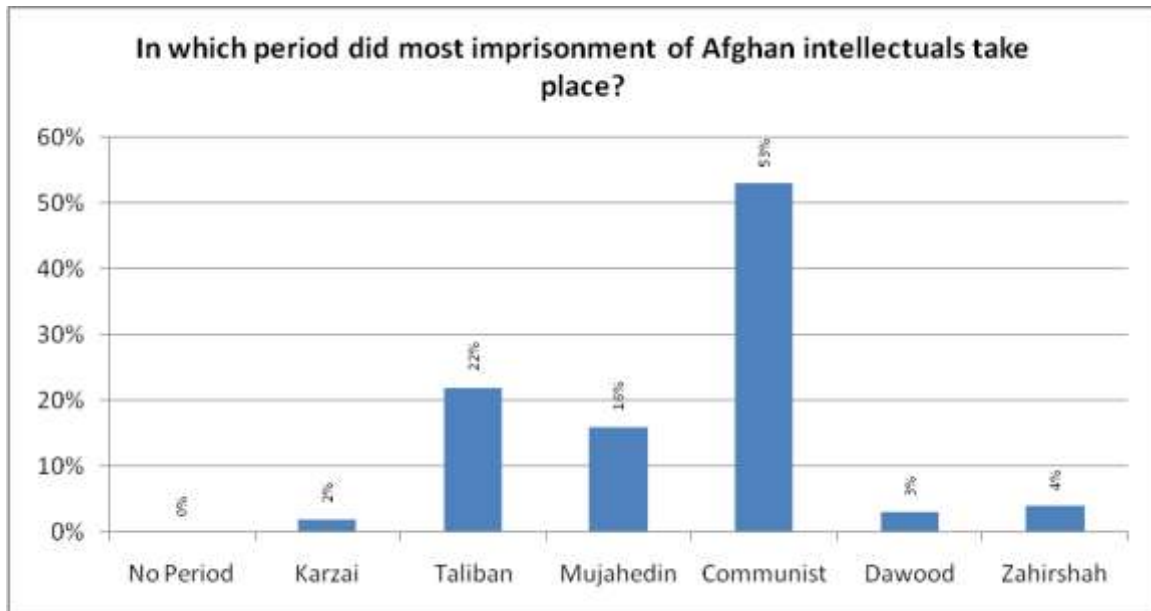


Figure 2-4-2a: Intellectual imprisonment in percentage from 1958-2008

Going into further detailed analysis on provincial bases the research finding shows that 34% of Faryab respondents have stated that larger numbers of intellectuals were imprisoned during the Taliban. During the constant Taliban war against Northern Alliance in Mazar-e-Sharif, Faryab and Sar-e-Pol they imprisoned a large number and in some instances committed massacres.

30% respondents from Paktia believe that most intellectuals were imprisoned during the Mujahedin rule. They killed teachers and educated people in this province in accusation of being communists. The Mujahedin commanders there emerged from traditional and tribal relationships and therefore tribal hostilities had a role in the killings of teachers and educated people.

10% of respondents of Bamyan said that intellectuals were mostly imprisoned during the kingdom of Zahir Shah. It stems from the fact that the residents of this province were suppressed, isolated and ethnically discriminated then.

6% of respondents from Balkh believe that Dawood Khan Government had the highest statistics of intellectual imprisonment. 3% of respondents from Badakhshan and Balkh state that during Karzai government most intellectuals were imprisoned.

## 2.5 Rights and Freedoms of Women

Since long times, Afghan women have not enjoyed the least of rights that ensure their social, cultural, political and economic participation in Afghanistan. Sometimes, regimes like Taliban

ruled Afghanistan that allowed no rights to women, while men had the dominance over all social, economic, political and cultural activities.

The darkest period for women’s rights and liberties were Taliban and Mujahedin rule respectively. The respondents have been expressive on how women rights and freedoms were greatly violated during Taliban. Being hardcore traditionalists Taliban opposed women’s participation in political and social affairs. With regards to women rights and freedoms, they did not follow the Islamic Sharia (Religious Code) and their laws were based on tribal mentalities but were given an Islamic cover.

In the second place, Mujahedin have the highest statistics of violation of women’s rights and liberties. They too were a traditional and unorganized segment that had varying interpretations from religion. The majority of Mujahedin in provinces was illiterate and was not professionally trained, thereby largely following traditional religious leaders.

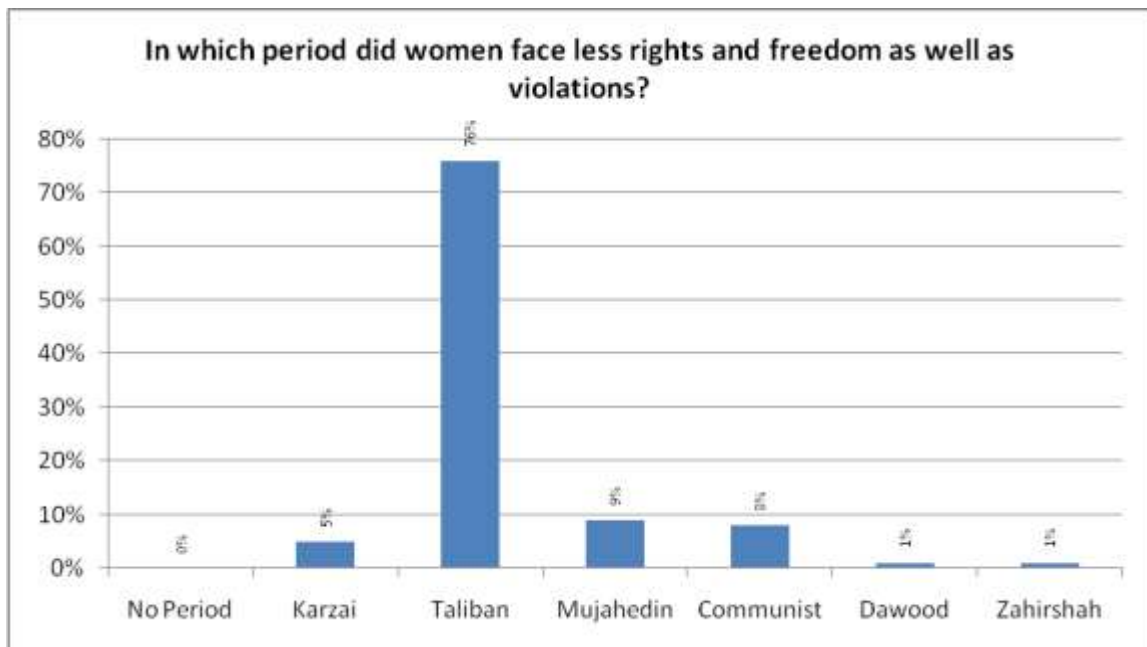


Figure 2-5a: Rights and Liberties of Women

According to the collected statistics, the respondents agree that Hamid Karzai period is the best for promotion of women’s rights and liberties. But according to statistics collected from the field it can be stated that women are not satisfied and they demand that the government should take more serious steps in the restoration of their rights and liberties.

The breakdown of the data reveals that 76% of respondents said that women’s rights and liberties were violated during Taliban. Taliban closed down women schools and women hospitals. They prohibited women from working outside their houses and forced them to wear chadari (Burqa). Women could not go out of the house or even shopping without the company of a Mahram (male blood relative). The Taliban laws pertaining women were draconic and inhumane to the extent that even the sound of a woman’s steps should have not been heard by a man. The Taliban would punish women whose walking made any sound. The Taliban did not believe in any human rights for women and rape cases of women were registered by Taliban in this research project. A man from Kabul says, “The Taliban had thrown the naked dead body of a young woman in Wazir Abad’s lawn. Pieces of a worn out cloth were forcefully inserted in her pudendum and on her chest, they had pasted a note “From Taliban-i-Mujahed / holy-warriors”. A number of women were publicly executed by Taliban in Kabul stadium which was unprecedented in history of Afghanistan and Islam.

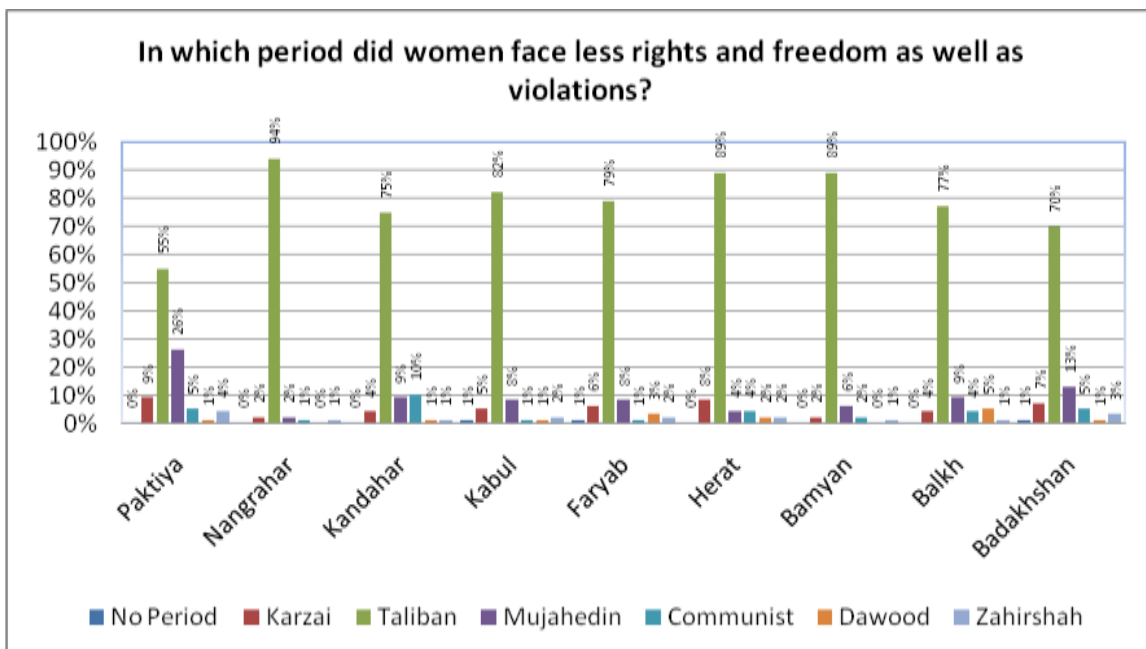


Figure 2-5b: Rights and Liberties of Women

A woman from Kabul says, “We, women, were celebrating the Henna Night (a night before the wedding ceremony) in our house without the presence of men by playing the tambourine. The Taliban forces of the related police station rushed into our house and beat my father who was an old man”. Also the Taliban raped women in Shamali and Bamyan considering them as war booties. A man from Yakawlang, Bamyan says, “Taliban took a woman in Yakawlang to their headquarters and raped her till she died”.

9% of respondents said that Mujahedin violated freedom and rights of women. Based on their ideals and beliefs, they banned women from education in provinces and villages. Mujahedin fought for their principles claiming that communist government had misled women in cities. In most places, regional Mujahedin commanders burnt down schools. They believed that studying in school will mislead the girls and school going boys will eventually become infidels. Insecurity for women increased in all provinces when Mujahedin took power in Afghanistan.

The factions such as Jamiat-e-Islami, Etihad-e-Islami, Hizb-e-Wahdat, Junbish-e-Milli Islami and Harakat-e-Islami used women as combat tools. In the provinces, families feared to send their daughters to schools just to save their chastity (prevent them from being raped). There are many cases that, beautiful young girls were raped and kidnapped by commanders and their armed men. Even they attacked people's homes at nights and raped women and girls.

A woman from Faryab reported, "Armed men used to attack houses at nights in our village and rape women and girls". Likewise, a woman from Makroyan (Kabul) says, "From the fear of being raped by Mujahedin a young girl jumped from the fifth floor and died". A man from Herat says, "Mujahedin, smugglers, opium traders and looters of public properties all joined Jihad to earn money; they did not allow our boys and girls to go to school and study but their own sons and daughters (children) studied in abroad". A man from Paktia narrates that, "in 2005 a Jihadi commander called a tribal gathering and in that assembly he forcibly married a 13-year old girl whose father used to be an officer for the Communist regime".

8% of respondents believe that women's rights and freedoms were violated during Communist regime. Due to the dominant totalitarianism in that period, women did not have freedom of speech. The government encouraged and guided women towards non-Islamic freedoms.

5% of respondents believe that women's rights and freedom are violated during Karzai government. They think Karzai government has not considered women's role and contribution in political and social processes.

## 2.6 Democracy and Freedom of Press

### 2.6.1 Democracy

Democracy in comparison to other types of governance practiced in Afghanistan such as Monarchy, Communism, Taliban, etc. is considered one of the best systems of governance. One of the accepted definitions of democracy is "government of people, by the people for the people". Since democracy is built upon the acceptance and active participation of citizens, it is always in progress. Democracy has its accepted standards and criteria, namely strong administration as well as freedom of speech and press.

Democracy is the only way to solve Afghanistan’s problems. In a democracy all citizens find themselves involved in the governing system and construction as well as reconstruction of the country. Afghanistan history is full of injustices and violations of human rights. The interviews reveal that in the last fifty years none of the governing systems worked to protect people’s rights. For various excuses, all governments have violated people’s rights. Now the Afghan government is chanting the slogan of democracy, it should create opportunities for people’s participation in political processes, so that political participation originates from the aware will of informed citizens. Existing democracy slogans in the government lack cognitive support, and has therefore provided grounds for ethnic conflicts and immoralities. Therefore, [in such an environment] the perception, responsibility, wisdom and choice are all influenced by ethnic, tribal and factional propensities and are therefore against democracy. Democracy is the only way to attain peace and national harmony in the present situation of Afghanistan, because through that people can equitably cope with their catastrophic past and forget their psycho-social depressions.

The research shows that Karzai period has been the best period considering its democratic environment with a strong majority in its favor. However Zahir Shah and Dawood period received 2<sup>nd</sup> and 3<sup>rd</sup> place respectively.

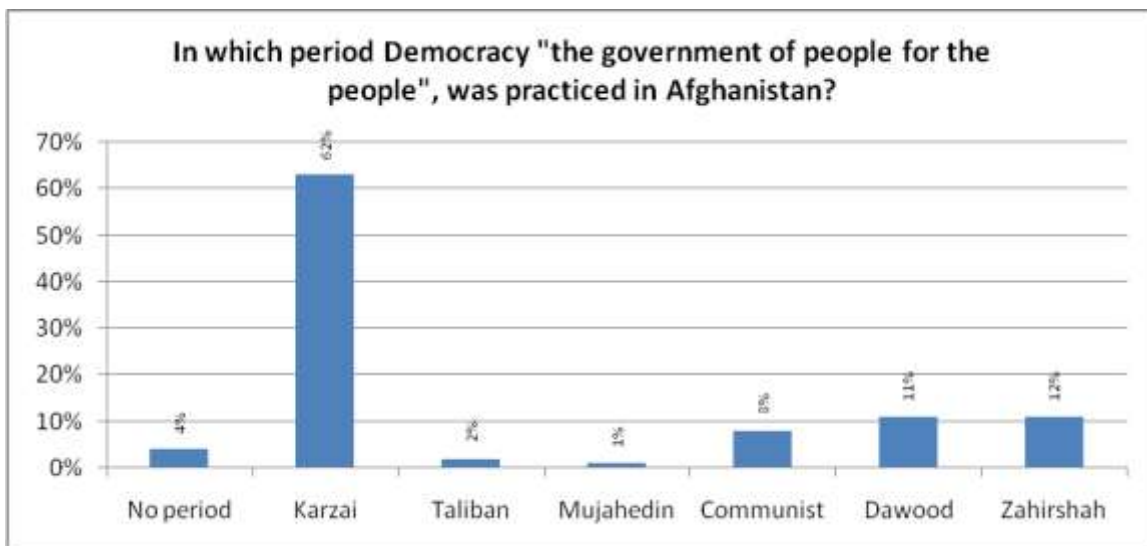


Figure 2-6-1a: Democracy

62 % of respondents have said that Karzai government is a democracy. To support this, they have mentioned ratification of constitution, presidential elections, parliamentary elections, freedom of forming political parties, freedom of press, freedom to assembly, freedom of establishing civil organizations, establishing employment organizations for women, establishment of independent

commission of human rights, political actors engagement and partial reconstruction of the country, as examples.

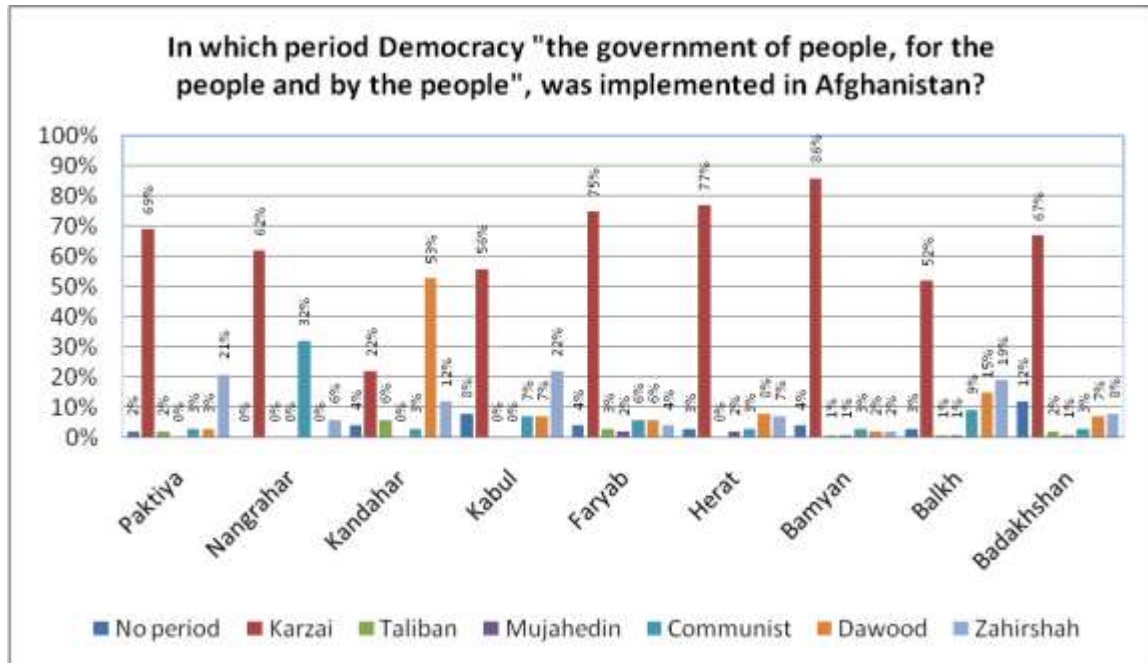


Figure 2-6-1b: Democracy

12% of respondents have said that democracy existed in last part of Zahir Shah monarchy. In the dynastical premiership of Hashim Khan and Shah Mahmood Khan, there was no political freedom and all political movements were cruelly suppressed. The prisons during Hashim Khan premiership were full of political prisoners. Shah Mahmud wanted to support democracy, but could not bear with the serious criticisms of intellectuals and said “Democracy, No democracy”.

In Zahir Shah’s “Decade of Democracy”, during Mohammad Yusuf premiership the constitution was ratified by a Loya Jirga in 1964. However, in this constitution nothing was mentioned about activities of political parties. Without considering the Constitution, space was provided for the activities of some leftist and rightist movements and partial freedom was provided for citizens. These were the democratic examples in Mohammad Zahir Shah monarchy.

8% of respondents have agreed that democracy existed during the last part of the Communist regime. They mentioned Najibullah government, where freedom of religion, freedom of clothing, women’s participation in political affairs, appointing women in government organizations and providing them professional trainings were mentioned as the examples of democracy in Communist regime.



4% have said that democracy has not existed in any of the governments in the last five decades. According to this group, Afghans are yet to build the capacity to accept democracy. Democracy will not be acceptable, unless government works on social welfare, service delivery, public awareness, improving education level, environment, and expansion of communication. Democracy needs a sound environment but Afghanistan's democracy does not have the bases; therefore, it is fragile and unreliable.

2% of respondents have said that Taliban regime was a democracy although Taliban shut down all media and deprived women from their rights. They considered hearing the sound of women's shoes a crime and a sin; therefore women were punished for wearing high heels. Girls' schools were closed. Men were forced to grow beards and wear turbans. Freedom of speech and freedom of clothing were violated. Stoning, coloring the face black in a humiliating way, lashing with cables and amputating hands were the punishments of Taliban for those, who violated the laws.

Taliban law was based on Hanafi jurisprudence, which was enforced with full violence. In their educational systems, Taliban introduced books such as Noorilyeza, Sirat en Nabi, Kinzeldaqaieq, and Feqah Akbar. Students were forced to study them and the books were sold to students in majority of the schools.

1% approved that democracy existed during Dawood Khan Regime. Dawood Khan banned all print media and political activities after gaining power on 17 July, 1973. Less attention was paid towards women's rights. There was only one political party in the country and that was his own party (Ghorzang-e- Milli). Government media was at the service of Dawood Khan Party, which always chanted, broadcasted and propagated an ethnic agenda. He was a dictator and violent and tried to disguise his government's weaknesses under Pashtunism. Even by being too authoritative and violent, he was unable to predict the potential hazards towards his government. His enormous political ideas were destructed by Afghanistan's realities in 1979.

1% of the respondents agreed that democracy existed during Mujahedin period. Mujahedin did not believe in democracy, and the religious beliefs of traditional Jihadi parties' leaders did not allow for democracy and freedom of speech. The freedom which women enjoyed and practiced during Communist regime got banned. Freedom of religion was taken and liberty of clothing was replaced by wearing traditional Afghan outfits. Mujahedin started ethnic and sectarian conflicts and committed massacres and rapes. Not only there was no democracy, but also the most flagitious crimes occurred during Mujahedin period. Only National Radio and TV station was functional during Mujahedin rule which was controlled by Shora-e-Nizar.

2.6.2 Freedom of Press

Press<sup>4</sup>and media is considered the “Forth pillar” of a state and has a critical role in social development and is therefore a vital element of human development. While asking about how freedom of press was respected [during various governments in the last five decade], respondents have given the highest scores to Karzai government. Increase in number of print media, radios, TV stations, internet and telecommunication networks in Kabul and other provinces, and establishment of civil organizations and political parties are examples of freedom of press in Karzai government.

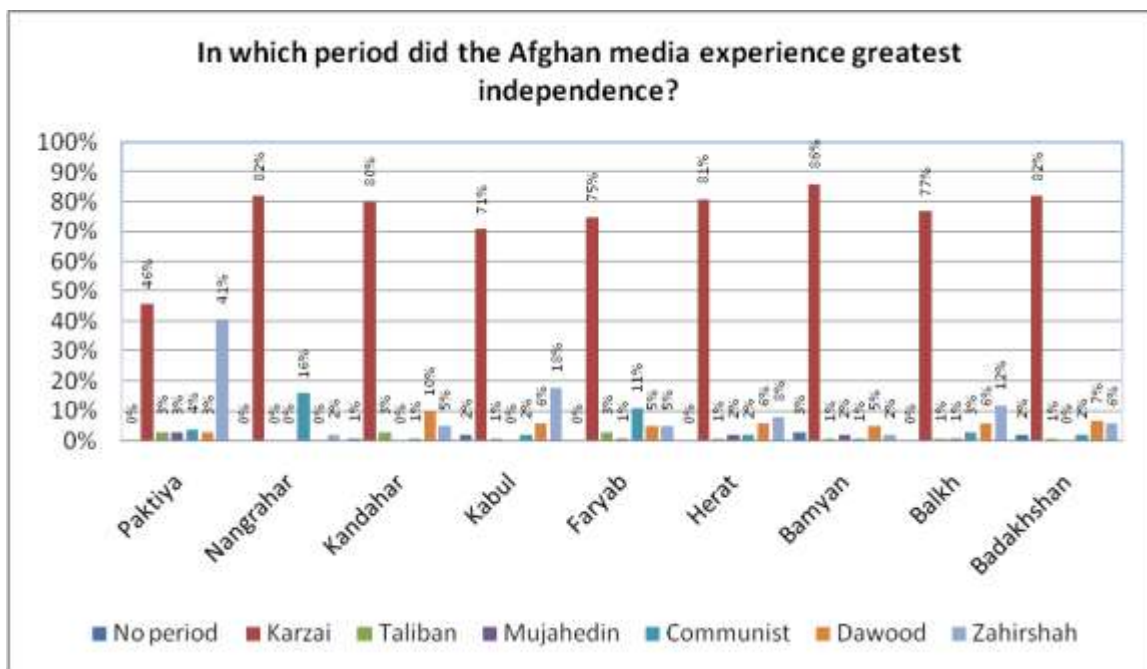


Figure 2-6-2b: Freedom of Press

This is evident from the fact that 47% of respondents believe freedom of press was mostly observed in Karzai government. Increase in number of media, establishment of civil organizations, liberty for political activities, establishment of public and private media stations, and facilities in communication are examples of government respect to freedom of press.

However 12% agree that Zahir Shah monarchy supported freedom of press the most. Increase in number of non-government magazines, liberty for political activities, establishment of students’

<sup>4</sup>- It is stated in article 32 of Afghanistan constitution (2003) that “Freedom of expression is inviolable. Every Afghan has the right to express his thought through speech, writing, or illustration or other means, by observing the provisions stated in this Constitution.”

unions, council's elections and women's freedom are examples of freedom of press during Zahir Shah government.

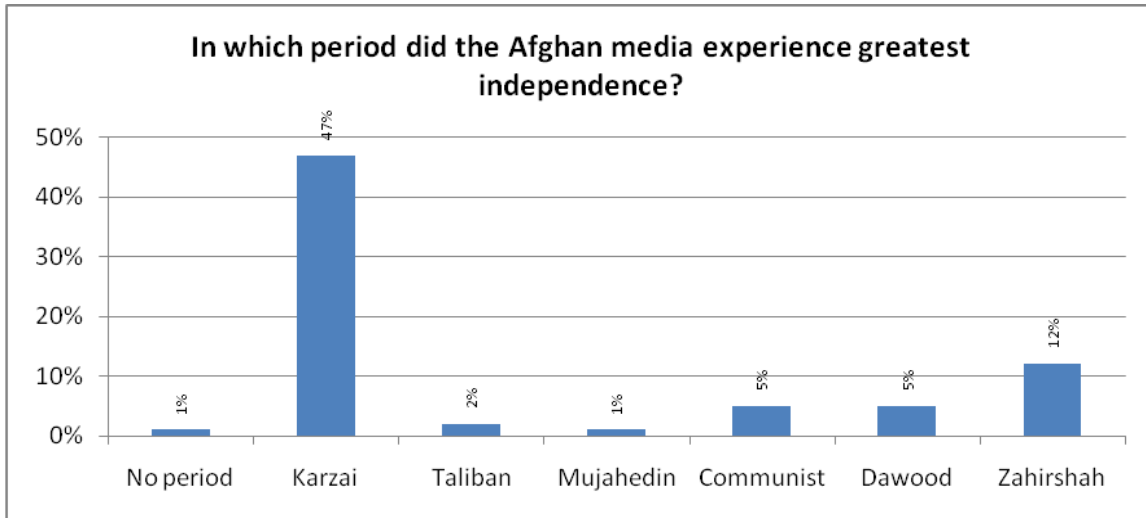


Figure 2-6-2a: Freedom of Press

5% believe Dawood Khan Government observed freedom of press the most. When Dawood Khan gained power through a coup, he wiped out freedom of press. He restricted freedom of press and banned the activities of all but his own political party Ghorzang-e-Millie (National Movement). The only example provided to support that he encouraged freedom of press was functioning of government media.

5% say that freedom of press mostly took place during communist regime. Since the Communist government was based on a particular ideology, there was no freedom for oppositions to work. Freedom of press was seriously suppressed and journalists were jailed for opposing government's ideas. None of the political parties were allowed to work except the ruling party. Even people could be imprisoned or executed for listening to BBC radio channel.

2% agree that media was free during Taliban rule. Then, there was no freedom of speech. Taliban closed down all media and shut the National TV station, which was the only TV station in Afghanistan. They opposed listening to any kind of music; the only allowed songs praising the prophet Mohammad and poems glorifying Taliban bravery in battles but without music. Radio Sharia which was controlled by Taliban was the only functional radio in all over Afghanistan. Even drawing a human portrait at schools was considered a crime.

1% of respondents say that Mujahedin observed freedom of press. Newspapers in this period were used as parties' tribunes to express their thoughts. Newspaper and magazines were used as tools for psychological war and propaganda against each other.

It's interesting that 41% of respondents in Paktia say that freedom of press was greatly experienced during Zahir Shah Monarchy. The reasons mentioned are setting up libraries in schools and establishing a local radio station named after Abdul Hai Gardizi. Respondents in this province stated that, they enjoyed better freedom of press during Zahir Shah than any other periods in Afghanistan.

### 2.7 Consequences of 7<sup>th</sup> Sawr Coup and USSR Invasion

7<sup>th</sup> Sawr (27 April) coup in 1978 and the subsequent USSR's invasion marked as the beginning of a new chapter of violation of human rights. The majority of respondents say that 7<sup>th</sup> Sawr Coup and USSR invasion resulted in further injustices and violations of rights. [However], 26% of respondents in Paktia say that it did not cause injustice and violation of rights. They state that this coup reflected the will of thousands of people and communists who struggled for their objectives. One of the reasons for such a belief from respondents from Paktia is tribal and regional affiliations because a large number of the communist leaders were from this province.

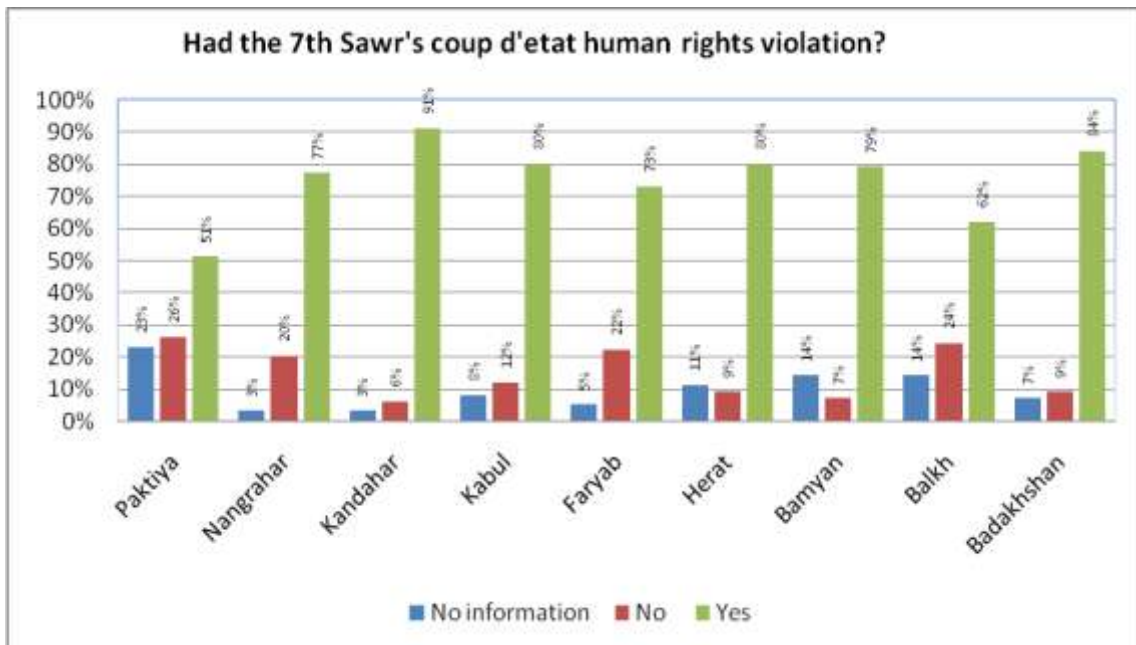
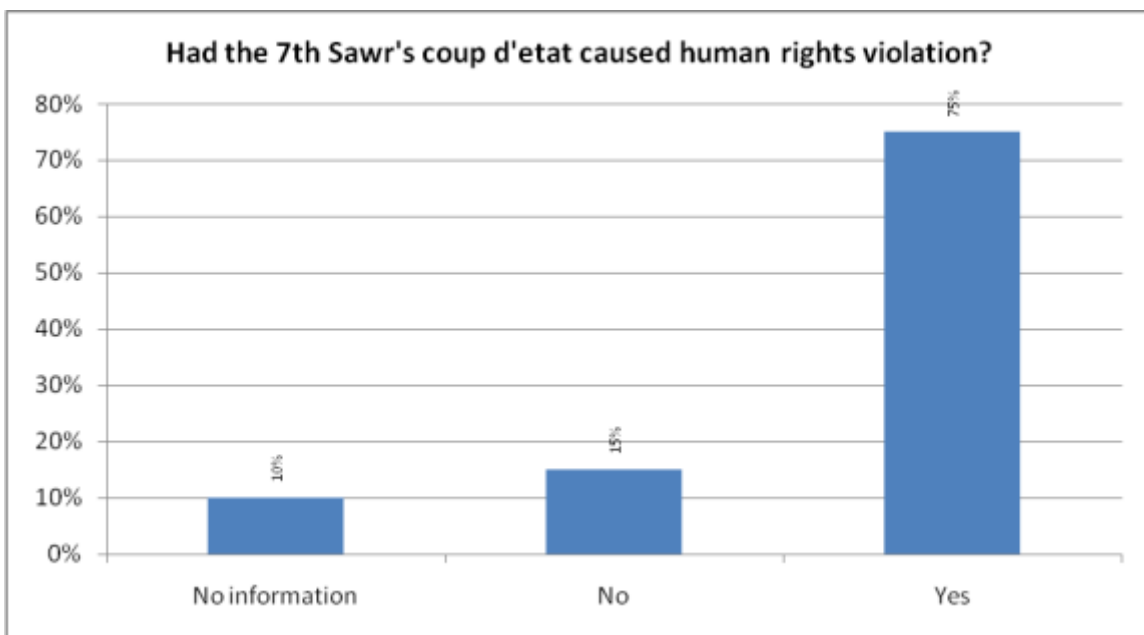


Figure 2-7b: Consequences of 7<sup>th</sup> Sawr Coup and USSR Invasion

24% and 22% of respondents respectively from Balkh and Faryab say that 7<sup>th</sup> Sawr Coup did not cause injustices and violation of rights. The Communist regime formed militia groups to defeat its opponents. These militia forces appeared as a united political and military force during

Mujahedin government, achieving new political, military, and ethnic identity. Therefore, a considerable percentage of Faryab’s respondents do not consider 7<sup>th</sup> Sawr Coup causing further injustice and violation of rights. In addition, [even during Mujahedin] communists kept the same power with a changed name in Faryab.

In general 75% of respondents agree that 7<sup>th</sup> Sawr Coup caused further injustices and violations of human rights. They state that 7<sup>th</sup> Sawr Coup in 1978 and USSR invasion, which was conducted by a minority group and supported by foreigners, destructed and ruined our country. A woman from Herat said, “Violation of human rights can occur in every uprising, but 7th Sawr Coup was the beginning of the injustice for three decades”. This coup provoked and nurtured fundamentalism and dragged Afghanistan to ethnic and sectarian battles.



*Figure 2-7a: Consequences of 7<sup>th</sup> Sawr Coup and USSR Invasion*

A man from Paktia says, “The previous regime was in fact suffering from stagnation and this coup brought a huge change in the society. Each coup causes injustices, but 7th Sawr coup caused the biggest violations”. Likewise a man from Badakhshan says, “One of the injustices this coup caused was that it revived our country’s enemies (Jihadi leaders). It made this country a safe haven for the Taliban, al-Qaida and international terrorists. This country became a strong base for the terrorists”. According to respondents, the 7th Sawr coup and USSR invasion caused our country to be devastated by foreign forces bombardment and air strikes. The adversaries of our country are the output of 7<sup>th</sup> Sawr coup. It was a historical tragedy, because USSR invasion was against international treaties and a negation of the United Nations Charter.

15% of respondents have said that 7th Sawr coup did not cause injustices and violation of human rights. Statements showing approval of 7th Sawr coup are as follows: This coup was carried out to topple the authoritarian regime, and did not cause as much injustices as taking place now. Despite the fact that Russians directly opposed peoples' beliefs, the period was better than the existing one, because people did not suffer from poverty, corruption and unemployment as much as they do now. A man from Bamyan says, "USSR invasion did not cause as much injustice as it was committed during Zahir Shah Reign. In Zahir Shah Period, our people from Bamyan were not allowed to join higher education institutes, government offices, national army and police. Our people did not enjoy welfare facilities. But during Communist regime; we had political liberty, and were allowed to enroll in higher education institutes, national army and police". A woman from Kabul asks, "How can the people who denounced USSR invasion justify the presence of 36 countries including the U.S now? USSR invasion was an excuse for a number of fundamentalist neighboring countries to interfere in Afghanistan's affairs".

## Chapter Three: Security

### 3.1 Insecurity

Security and safety are the basic rights of every citizen. Government’s prime responsibility is to defend the citizens’ rights against oppressions, and ensure their physical, financial and psychological security. Every Afghan citizen has the right to be informed about the security and military situation of the country. Respondents were asked that whether the judicial authorities, national intelligence, army and police - which are the protectors of citizens’ lives/rights - defended your rights and security?

The data reveals that 35% of respondents, the topmost in the graph, have agreed that insecurity was highest during Mujahedin period. In 1992, the communist regime was toppled and Mujahedin assumed power. They destroyed all communist government structures and the military equipments were left for the Jihadi groups. Later, Mujahedin groups could not reach to an agreement on power sharing, which led to factional wars from 1992 to 1996 resulting in insecurity, destruction of residential areas, looting, killing, massacre, and ultimately mistrust among people. The entire country was divided among local commanders who had ethnic or factional relations with one of the main Jihadi groups in Kabul. Afghanistan was drowned into tribal, lingual, and religious clashes that undermined the existence of strong central government. As a result, widespread insecurity, drug trafficking, terror, social friction, poverty and migration of Afghans dominated the country.

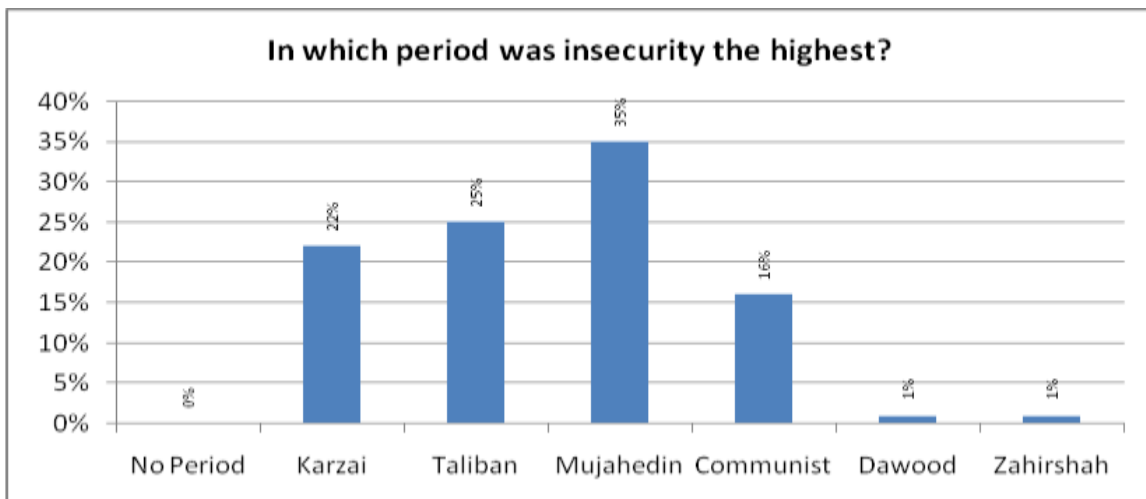


Figure 3-1a: Insecurity

Kabul respondents believe that Mujahedin tortured and killed communists in the capital and provinces and grabbed and destroyed their houses. Local [Mujahedin] commanders caused

insecurity in provinces. A female teacher from Herat narrates, "When Ismail Khan governed Herat, a house was attacked by professional thieves but three members of the family fought against them. As a result, these family members were killed. Because of the murders (thieves) direct relation with the ruler, there has been no investigation to the matter so far". Mujahedin attacked the houses and properties of religious minority groups and committed physically and psychologically assaults. Hindus of Karta Parwan and Nangarhar say, "Our houses and shops were looted and we were terribly insulted". A man from Bamyan says, "In 1997 eight families were forced to leave their houses by a tyrant commander in Waras district. These people took advantage of the name of Jihad and instigated factional wars. In this district Sepah-e-Pasdaran (The Corps of Guardian) and Sazman-e-Nasr (Help Organization) waged wars, and looted people's properties".

Mujahedin considered public property as spoils of war and therefore their own property. In Nangarhar, one of the Jihadi commanders cut the military tanks of First Military Corps into pieces and shipped them to Pakistan. Another commander cut the tanks by propane torch and sold them as waste metal in Pakistan.

Historic monuments, all private (movable and immovable) properties and public properties such as clinics, hospitals, schools, government farms and forests were looted by Mujahedin. In this period, cultural, economic and historic infrastructures were devastated due to insecurity.

Mujahedin committed sexual assaults in Kabul, provinces and refugee camps. They also committed massacres in Kabul and provinces.<sup>5</sup>

25% of respondents say that insecurity was highest during Taliban period. Taliban conquered and controlled most parts of Afghanistan from 1996 to 2001. During these years, they fought their opponents namely, Jamiat-e-Islami, Hizb-e-Wahdat, and Junbish-e-Milli-e-Islami in most provinces. During these wars, massacres took place in Kabul, Bamyan, Zabul, Herat, Balkh, Samangan, Shamali and Sar-e-Pol. Taliban burnt down residential houses, farms, and displaced the residents. They particularly burned down houses and farms in Northern Kabul, Balkh, Parwan and Bamyan. A man from Bamyan says, "Taliban destroyed private farms and looted people's livestock - the number of stolen sheep from center of Bamyan reached to 6,000". Likewise, a man from Balkh says, "I witnessed Taliban shooting indiscriminately on people, dragging women out of their houses and taking them to unknown places". Taliban had no heed for health and education. They attacked the central hospital in Yakawlang and executed the doctors by a firing squad. A doctor from Bamyan says, "I was working as a doctor in Yakawlang hospital, Taliban arrived and gun downed other doctors, I managed to escape". A woman from Herat says, "In 1998, during midnight Taliban broke into my cousin's house which was situated in Karta area. They killed her and her husband and robbed her jewelries". Taliban were involved in armed robberies and established illegal check points. Most of these points were created to kill non-

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<sup>5</sup> - For a detailed list of sexual abuses by Mujahedin, see Table 2, Appendix 7, Page 121. Also find more about the massacres committed by Mujahedin look at Table 7, on Appendix 12, Page 138.



Pashtun people. A man from Kandahar says, "I saw the body of a non-Pashtun person beside a road in Zabul, who was murdered by Taliban on ethnic accusation".

22% of respondents say that insecurity has been high during Karzai period. Karzai government was established in 2001 by the assistance of international community and direct support of the U.S. In the last seven years, Karzai government has had huge achievements in lawmaking and country's reconstruction. National army, national police and intelligence were established and reinforced by donor countries. But these countries are still unable to bring a long lasting security and stability in Afghanistan.

Respondents consider the below factors compounding the insecurity in Karzai government:

- Presence of incompetent individuals in Government offices
- Inclusion of war criminals in government
- Corruption in administrative and judiciary apparatus
- Foreign countries interferences
- Cultivation and trafficking of opium
- Smuggling of historic monuments
- Existence of Hizb-e-Islami, al-Qaida and Taliban
- Poverty and lack of job opportunities for people

The abduction and assassination of businessmen and traders have become a routine during Karzai government. In 2008, a doctor's son was kidnapped in Herat. The kidnappers asked for several millions of Afghanis as ransom to release the hostage. Tens of such incidents have happened in Kabul, Herat, Balkh and other provinces. Since 2001, most casualties have been caused by suicide and missile attacks. In spring of 2008, a suicide bomber blew himself up at a dog fighting game, killing a local commander. The bodyguards opened fire on the spectators present in the field and killed eighty people. Similarly, in 2007 a suicide attack in Baghlan killed six Members of Parliament. A large number of school students were killed both in the suicide attack and the gun fires after the explosion. Suicide attacks have increased recently taking casualties in Kandahar, Helmand, Uruzgan, Ghazni, Kabul and Farah every day. In the recent years, suicide attacks on army, police and government employees have increased, ever-deteriorating the security situation.

16% of respondents said insecurity was highest during Communist regime. In 1978, the Communist regime toppled Dawood Khan government through a coup. They jailed and murdered the opponents for a variety of reasons. AGSA (Afghanistan Gata Satany Organ), KAM and KHAD (Khidamat-e-Etla'ati Dawlat) (intelligence services during communist regime) had cast the nefarious shadow of suffocation on people's lives. The establishment of Communist regime provoked people's uprisings which were suppressed by the regime.

The further breakdown of data indicates that 63% of Nangarhar respondents say that insecurity was highest during Mujahedin period. Usurpation of people's properties, looting farms such as

Hada and Ghazi Abad farms, cutting fruit trees, looting historic monuments, demolishing bridges, robberies, raping Hindu and other women and violating rights of minorities are instances of insecurities committed by Mujahedin.

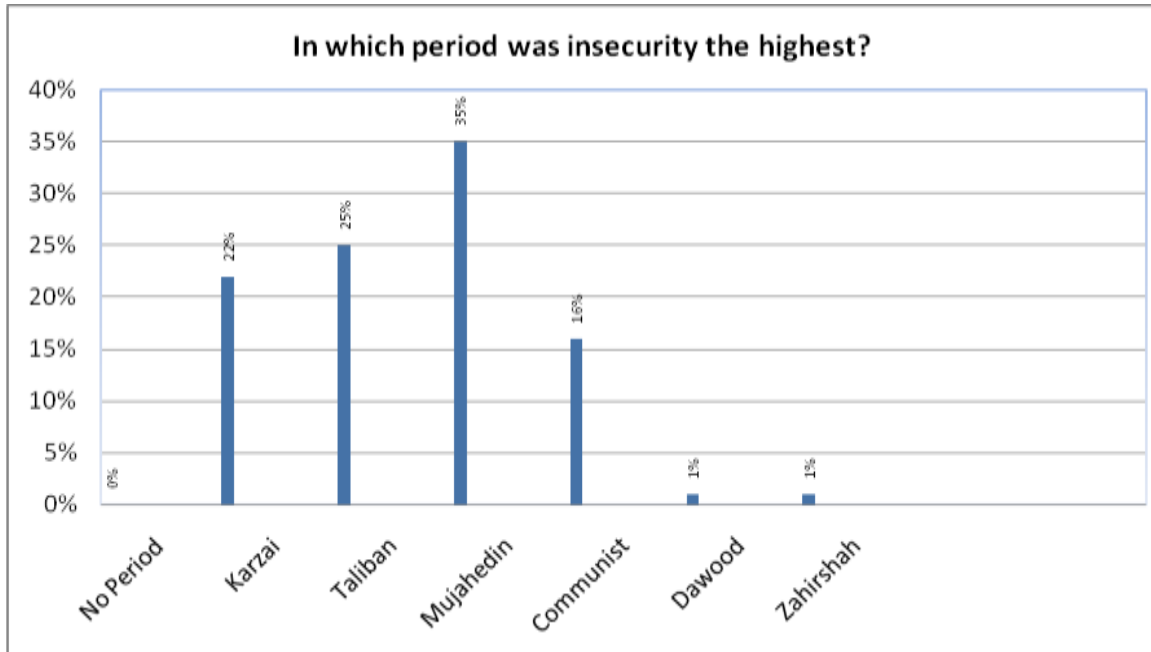


Figure 3-1b: Insecurity

60% of Bamyán respondents say that insecurity was highest during Taliban regime. Massacres, corruption, migration, forced displacement, vandalism of public properties, destroying of farms and livestock, plundering of historic monuments, disrespecting people’s faith and beliefs, extra judicial killings, and rapes took place during Taliban regime.

51% of insecurity in Kabul took place during Mujahedin period. Respondents have stated the following reasons for insecurity: factional wars, destroying private houses, demolishing industrial parks in Pol-e- Charkhi, missile attacks on residential areas and economic siege of Kabul by Hizb-e-Islami, murdering people for ethnic and lingual motives, raping, robbery, massacre, extra judicial killings, enmity with intellectuals, looting Saray-e-Shahzada (Shahzada Market) three times, and cutting Kabul’s electricity supply.

34% of respondents in Kandahar say that insecurity was highest during Karzai government. Taliban re-e-mergence and their efforts to increase insecurity, war between government and Taliban, and American forces’ air strikes on Taliban have resulted in civilian casualties and has forced them to leave their houses. Therefore, Kandahar has the highest number of Internally Displaced Person (IDPs) during the last six years. Other instances of insecurity include

assassination of tribal figures, suicide attacks, cultivation and trafficking of opium, and illegal occupation of government and private properties by local influential personalities during Karzai government in Kandahar.

### 3.2 People’s Uprising against Government

In the last fifty years, aforementioned rights of Afghan citizens have been violated. For numerous reasons, governments denied these rights<sup>6</sup> to people. It was due to autocratic regimes that people conducted violent uprisings.

7th Sawr Coup and USSR invasion provoked uprisings against the government. Despite the fact that there were a number of uprisings during previous governments of Zahir Shah (Kandahar, Qataghan and Kabul uprising) and Dawood Khan (Panjsheer and Nuristan uprising), but most uprisings took place against the Communist regime which is confirmed by respondents with a percentage of 59. However the authoritarian Taliban also experienced the most uprisings after the communists and is followed by the Mujahedin and Karzai government.

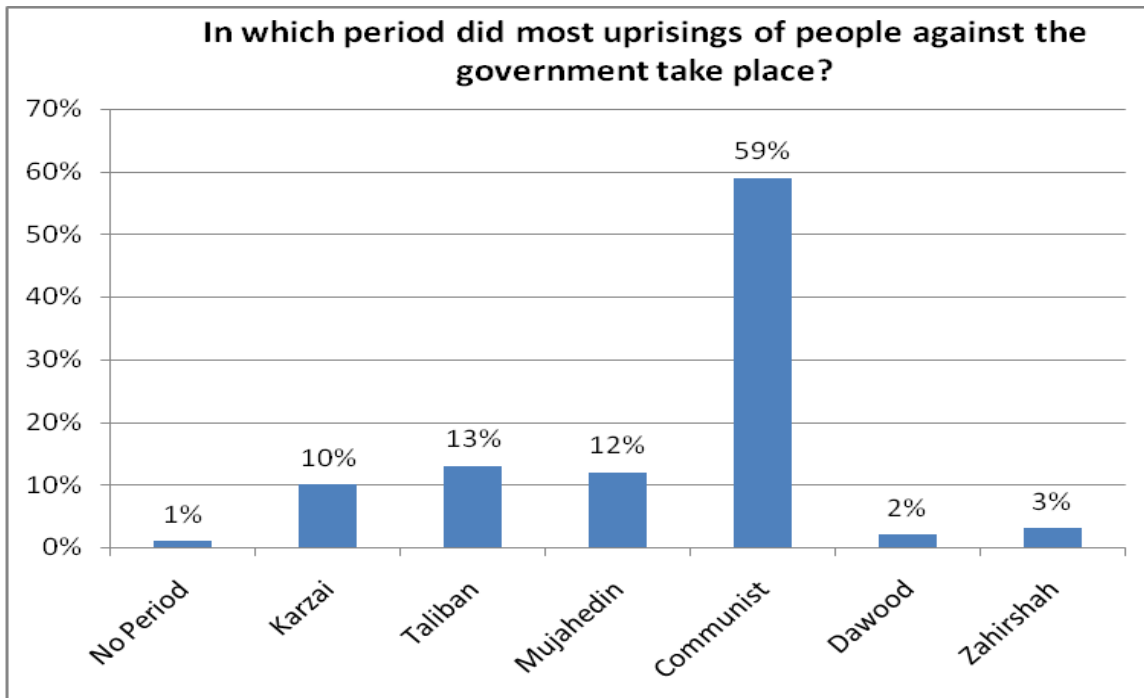


Figure 3-2a: Uprisings against Government

<sup>6</sup>- Everyone has the right to freedom of peaceful assembly and association. No one may be compelled to belong to an association. (Article 20, Universal Declaration of Human Rights). Afghanistan became a member during Karzai government.

Going further into details the data reveals that 59% of uprisings took place against the Communist regime. According to respondents, the list of uprisings is as following:

In 1978 an uprising took place in Nijrab district of Kapisa and was repressed by 444Commando Force. A large number of people were convicted through an open court and were buried alive by tractors.

On 23 June 1979, Chandawol residents carried out an uprising against Communist regime. A number of people attacked Hawza Awal (District 1, Police Station), which was located near an apartment in Jadaye Maiwand, Kabul and occupied it. On 24 June 1979, Hafizullah Amin government crushed the uprising, killing many people. An eye witness narrates, “25 Iran-made buses were parked in front of Chandawol, which transported the arrested people in order to execute them. Accurate statistics of these killings is still unknown, but according to respondents, about 2500 individuals were killed by the Communists on that specific day. {On this particular massacre that can be considered the second highest, after Herat, in the history of the communist regime, there is a document from the Parcham Party during its first Political Polinume in January 1981 that estimates the killings of 5000 people on the night of 25/26 June 1979 by Taraki and Amin.}

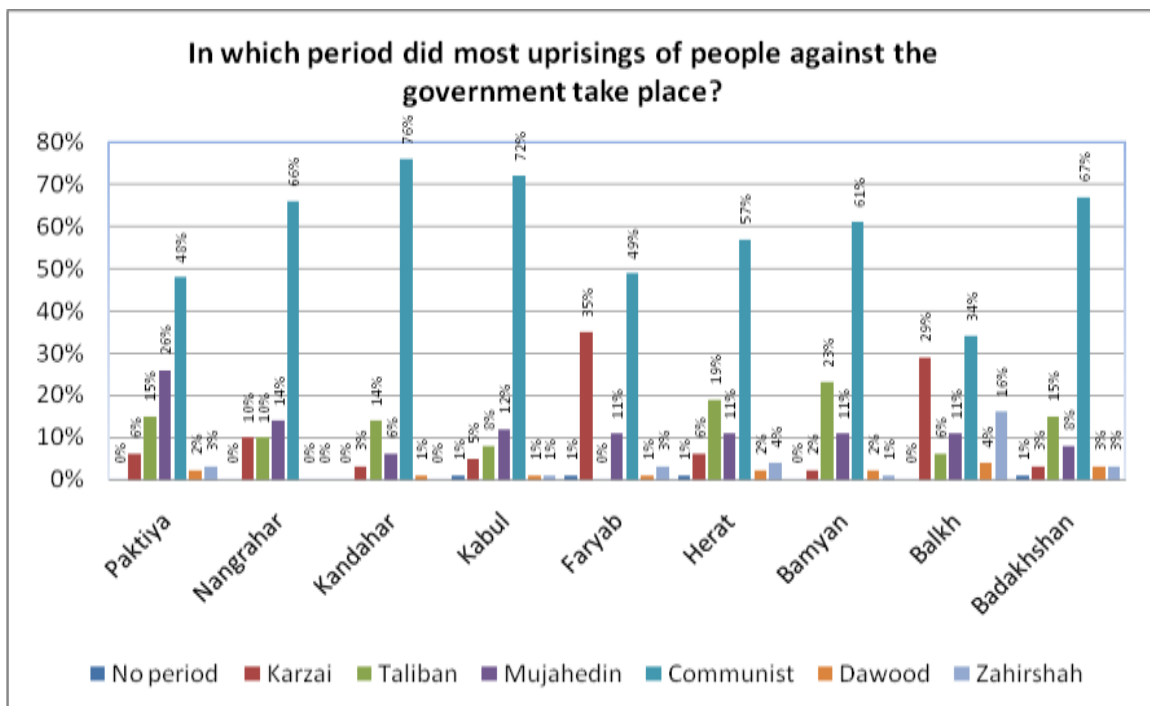


Figure 3-2b: Uprisings against Government

On 5 August 1979, Bala Hesar uprising took place. It started at 9 a.m. and ended at 2 p.m. This uprising was crushed by Russian armored aircrafts; killing a large number of Military Academy students who were then in Bala Hesar. According to a Bini Hesar resident who is an eyewitness to this uprising, almost 1,200 civilians were killed by Communists. On 14<sup>th</sup> March 1980 Herat uprising took place. According to a man, “Hundreds of people were killed in Herat’s uprising. Dead bodies had packed the streets and the majority of houses were destroyed”.

In 1980, thousands of Kabul residents marched on the streets and expressed their opposition against the presence of USSR forces by chanting *Allah Akbar* (God is great). Communist soldiers and helicopters opened fire on them killing and injuring tens of them, while hundred others were sent to jail.

13% of respondents say that uprisings took place against Taliban. Upon occupying a place, Taliban would suppress their opponents and forcefully disarm the residents. People-led uprisings did not take place in Taliban-controlled territories. The war waged against Taliban by various groups and people were mainly long-term wars. During these battles people from Kabul, Balkh, Parwan and Bamyan supported the anti-Taliban groups.

12% of respondents say that uprisings took place against Mujahedin. [But in fact], during Mujahedin there was no government to rebel against. Factional wars between parties gave them the impression that they have rebelled against each other. There were seven Jihadi groups fighting for power during Mujahedin period. Each party/group had its dominance on people. Rabani government i.e. Islamic Republic of Afghanistan was one of the belligerent groups during Mujahedin period.

The breakdown data indicates that 76% of respondents in Kandahar, 72% in Kabul, and 67% of respondents in Badakhshan believe that most uprisings were against Communist regime.

35% of respondents in Faryab and 29% in Balkh believe that most uprisings were against Karzai government. This is due to Jihadi commanders who have created the insecurity. Political tensions between the government and the leader of Junbish-e-Milli had widened the gap between government and political leadership in these provinces, increasing people’s mistrust towards the government.

### **3.3 Unemployment, Refuge, and Forced Displacement**

#### **3.3.1 Unemployment**

The right to work<sup>7</sup> of an individual is one of his/her economic, cultural, and social rights, but it has been violated by the Afghan governments in the last fifty years.80% to 100% of all provincial

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<sup>7</sup>- “Work is the right of every Afghan. Working hours, paid holidays, right of employment and employee, and other related affairs are regulated by law. (Article 48, Second Chapter, Constitution of 2003)”.



respondents consider unemployment the main cause of injustice and violation of rights. In the last fifty years unemployment has dominated the entire society and has caused corruption and felonies, paving the way for increased injustice and violation of human rights. Unemployment has forced people to cultivate and traffic opium. Jobless people from Herat travel to Helmand and Kandahar to work in opium fields. Unemployment is the main factor for abductions, terror, armed robberies, trafficking of drugs, hostage taking, and joining the Taliban.

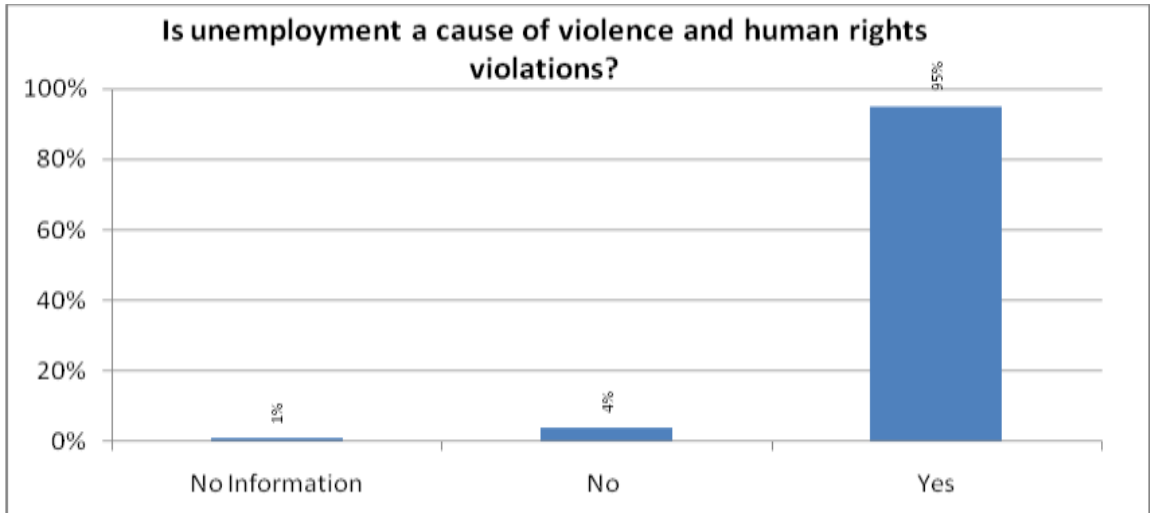


Figure 3-3-1a: Unemployment as a cause of injustice and violation of human rights

95% of respondents think that unemployment is the cause for injustice and violation of rights. They believe that, “unemployment decreases social awareness, and cause psychological problems, addiction, trafficking drugs and immorality. Unemployment is like a virus in a community’s body, which infects the society with diseases such as bribery, nepotism and violation of other people’s rights. As reflected in a well known proverb among people, “unemployment is the root to all adversaries”.



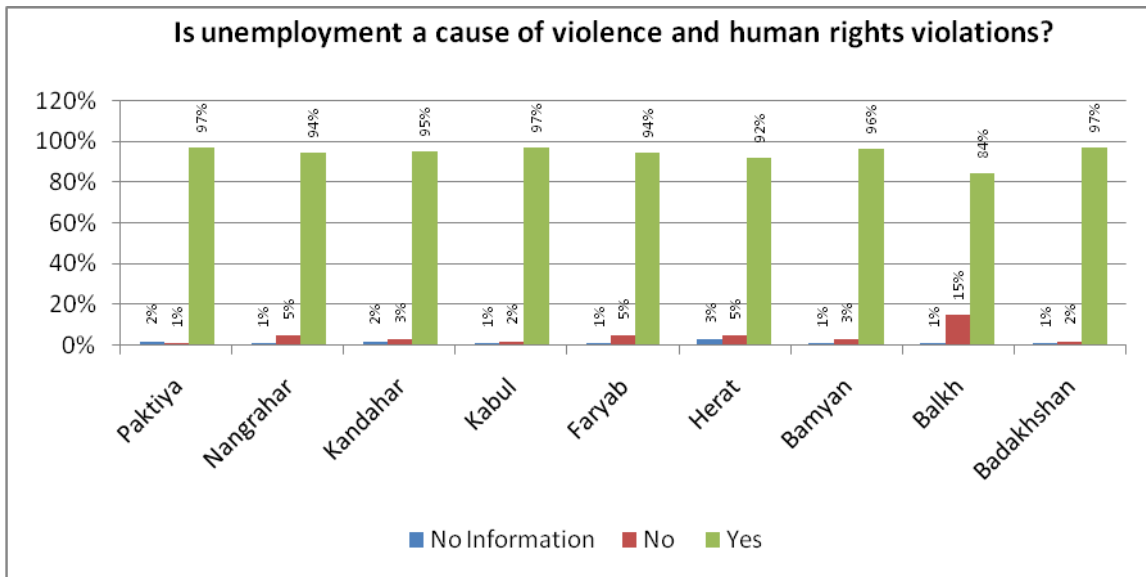


Figure 3-3-1b: Unemployment as a cause of injustice and violation of human rights

A society with widespread unemployment is always insecure and lawless. Increase in crimes is one of the key indicators of such a society. Individuals in a society with high ratio of unemployment get involved in insecurity and anarchy. Due to severe hunger and economic constraints they face, individuals tend to join armed groups to earn money. Unemployed people experience the downfall of their hopes, and are therefore susceptible to retaliatory and criminal inclinations. A woman from Paktia says, “An unemployed society is sick, because it cannot meet its natural requirements”.

4% of respondent do not hold unemployment responsible for injustice and violation of rights. They believe that in the previous decades people were jobless too, but they did not commit any crimes. A man from Nangrahar says, “Unemployment is created by Allah, so it does not cause any injustice and violation of human rights.”

In conclusion, the respondents perceived that employment is the right of each human and providing job opportunities is the responsibility of government. The government must create jobs and fight economic poverty to protect people’s rights.

### 3.3.2 Refuge

According to a *hadith*, “seeking refuge is mandatory when one’s religion is attacked”. Therefore, on the basis of Islamic fraternity and sympathy, Afghans migrated to neighboring Islamic countries of Pakistan and Iran. Seeking refuge in Western countries was done according to international migration and asylum laws.

### *3.3.2.1 Refuge during Communist Regime*

7th Sawr Coup and USSR invasion was the beginning of migrations. Pakistan, Iran and Central Asian countries accepted the majority of refugees. Several refugee camps were established in Pakistan, like Pabu Camp, Shamshatoo Camp, Naser Bagh Camp, Zakhil Camp, and camps in tribal areas. Although in these camps the refugee rights were violated by Pakistani authorities and Mujahedin, these refugees were comparatively in better conditions (freedom of movement and business) than those living in camps in Iran. Refugees in Pakistan had the liberty to work and study, freedom of mobility, and freedom of possession. Pakistani police; nonetheless, did harass Afghan refugees and extorted bribes in exchange of their mobility. Government of Pakistan took political advantage from these refugee camps, facilitating thousands of fighters, who later turned into a key group to capture Afghanistan. In Iran, refugees did not have the right to study. In 2001, a small number of refugee students studying in Iranian schools and universities were expelled. Iranian authorities attack the dignity of Afghan refugees in all forms. They called Afghan refugees with derogatory titles, and accused them with political charges. Iranians set up two notorious camps in border areas, namely Safid Sang and Tali Seyah for detaining Afghan refugees. They were jailed and tortured and several refugees were killed for protesting against bad conditions in the camps.

A teacher from Badakhshan says, “Communist regime assumed power in 1978. They were against people’s beliefs and religion. Later USSR invaded Afghanistan. Their cruel behavior made living conditions for people intolerable and forced them to migrate”. A man from Faryab says, “Najibullah government forced the young people to enlist in the army. In order to save their lives, young people migrated with their families”. Bombing residential and non-residential areas by Communist regime caused migrations too. A university lecturer from Balkh says, “Jailing and murdering intellectuals, university lecturers, students and tribal leaders caused flee and refugee life”.

### *3.3.2.2 Migration in Mujahedin Period*

Most emigration took place in Mujahedin period. Respondents noted the following reasons for the emigration:

1. Factional wars and ethnic, religious and lingual discriminations
2. Insecurity, poverty, unemployment and homelessness
3. Lawlessness and factional enmities
4. Droughts and lack of living facilities
5. Hizb-e-Islami’s missile attacks on residential areas (in Kabul)
6. Lack of protection of life, property and honor (women), inequity, censor and excess tyranny of armed groups
7. Devastation of government system, particularly national army and police
8. Illegal occupation of private properties



9. Lack of schools and education or Low quality education in schools and universities
10. Foreign countries' interference in provoking war
11. Levying heavy charges on people for different reasons and collecting high Oshr (religious taxes)
12. Selfishness of Mujahedin and Jihadi *leaders*.

### 3.3.2.3 Migration in Taliban Period

A large number of people migrated from different provinces after Taliban took power. The reasons below are stated by respondents according to their perspective of prioritizing things:

1. Imposing Talibani laws (self interpreted Islamic laws)
2. Insulting human dignity
3. Insulting people's religious beliefs
4. Violation of women and children's rights
5. Illegal and forceful occupation of private properties
6. Banning girls from going to school
7. Closing women's hospitals such as maternity hospitals
8. Lack of medical facilities
9. Killing, execution, raping, terror, and kidnappings
10. Destroying private residencies
11. Burning agricultural farms and killing people's livestock
12. Banning cultural practices, such as listening to music, rituals, celebrating traditional festivals and sports
13. Forcing people to perform prayers (even if one had already performed prayer)
14. Forcing men to grow beards and wear turbans (glass of a kerosene lamp was used to measure the length of beard)
15. Making it mandatory for Hindus to wear yellow turbans
16. Forcing Shiites to leave their religion or leave Afghanistan
17. Levying heavy charges for different reasons
18. Gathering of al-Qaida and extremists from all over the world in Afghanistan
19. Unemployment and poverty
20. Continuous droughts
21. Afghanistan's isolation in the international community

A man from Badakhshan says, "Taliban were extremists. They forced other ethnic groups to migrate so they would occupy their lands".

A man from Herat says, "Taliban used to tell Hazaras that, Tajiks should go to Tajikistan, Uzbeks should go to Uzbekistan and Hazaras should go to Goristan (graveyard)".



### 3.3.2.4 Migration in Karzai government

People have migrated due to following reasons:

1. Unemployment
2. Insecurity and continuous fighting with Taliban and al-Qaida
3. Assassination, abduction and hostage taking
4. Presence of drug traffickers in the government
5. Lack of protection for investors
6. Drought
7. NATO's bombardment on Taliban and al-Qaida and victimizing civilians
8. Increase in suicide attacks

### 3.3.3 Forced Displacement

According to Sharia, governments are responsible to protect the individuals and groups' right of possession. Without the consent of the landowner, no one is allowed to occupy the property or displace him/her. In Afghanistan, many people were forcefully displaced by government and hostile ethnic factions during the last five decades. The following graph shows forced displacement in the last six regimes.

According to the respondents 71% of forced displacement in Balkh has taken place during Taliban which is the highest displacement ratio in the graph. Upon occupying Balkh in 2000, Taliban massacred the civilians. For many days, they searched houses to arrest and kill Uzbeks and Hazaras. This caused the majority of non-Pashtuns to leave their residencies. However in general, still Taliban stands first in the graph, followed by the Mujahideen and Communist regime.

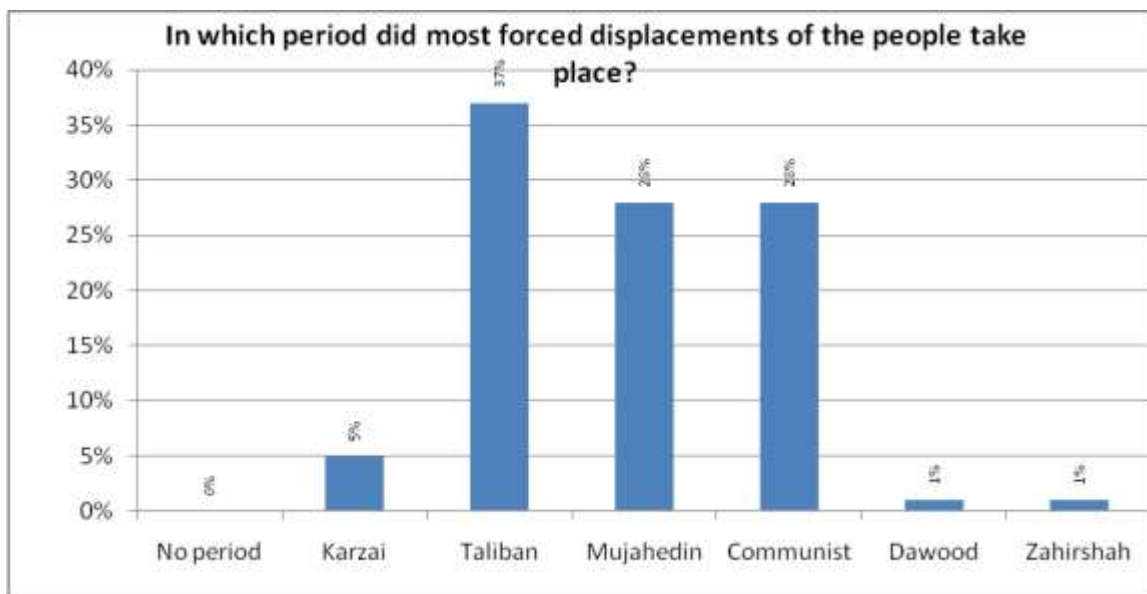


Figure 3-3-3a: Forced Displacement

48% of respondents in Nangrahar and 41% in Kabul say that forced displacement has taken place during Mujahedin. Factional violence, insecurity and existence of irresponsible armed groups forced people to leave their local residencies.

42% of respondents in Paktia, 35% in Kandahar and 34% in Herat think that forced displacement took place during communist regime. Continuous bombings of residential areas by the Russian forces and the Communist regime, murder and imprisonment of people made them to migrate.

The data from the mentioned provinces indicates that 37% of forced displacement took place during Taliban in these provinces. Due to Taliban violent behavior with civilians during the war, residents were forced to leave their houses. Taliban would burn down residential houses upon occupying a place. They set fire to houses in Shamali, Bamyān and Takhar and forced people to escape from the region. A woman doctor from Kabul says, “Taliban used to occupy affluent houses in Kabul and forced their owners to evacuate it”. A man from Bamyān says, “Majority of inhabitants escaped from their houses due to the fear of massacres. Taliban burnt down most houses in Kabul, Shibarto, Qarghanato, and Yakawlangof Bamyān Province”. Likewise, a man from Balkh says, “Taliban massacred residents of Qala Jangi Dehdadi and around Mazar-e-Sharif airport, and forced them to evacuate their houses”. A man from Samangan says, “After a massacre in Dara-e-Souf, Taliban forced people to leave their houses”.

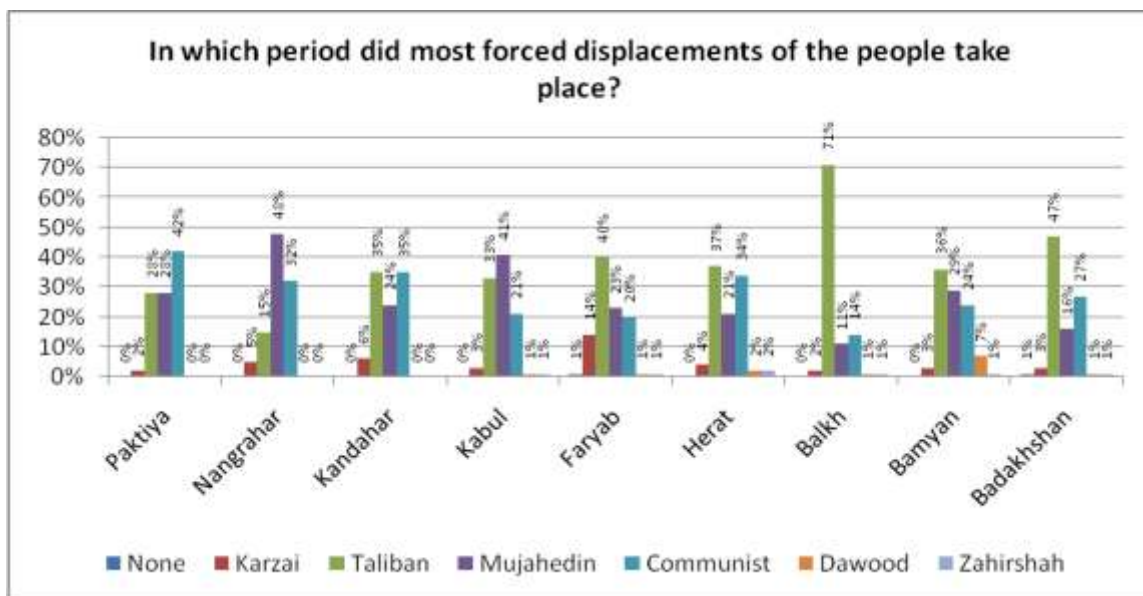


Figure 3-3-3b: Forced Displacement

According to the respondents 28% of forced displacement has happened during Mujahedin. When Mujahedin captured an opponent’s area during factional wars, they committed looting,

destruction and rapes thereby forcing the people of that region to leave their houses. During 1993 to 1996 areas such as Kota Sangi, Dehmazang, Afshar, Dar-ul-Aman, Khoshal Mina, Karte Sakhi, Dewan Bigy, Dasht-e- Barchi, Bagرامي, Qasaba, Bini Hesar, Makroyan and Municipality's District 1<sup>st</sup> of Kabul were frontlines of factional wars between Jamiat-e-Islami, Hizb-e-Islami, Junbish-e-Milli Islami, Hizb-e-Wahdat, Etihad-e- Islami, Harakat-e- Islami and Harakat-e- Inqilab-e- Islami. Meanwhile, if a region was controlled by a local tribal or ethnic commander, other tribes or ethnic groups could not live there. A Pashtun man says, "During civil war I lived in Golayee Mahtab Qala, Dasht-e- Barchi. Hizb-e-Wahdat ordered bakeries not to sell bread to us, and so they did. As a result, I had to leave my house. I left the house with my family members by foot overnight and settled in Qargha. In Charahi Qanbar, a Hazara family composed of a woman and two daughters, lived under the 24-hours control of Etihad forces. The Hizb-e-Etihad fighters wanted to find and arrest the male member of that Hazara family. That family lived under very bad conditions." A woman from Makroyan says, "Mujahedin occupied many apartments in Makroyan saying that they belonged to communists and made fake ownership documents". In addition, factional, ethnic, religious and lingual conflicts and hostilities in Kandahar, Mazar-e-Sharif, Faryab and Badakhshan during Mujahedin, caused forced displacement.

28% of respondents say that forced displacement of people took place during communists. They, during their long years of fight against Mujahedin, bombed many places. They bombed Chakari, Khord Kabul, Paghman, Ozbeen and Tezbeen of Sorubi districts in Kabul, Charkent and Charbolak districts in Balkh, Khakriz and Pashmol districts in Kandahar, Oba and Adraskan districts in Herat, Alishing and Alingar districts in Laghman, Wegal district in Nuristan, and Kama, Sorkhroad and Shenwar districts in Nangarhar. As a result, residents left their houses and migrated. Another factor that compounded the forced displacement issue was wanton arrests and disappearances during Communist regime.<sup>8</sup>

### 3.4 Dishonoring Women (Sexual Abuses)

In the last five decades, women suffered from various kinds of physical, psychological, economic and sexual violations by governments and belligerent groups. But in the last three decades of war, sexual violence, raping, sexual assault, selling and buying of women and forcing them to engage in obscene activities, and using them as war tools by governments and belligerent ethnic, lingual and religious parties became more frequent.

The following graph shows that sexual abuses have occurred in all provinces of Afghanistan. 67% of respondents in Badakhshan, 68% in Balkh, 55% in Bamyan, 56% in Herat, 35% in Faryab, 71% in Kabul, 82% Kandahar, 71% Nangarhar, and 35% of respondents in Paktia have said that sexual abuses took place [during the last five decades].

<sup>8</sup> - You can find more details about arrested and murdered people by communists as well as other regimes on Table 3, Appendix 8, Page 124.

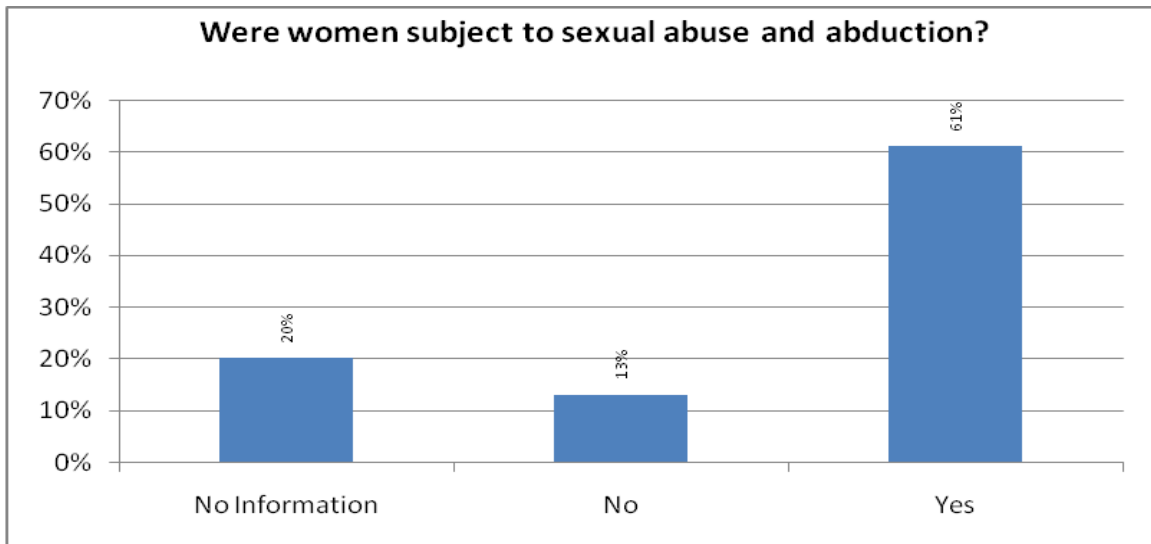


Figure 3-4a: Sexual abuse of women

Some provinces such as Paktia 35% and Faryab 3% show lower percentages of sexual abuses. This is largely due to the fact that during civil war a single party or a single armed ethnic group controlled these two provinces. Ethnic affiliation has had a great role to play in minimizing sexual abuses. It might also mean that simply the facts have been denied due to tribal and ethnic honors.

A number of people expressed their unawareness about sexual abuses and offences. 23% of respondents in Badakhshan, 29% in Balkh, 27% in Bamyan, 30% in Herat, 28% in Faryab, 26% in Kabul, 15% in Kandahar, 27% in Nangarhar, and 30% in Paktia said that they were not sure whether sexual abuses have taken place. [Perhaps] the dominant local traditions of customs have had a role to play in the respondent's apparent conservatism towards answering this question. Respondents believe that disclosing such matters defame and disgrace families in their communities. Since people are very sensitive in this area the "no information" might also mean denial or hiding the fact to protect their honor.

61% of respondents believe that sexual offences and rapes took place in all periods as graphically represented below.

Sexual abuses as war weapons have long been used in Afghanistan. Treating women as tools for retaliation, they have been used as objects in wars. However, in the last few decades of war in Afghanistan, communists were the first to use women as war objects in order to suppress their opponents. The Communist government formed militia forces to protect their [military] interests. During battles, those forces arrested women and raped them. The first crime of this nature happened in Bala Bolg of Badghis province. During Mujahedin, it became a routine practice. [The opponents'] female dependents were used to take avenge from their male relatives. In various

Mujahedin checkpoints along the highways women were raped. Belligerent fighters captured their opponents' female dependents and raped them. According to respondents, one example of such notorious actions was the sexual assault committed by Jamiat-e-Islami and Etihad-e-Islami fighters in Afshar Silo of Kabul. The mentioned cases, tables and texts of this report are the examples of sexual offenses committed by the Communist government forces, Jihadi commanders, and the Taliban who used women as war weapons in different periods.

Regarding such offences during communists a man from Kandahar says, "The Communist regime's KHAD agents committed several sexual offences in the center of Kandahar province". In June 1989 a boy in Kandahar was forced to get married with a Jihadi commander; another 12-year old boy in Herat was forced to get married with a Jihadi commander in 1979 (1980). Homosexual marriages are not allowed in Islam and in Afghan culture. These examples are therefore instances of sexual abuses of boys.

In 1992 Kabul was in the economic siege of Hizb-e-Islami. They had two main checkpoints in Company and Afshar Dar-ul-Aman areas, where their forces raped women. A Kabul resident says, "The residents had to cross these checkpoints to buy food. While crossing, armed men would stop them for body search, and rape them". A man from Herat says, "One of the Junbish-e-Milli Islami commanders committed several sexual offences in Islam Qala of Herat".

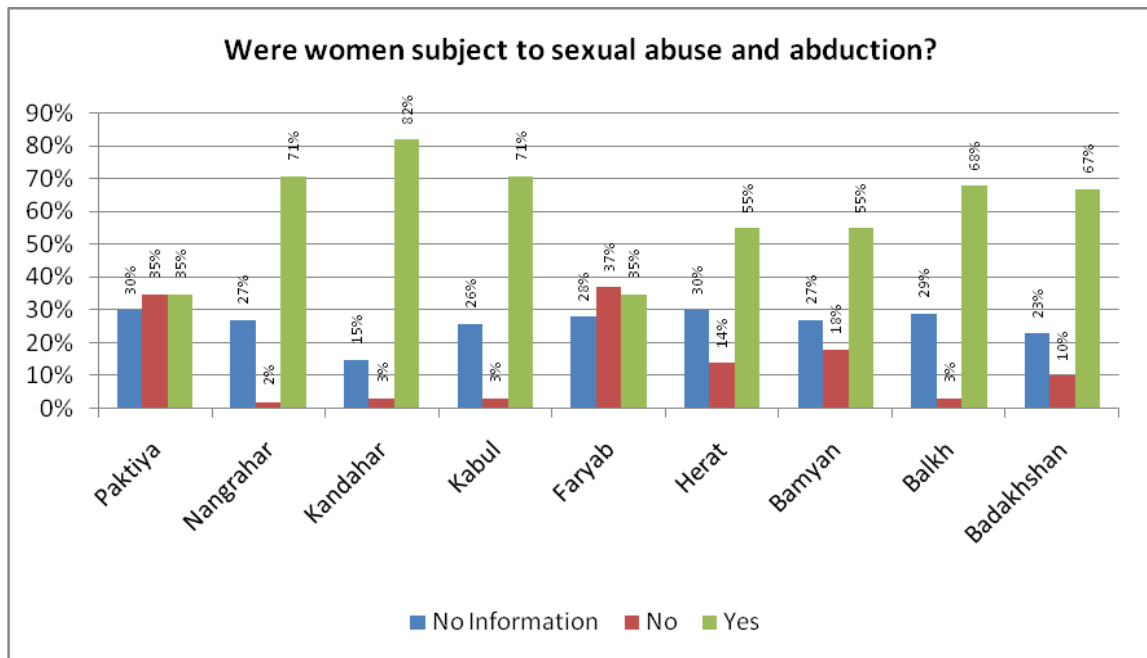


Figure 3-4b: Sexual abuse of women

Moreover, Mujahedin stopped the vehicles on the highways and raped the passengers in the checkpoints. An eyewitness from Kabul says, “A young girl [committed suicide by] jumping into Mahipar River to escape from being raped by Jihadi commanders”.

Mujahedin have committed sexual abuses on religious minorities. An eyewitness from Karte Parwan says, “Shora-e-Nizar forces broke into a Hindu man’s house, locked the man, his brother and sons in the bathroom, and raped his wife, daughters and sons before looting his house. They threatened the Hindu man not to tell this to others, or else they will kill him”. Likewise, all belligerent factions committed sexual offences. An eyewitness from Kota-e-Sangi, Kabul says, “Hizb-e-Wahdat forces raped women in Ibn Sina high school”. Taliban sexually assaulted people in Shamali and Bamyān. Respondents from Yakawlang say, “Taliban took a woman to their compound and raped her in gang, as a result the poor woman died”.<sup>9</sup>

There are numerous cases of sexual abuses, such as sexual harassment of female staff in organizations, raping of women in war zones and sexual assault of journalists and translators. But due to the dominant culture of “honor-keeping”, Afghans do not disclose these cases. Families of missing women or girls hide the reality and say that they died or were killed.

### **3.5 Abduction of Women and Children**

Kidnapping women and children during civil war in Afghanistan has been another violation of human rights. This method was first used as a fighting tool during Communists, became very popular during Mujahedin period and continues till today.

Families whose female members have been kidnapped are not inclined to disclose this fact, because they consider it a stigma to their prestige and honor. In other words, if they reveal the information about the woman kidnapped from their families, it is a huge disgrace and can be used as weapon [by others] to dishonor the family in the society. A woman from Bamyān narrates cases of women’s abductions by Taliban, “17 or 18 women were taken (kidnapped) by Taliban from Yakawlang, and no traces of those women could be ever found. We don’t tell the fact to anyone because our family and social traditions prevented us to reveal it. The family members of the kidnapped women say that they have been killed”. Women from religious minority groups were kidnapped during Mujahedin period. A man from Jalalabad says, “A Hindu woman was kidnapped for five days by armed Mujahedin commanders, later her dead body was found at her house gate”. Jihadi commanders used to kidnap women in capital and other provinces of Afghanistan. A woman from Laghman says, “Commanders of Hizb-e-Islami (Hekmatyar) would kidnap beautiful girls”. Likewise, a man from Kabul says, “Three women were kidnapped by a Hizb-e-Wahdat commander from Kart-e- 3”. A man from Badakhshan says, “It was a usual practice by Jihadi commanders to keep young boys, use them for sexual purposes and making them dance in private parties”. Women and girls were kidnapped by foreign Taliban,

<sup>9</sup> - For details regarding dishonoring of Women (Sexual Abuses) please find Table 2, Appendix 7, Page 121.

as a man from North of Kabul says, “Afghan women were transported to Pakistan in minibuses and were sold to Arabs and Pakistanis”.

Mafia and criminal groups took the advantage of the situation and kidnapped women and children. Respondents have expressed this fact along with its related factors: “Organized mafia groups were involved in kidnapping women and children. The servants of foreigner (traitors) use the open borders to traffic women and children. Kidnapped women were sold for sex work in foreign countries and the kids are trained to commit suicide, traffic opium or to be used for sexual purposes”.

Kidnapping women and children is one of the major challenges of Karzai government, and contribute to the increase of opium trafficking and corruption. In spring 2008, the son of a doctor was kidnapped in Herat. The kidnapers had asked for several million Afghanis ransom, which caused a doctors’ strike for several days and disturbed Herat’s security.

A man from Kabul says, “Poverty, political and ethnic discriminations in country, non-observance of children’s rights by government, weak policies of governments about the kidnapers, and law enforcement agencies’ silence and relations with kidnapers are factors that increase kidnapping”. During Karzai government, children’s abductions are higher than any other period during the past five decades, the reasons of which is stated by a gynecologist in Kandahar as following: “High level of corruption among police force, on one hand and the dominance of international mafia in Afghanistan high government levels, on other hand, has weakened the government and eats the structure of army from within like a termite; therefore, government is unable to fight against children kidnapers”. A man from Badakhshan says, “Kidnapping women and children are done very carefully and precisely by professional [criminal] groups”. Respondents also believe that rich people related to one of these groups are engaged in this crime. A man from Kabul says, “Kidnapers use armed men in blacked-window government cars.”

In conclusion, according to the respondents women and children’s abduction existed since the Russian invasion. Now that poppy cultivation, drug trafficking and corruption have increased, and there is no will within the government to arrest and punish these criminals, that is why the abduction rates in Afghanistan has increased.



### 3.6 Damaging Public Buildings & Properties, Destroying Farms and Livestock

#### 3.6.1 Damaging Public Buildings & Properties

During the last three decades of war, destruction of residential houses and public properties has taken place extensively. Governments and belligerent factions have destructed public properties such as roads, power dams, schools, canals, hospitals, entertainment parks, forests and governmental and non-governmental buildings.

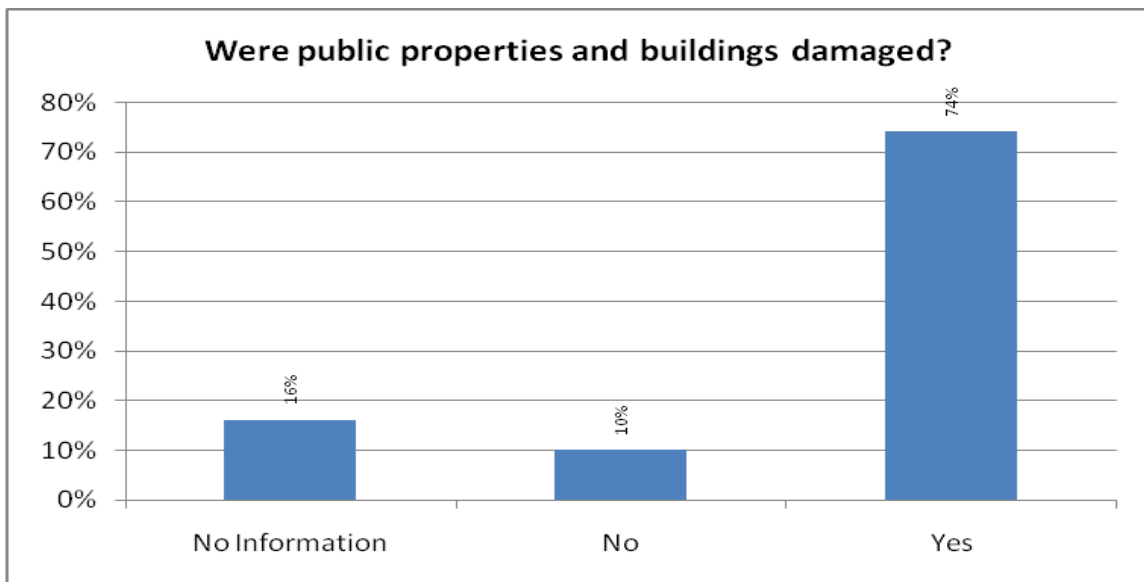


Figure 3-6-1a: Damaging Public Buildings and Properties

74% of the respondents were of the view that houses and public properties destruction began during USSR invasion and intensified during civil war. Almost all houses were destroyed and public properties were looted in Kabul. All government establishments such as clinics, hospitals, agricultural farms, and schools were destroyed and looted by hostile groups.

Communists bombed villages because in their view these villages had provided shelter to Ashrar (the thugs, a term used by communists for Mujahedin). Areas bombed include but are not restricted to Chakari, Khord Kabul, Paghman, Ozbeen and Tezbeen of Sorubi districts in Kabul, Charkent and Charbolak districts in Balkh, Khakriz and Pashmol districts in Kandahar, Oba and Adraskan districts in Herat, Alishing and Alingar districts in Laghman, Wegal district in Nuristan, and Kama, Sorkhroad and Shinwar districts in Nangarhar.

During Mujahedin fights between Jamiat and Junbish, Jamiat and Hizb-e-Wahdat, Hizb-e-Islami and Jamiat, Junbish and Hizb-e-Islami, Etihad and Hizb-e-Wahdat, and Etihad and Harakat as well

as missile attacks of Hizb-e-Islami on Kabul, cities were destroyed and a humanitarian crisis was caused. The war between Hizb-e-Islami and Jamiat in Kandahar, converted the center of the city into debris. In conclusion, infighting between hostile forces in different provinces caused the destruction of houses and public properties.

A man from Faryab testifies that, “one of the local Mujahedin commanders destroyed Qorghan and Akhcha schools and installed their doors and windows in his own house”. A man from Faryab says, “Local commanders destroyed the Andkhoy School and our house”.

Saray-e-Shahzada, the major currency exchange market in Kabul, was looted three times during Mujahedin. A money exchanger from Kabul says, “I had a capital of 7,000 dollars. One night I locked my shop and left. The next day, when I came back, I found my shop open and everything looted”. Mujahedin cut the military tanks into pieces and sold them in Pakistan. A man from Jalalabad says, “Jihadi commanders cut the military tanks of First Military Corps into pieces and shipped them to Pakistan. Another man from Nangarhar says, “I was a Mujahid, and I was ordered to destroy the schools and hospitals”. Another man from Nangarhar says, “I was a Mujahid of Hizb-e-Islami, our commanders would order us to burn down schools and hospitals”.

Taliban fought against Jihadi parties from 1994 to 2001 and occupied almost 80% of Afghanistan territory. In many instances, they destroyed houses and public properties extensively. They burnt down Shamali in 1997, demolished private houses, burnt crops and destroyed *Kariz* (water canals).

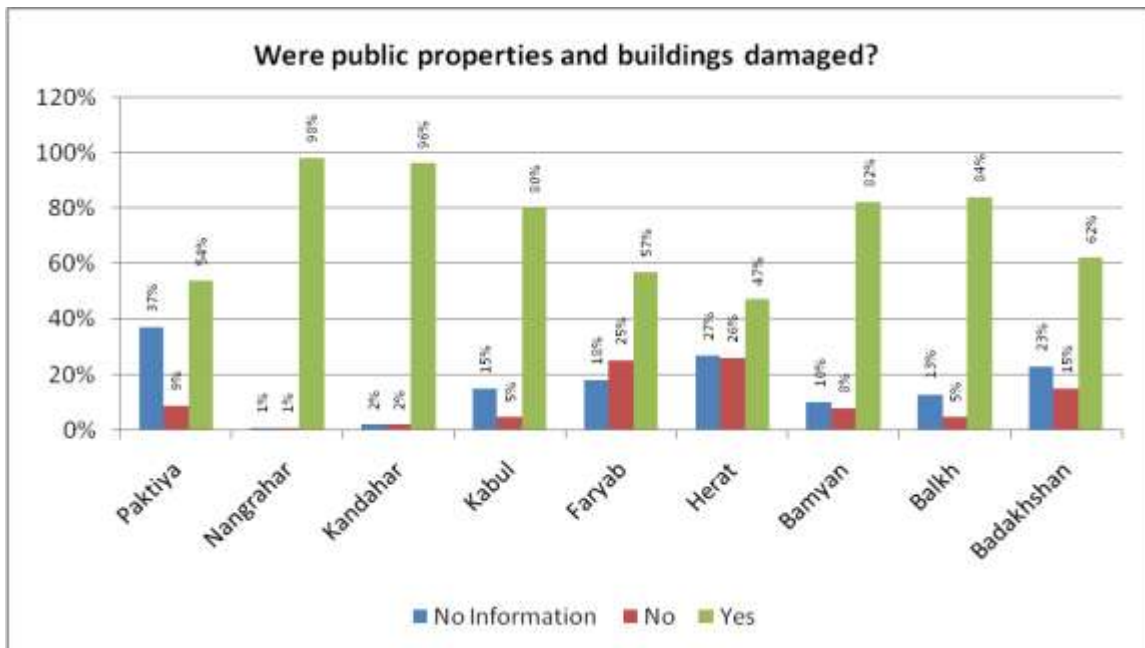


Figure 3-6-1b: Damaging Public Buildings and Properties

In 2000, Taliban burnt Bamyan city and areas such as Haidarabad, Sayedabad, Tolwarah, Shibarto and Qarghanato. In Qarghanato only three houses were kept intact to be used for Taliban residence. In winter 2000, Taliban occupied Yakawlang district of Bamyan and burnt several villages. There only remained a few undamaged houses in Dara Ali. A man from Bamyan says, "Taliban destroyed houses, mosques, shops and market of Bamyan. Residents of Ghundak and Jalmish joined hands with Taliban to plunder and destroy the Bamyan city". Likewise, ethnic and regional rivalries also contributed to destructions. A Member of Parliament from Bamyan says, "During Hizb-e-Wahdat rule in Bamyan, Tajik residents were looted by Hizb-e-Wahdat fighters. But during Taliban, Hazaras' houses were plundered and destroyed by Tajiks".

Taliban recaptured Mazar-e-Sharif for the second time in 2000; they destroyed areas surrounding the airport and Qala-e-Jangi.

In Herat, Kandahar, Helmand and Nangarhar, houses and public properties were destroyed during Karzai government too. An eyewitness from Herat narrates how public properties were destroyed during Karzai period: "On Muharam (Ashura) day in 2005, Hazaras' shops were set on fire causing millions of dollars loss to them". Coalition forces' bombings destroyed residential houses and public properties in Kandahar, Helmand, Nangarhar and Paktia. In two different cases, international forces bombed wedding ceremonies and killed both the bride and the bridegroom. First time it happened in Paktia at the beginning of Karzai government, and the second time it took place in Nangarhar in 2008. International forces have conducted such strikes repeatedly and bombarded residential areas irresponsibly. A woman from Kabul says, "Mujahedin established the system of plundering and looting in Afghanistan, but Karzai government regularized and legalized it".

As shown in the provincial graph, in Badakhshan (62%), Balkh (84%), Bamyan (82%), in Herat (47%), Faryab (57%), Kabul (80%), Kandahar (96%), Nangarhar (98%), and in Paktia (54%) of houses and public properties were destroyed. The highest percentage of such destruction by governments and hostile ethnic, lingual and religious groups has happened during 1993 - 2008.

Owing to relatively less ethnic and lingual clashes, 25% of Faryab and 26% of Herat respondents say that houses and public properties have not been destroyed in the last five decades.

37% of respondents in Paktia, 23% in Badakhshan, and 27% in Herat are unaware whether destruction of houses and public properties has taken place. These people have not witnessed the destruction of private and public properties in the last five decades.

### 3.6.2 Destroying Farms and Livestock

Afghanistan [economy] is based on agriculture and livestock activities. Livestock constitutes the livelihood of majority of people in provinces (rural areas). Destruction of farm lands and livestock during the wars has caused enormous losses to the people and forced them to migrate. Destructing farm lands and livestock during the last fifty years by belligerent factions and governments are shown in the graph below.

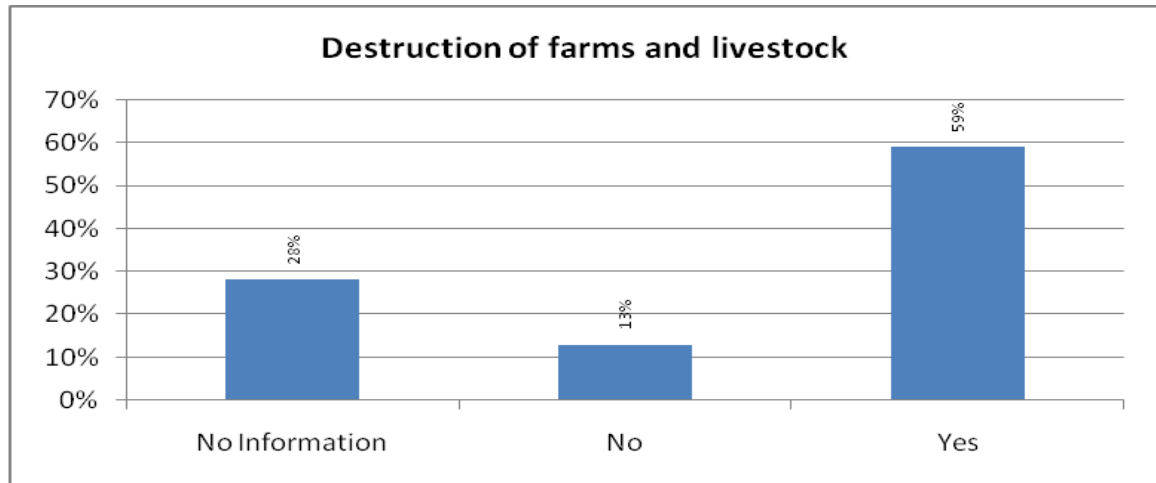


Figure 3-6-2a: Destruction of Farms and Livestock

[Respondents from] most provinces have said that destruction of farm lands and livestock has happened extensively during the last five decades. The reasons noted are factional violence, civil war, dominance of warlords, bombings and mines.

The highest reported destruction of farm lands and livestock is from Kandahar (93%) and Bamyan (71%). Based on their economic and natural location, these provinces are the biggest areas for animal husbandry. Kandahar has widespread plain lands with abundant water and pastures and is therefore a perfect place for animal husbandry. On the other hand, Bamyan has a tough geographical terrain and less farm lands; thus, residents' livelihood is heavily dependent on livestock. Therefore, the destruction of farms and livestock has caused huge losses to these provinces. Kandahar has the largest number of land mines laid by Russians and Mujahedin. It has also been witness to continuous fighting between Mujahedin groups and Communist regime as well as Jamiat-e-Islami war against Hizb-e-Islami that inflicted great injury to the province's agriculture and livestock activities. Kandahar was Taliban stronghold. Even after Taliban regime was toppled, due to Taliban ethnic influence; it remained the main battlefield between Taliban, Afghan government and its international allies.

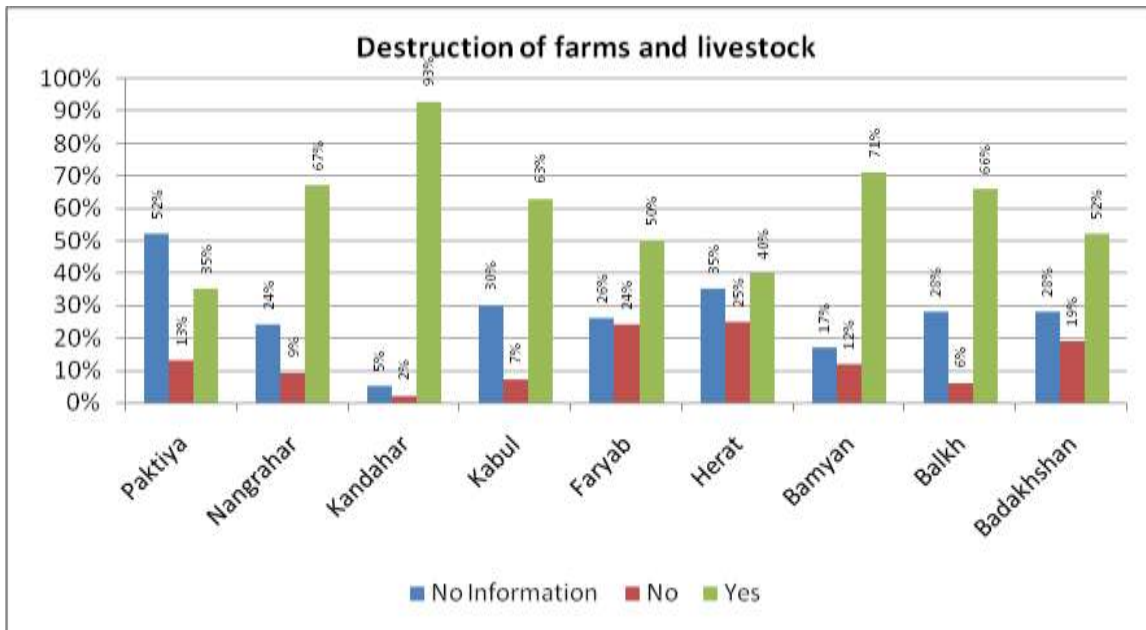


Figure 3-6-2b: Destruction of Farms and Livestock

Taliban massively destroyed farm lands and livestock in Bamyan. In 2000, Taliban burnt all Bamyan farm lands and looted the livestock. Majority of people escaped to mountains to save their lives, but due to lack of water and enough grass their animals perished or were taken by Taliban.

59% of respondents have said that destructing farm lands and livestock took place in the last three decades more. Bombardments by Communists and the factional wars during Mujahedin destructed farm lands and livestock.

In Kandahar, Jamiat-e-Islami and Hizb-e-Islami commanders destroyed farms and livestock. Local Mujahedin commanders grabbed people’s lands by force. A man from Kandahar says. “I possessed herds of cattle and sheep, but after Mujahedin took power, I lost all of them (Mujahedin took them from me) and now I am afraid from raising cattle or sheep, because I know I will lose them again”. Similarly, during Karzai government farm lands were destroyed in Kandahar. A man from Kandahar says, “Farm lands have been destroyed in many ways such as bombing and spraying chemicals by the government”. Similar cases have happened in Nangarhar; a man from Nangarhar says, “The grazing lands and pastures of Kuchies (nomads) were grabbed by Mujahedin commanders. Hizb-e-Islami commanders also destroyed Jalalabad Agricultural Farm, and sold each cow of that farm for two hundred thousand rupees”.

In 2000, Taliban plundered six thousand (6,000) sheep from the center of Bamyan. In addition, most animals died due to lack of fodder and the freezing winter. A man from Bamyan says, “I had 500 sheep. 250 of them died due to cold weather in Koh-e-Baba so I sold the remaining and

escaped to Pol-e-Khumry. The local commander forcefully took my horse which valued 100 million Afghanis, in Mujahedin currency. A woman from Faryab says, “Mujahedin groups burnt our village’s (Khancha) orchards and stole the sheeps”.

Since 1996 till the end of Taliban government, hundreds of orchards, vineyards and livestock were destroyed. Meanwhile, the absence of an agricultural strategy resulted in further destruction of farm lands and livestock. Kuchies destroyed farm lands in Nawa district of Ghazni. Destructing farm lands and livestock took place traditionally in the tribal set up, during Khalqi&Parchami (communists), Mujahedin, Taliban and finally during the so-called democratic government.

### 3.7 Looting and Vandalism of Historic Monuments

The 5-mellinium old civilization that flourished in the geography now called Afghanistan indicates the richness of this country in terms of historic monuments. Kabul Museum, National Archive, Buddha Statues in Bamyán, Hada in Jalalabad, Band-e- Amir, The Kabul Wall on Sheer Darwaza, Wall of Balkh, Qorghán Tapa, The Minrate of Jaam, the Herat Minarates. The Tapa-e-Tashqorghán, Bagh-e-Babar, Bagh-e-Jahan Numaa, the Nimla Bagh, and hundreds others are the evidences of this long history. Demolishing and looting artistic and historic monuments is considered as war crime. Nonetheless, ethnic, linguistic and ideological groups committed this crime for the past five decades in Afghanistan.

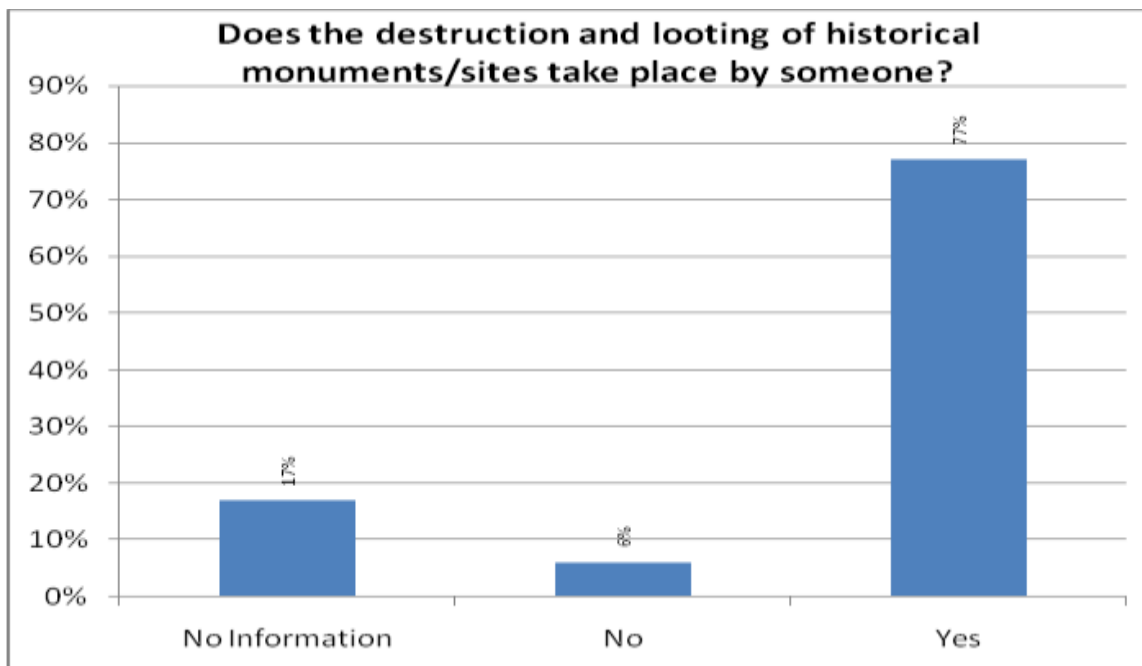


Figure 3-7a: Looting and Vandalism of Historic Monuments

77% of respondents have said that looting and vandalism of historic monument in Kabul and other provinces have taken place in the last five decades. Russians were the first to commit [these crimes]. A man from Hada, Nangarhar says, "Russians plundered the Buddha sculptures from Hada, Jalalabad and transported them to Russia".

During Mujahedin and Taliban, stealing historic monuments was done deliberately and in systematic methods to cover their financial needs. A female teacher from Kabul says, "Presidential Palace's museum was looted by Jamiat-e-Islami and Kabul Museum was plundered by Hizb-e-Islami and Harakat-e-Islami".

A Hindu man from Nangarhar says, "I used to live in Shahr-e-Kohna, Kabul. Militia forces stool several idols from our temple. Jamiat-e-Islami commanders looted eleven idols and were looking for a customer".

Armed forces looted historic monuments in provinces. A teacher from Faryab says, "One of the Junbish commanders excavated Tash Tapa in Faryab and plundered lots of historic monuments during Mujahedin rule". Another man says, "During Junbish-e-Milli rule, local commanders with a number of elders excavated a place called *Toti* in Faryab and looted its historic monuments". Another man from Andkhoy says, "Buddhists graves were excavated, historical and antique things were found and trafficked out of the country".

In the last three decades, Bamyan has suffered more than other provinces as far vandalism and looting historic monuments are concerned. During Mujahedin rule, historical sites were excavated in Bamyan and a lot of monuments were stolen. A man from Bamyan says, "Hizb-e-Wahdat sold half of the historic monuments of Bamyan, they excavated historic sites. They excavated Mir Sayed Ali Yakhsooz's grave and took out the historic monuments".

According to another man from Bamyan, "Hizb-e-Wahdat forces found a book from Mir Sayed Ali Yakhsooz's grave. Later with the help of that book they excavated other sites. Meanwhile, Band-e-Amir, Seya Dara, and Dara-e-Chasht were excavated and the found mummies were stolen".

In 2000, Taliban demolished two gigantic Buddha statues of Bamyan namely Salsal and Shamama. These statues were two thousand years old and a cultural heritage not only of Afghanistan but the world. Taliban captured the residents and forced them to place explosives in different parts of Buddha statues. By destructing Buddha statues they wiped out the two masterpieces of Afghanistan civilization. While destroying Buddha statues Taliban sacrificed several cows and called themselves Bot Shekan (destroyer of idols)". A man from Bamyan narrates that, "Taliban arrested the locals and tied them to strings for hours to install explosives on the Buddha statue".

Mafia groups were in all provinces controlled by Taliban, excavating and looting historic monuments. Sometimes they dug famous shrines.

Looting historic monuments has taken place in Karzai government too as stated by the respondents. Smuggling groups disguised as government, companies, NGOs and international

organizations employees are involved in looting and trafficking of historic monuments. A man from Bamyan says, “Shrines were excavated in Feroz Bahar area, historic monuments were looted and smuggled from Seya Dara and Shaheedan area of Bamyan during Karzai government”. An engineer from Bamyan says, “In Seya Dara, smugglers excavated and plundered historic monument, by telling people that they are rebuilding the roads”.

According to the respondents during all Afghan governments in the last five decades vandalism and looting of historic monuments took place. Especially in the last three decades of war, Mujahedin, Taliban, mafia groups during Karzai government, NGOs, foreign organizations, and smugglers from neighboring countries were heavily involved in looting of historic monuments of Afghanistan. Moreover, manuscripts and historic books have been trafficked out of Afghanistan to Pakistan and Iran, while the Afghan government has not yet found any solution to prevent this disaster.

97% of respondents in Nangarhar, 94% in Kandahar, 89% in Bamyan, and 88% in Balkh have said that looting and demolishing of historic monument have taken place. Since 7<sup>th</sup> Sawr Coup in 1978 and subsequent USSR invasion, historic monuments are extensively looted. After 1993, Afghanistan became the battlefield of ethnic conflicts, and thus more susceptible to the infiltration of international mafia and smugglers who looted its historic monuments. Mujahedin and Taliban looted and demolished the historic monument of Bamyan. The statistics from the provinces show a high percentage of demolition and looting of historic monuments. Mafia bands and local Mujahedin commanders have continuously excavated historical areas in these provinces.

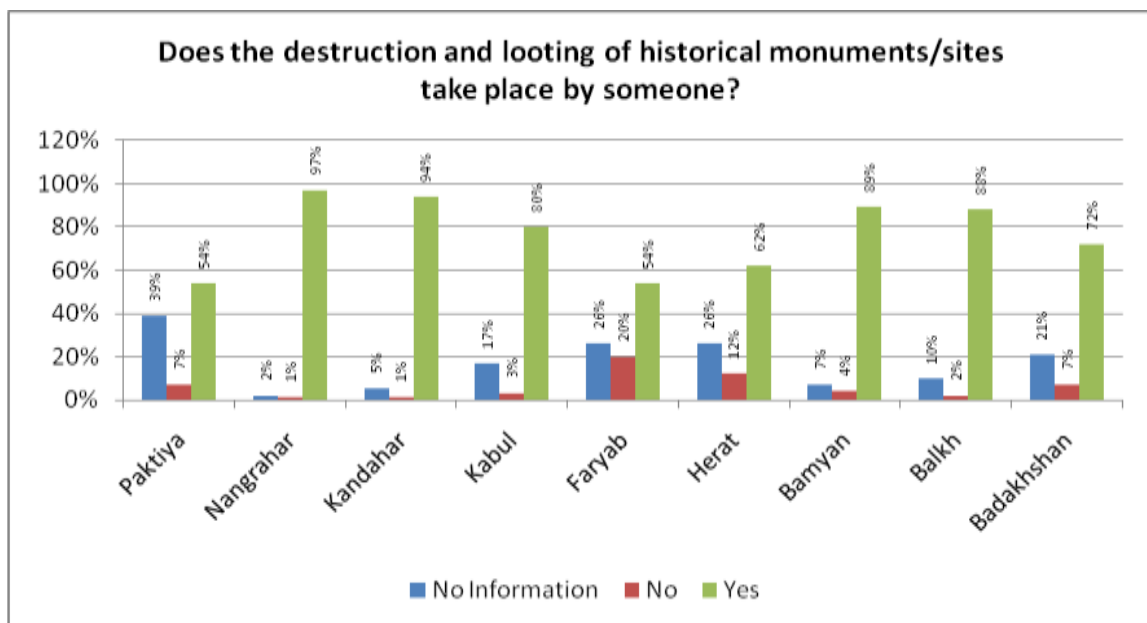


Figure 3-7b: Looting and Vandalism of Historic Monuments



39% of respondents in Paktia say they are unaware of the vandalism and looting of historic monuments. It indicates that either they are unaware of the existence and importance of historic monuments or they are unaware of the excavations.



## Chapter Four: Violations and Killings

### 4.1 Murder and Forced Disappearance

In the last five decades, there have been an extraordinarily high number of wanton killings and forced disappearances by tyrant governments and hostile groups. These governments and groups, particularly Communists, Mujahedin and Taliban murdered or forcibly disappeared, for various reasons, the ethnic, lingual and ideological dissidents. They would first detain them and then subject them to forced disappearance. Till date, most of these disappeared people have not returned to their homes [their traces have not been found].

84% of detentions and forced disappearances took place in Kandahar. Kandahar has been the battlefield of wars between Communists and Mujahedin, and Jamiat-e-Islami and Hizb-e-Islami for a long time. Meanwhile, it has a long border with Pakistan and most anticommunist forces entered Afghanistan through Kandahar. It has suffered a lot from the violence during Communists, Mujahedin and Karzai government. In addition, the Communist government sent militia forces there to suppress people; therefore, most murders and forced disappearances took place in Kandahar. Likewise, it (Kandahar) was declared the de facto capital of Islamic Emirates of Afghanistan (Taliban government) and majority of the Taliban were recruited from this province. Most murdered and forcibly disappeared Taliban were from this province.

64% of respondents from Bamyan have said that murders and forced disappearances have taken place there. The majority of such cases have happened during Taliban. Taliban detained people and transported them to Ghorband and Kabul. Along the way, they were murdered in various locations; therefore, the Ghorband and Kabul prisoners are still missing.

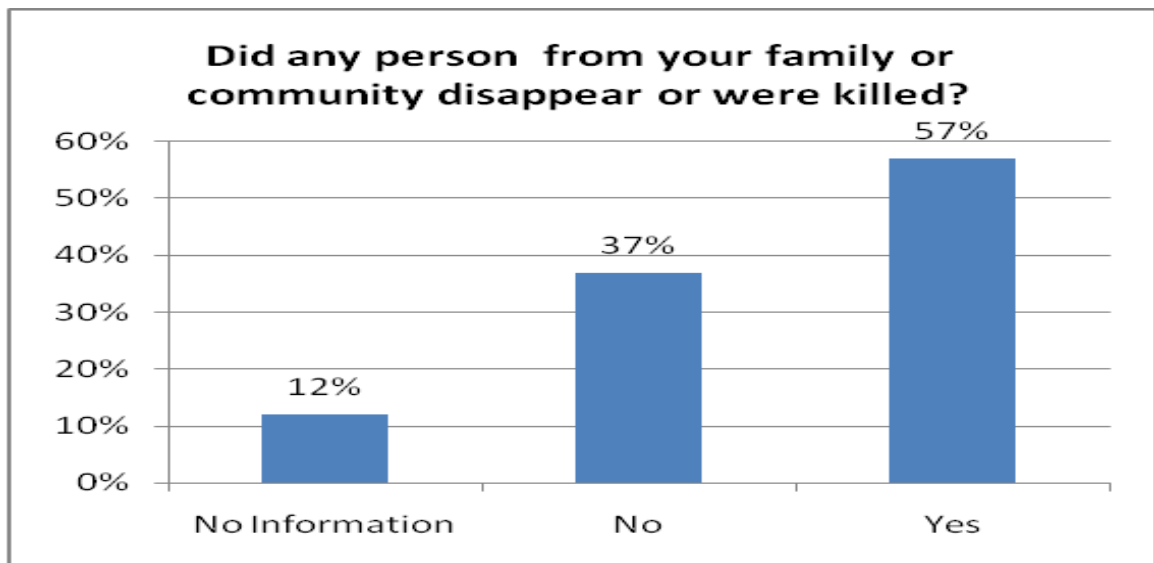


Figure 4-1a: Murder and Forced Disappearance



57% of murders and forced disappearances happened in the last five decades. While each period has its own graph, they could be sub-divided into several other graphs. Individuals were murdered or forcefully disappeared during Zahir Shah Monarchy, premiership of Hashim Khan, Shah Mahmud Khan, non-royal prime ministers and Dawood Khan. During Communist regime people were murdered or forcefully disappeared during Taraki, Hafizullah Amin, Babrak Karmal and Najibullah governments by various methods.

Mujahedin have extensively murdered and forcefully disappeared individuals. They had hundreds of prisons in Kabul and other provinces where they tortured and murdered their enemies. Most victims were innocent civilians or travelers from different ethnic groups, who were victimized during the ethnic violence.

During Taliban, each police station and school was a prison, where they tortured people and forcefully disappeared them using different methods. After conquering Mazar-e-Sharif, Taliban killed more than two thousand people and transported the detainees through containers to Kandahar and Kabul prisons, most of whom died along the way. Taliban buried them in mass graves or threw them in water wells. The lowest number of murdered and forcefully disappeared people in the last three decades is during Karzai government. But most of murdered or forcefully disappeared individuals are Taliban and al-Qaida forces who were subjected by American forces. American forces took their detainees to Bagram and Guantanamo jails and subject them to psychological and physical torture. During Mujahedin, Taliban and Karzai governments, majority of murders and forced disappearances were committed by armed groups. Since Mujahedin assumed power, many cases of murders and forced disappearances have happened along Kabul–Kandahar highway and continue to date.

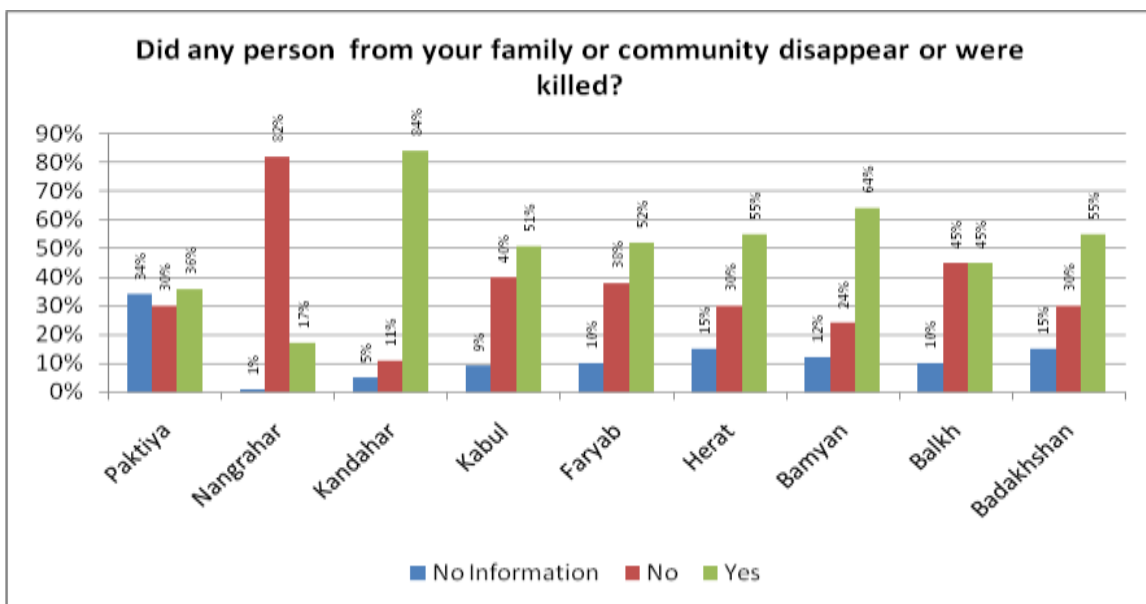


Figure 4-1b: Murder and Forced Disappearance

In September 1979, Hafizullah Amin, after dismissal of Taraki his boss in a coup, published a list of 13000 names and hanged the list in hundreds of yellow A4 papers on the walls of the Ministry of Interior. This list was showing 13000 names of the ones who were recorded before taken to execution centers by the government. He claimed that these assassinations were done by Noor Mohammad Taraki, Asadullah Sawari, and Aziz known as Aziz AGSA (Afghanistan Gata Satany Organ). These lists were taken off five days later from the walls and some of the people who were looking to their beloved-missed relatives were taken and then executed.<sup>10</sup>

There is a high number of forcefully disappeared people throughout the last five decades - beginning from Zahir Shah monarchy till now - but respondents do not remember their names. As shown in Table 4, respondents have only named the ones disappeared in recent years.<sup>11</sup>

### 4.2 Crimes against People’s Belief

[Religious] beliefs are the inseparable part of people’s lives. They live according to these beliefs. No individual or no government has the right to disrespect their beliefs, because it is a recognized fact that people manage their lives according to their beliefs and principles.

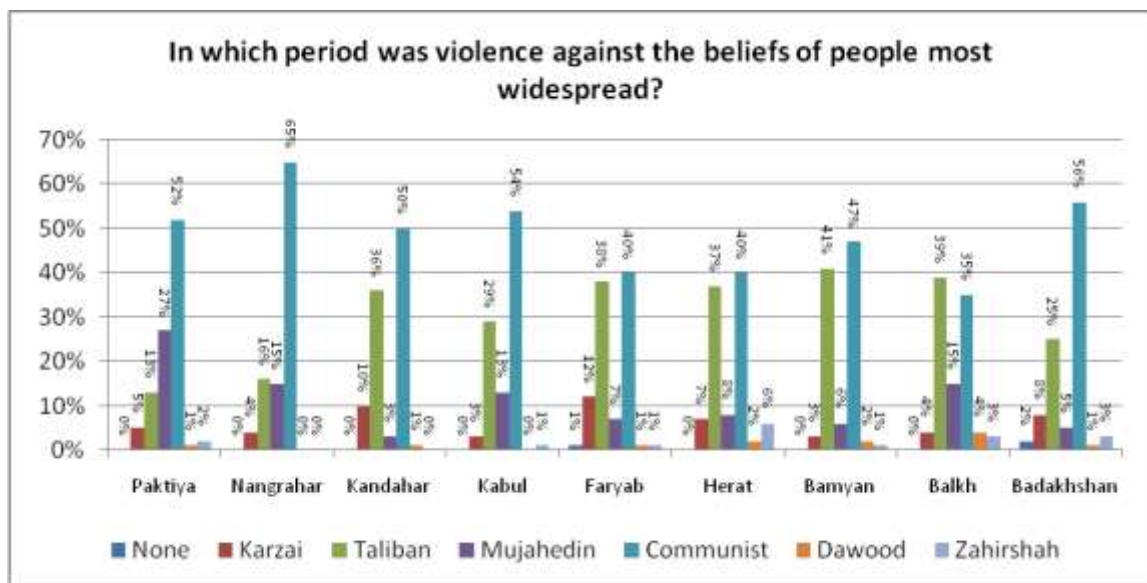


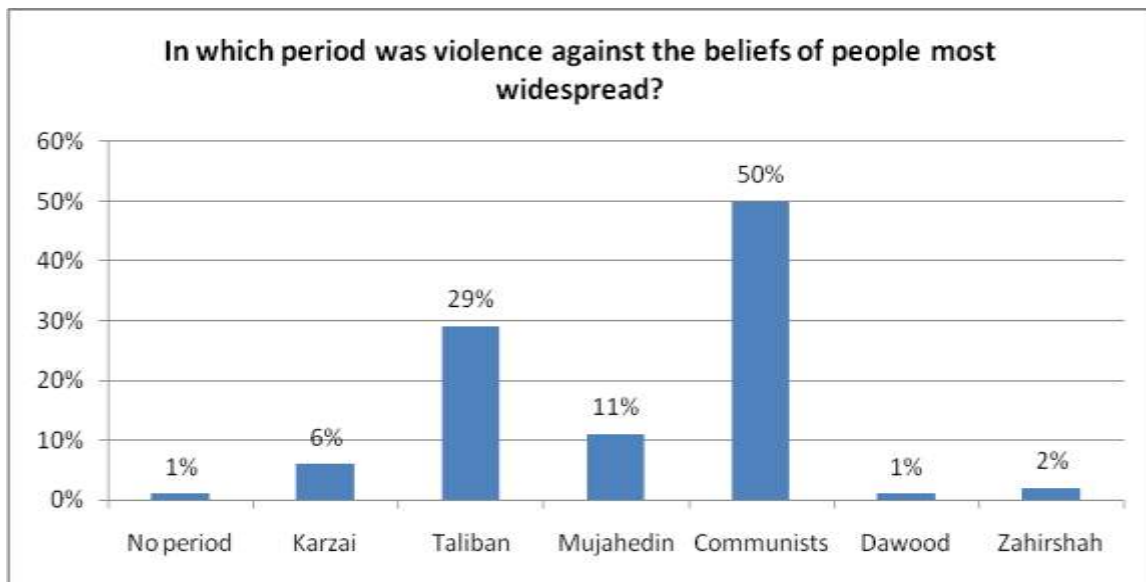
Figure 4-2b: Crimes against People’s Beliefs

<sup>10</sup> - Murdered People based on memory of respondents: See Table 3, Appendix 8, Page 124.

<sup>11</sup> - Forcefully Disappeared People based on memory of the respondents: See Table 4, Appendix 9, Page 129.

65% of respondents in Nangarhar, 56% in Badakhshan and 54% in Kabul say that the crimes against people’s beliefs have taken place during Communists’ regime, which is higher than any other government during the past five decades. Extra judicial killings of clergies, mass killings of Mullahs in prisons, forbidding people from practicing their religious rituals and practices, disrespecting traditions and cultures, imposing leftist ideologies, and publicly drinking of alcoholic beverages are examples of crimes against beliefs expressed by respondents.

41% of respondents in Bamyan, 38% in Faryab, and 39% in Balkh say that crimes against people’s beliefs were committed during Taliban time. After communists, Taliban stand second in terms of committing these crimes. They imprisoned people for performing prayers, as they expressed their objection publicly against religion. Likewise, Taliban forced non-Hanafi Muslims to convert into Hanafi sect. They had no respect for people’s beliefs, customs, rights, and freedoms and imposed their laws and regulations on people with the force of cable (iron lashes used by Taliban to punish people).



*Figure 4-2a: Crime against People’s Beliefs*

50% of respondents’ view indicates that crimes against people’s beliefs took place during Communists’ regime. People’s beliefs and religion were offended in all possible ways during Hafizullah Amin government. Civilians were jailed and forcefully disappeared for practicing religious rituals. A woman from Kabul says, “My father and elder brother went for morning’s prayers to the mosque; on their way back to home they went missing. Later, we found their names in martyrs list”.

29% of crimes against people's beliefs took place during Taliban regime. A man from Herat says, "Taliban asked me which religion I follow. I replied I am a Shiite. They started beating me up; they threatened to kill me if I called myself Shiite again". Taliban invasion on people's beliefs and religious affairs is unprecedented in Afghanistan history. Their impositions included: measuring beards, banning traditional days celebrations, forcing women to wear Burqa (veil), inspecting people's religious knowledge, forcing them to perform prayers for several times a day, forcing men to wear turbans, banning music and dancing, preventing people from celebrating national festivals, prohibiting women to visit shrines, forbidding people from wedding expenditures, closing wedding halls, forbidding women from wearing white shoes, forbidding women from going to school, colleges and working outside, banning people from keeping fighting dogs and cocks, flying kites and playing football, banning keeping long hairs, wearing suits and neckties, and insulting other religious beliefs.

A woman from Dasht Barchi, Kabul says, "My two daughters, my daughter-in-law and I went to Sakhi's shrine on Nowroz (new year celebrations) of 1998. The Taliban beat us for roaming in the shrine".

11% of crimes against people's religious beliefs have taken place during Mujahedin. Hostile Jihadi commanders excommunicated and announced Jihad against each other. Most respondents think that sectarian conflicts are instigated by foreign countries. Mujahedin offended the religious beliefs of minorities, and looted the temples of Hindus in Kabul and Nangarhar. A welder from Kabul says, "A Hizb-e-Islami soldier launched attacks on Kabul by B.M. 40 Missiles every morning at 7:30 from Bini Hesar. One day his weapon was broken and he came to my workshop so I could weld it for him. But it was loaded with 40 missiles so I told him it was dangerous to weld that weapon while loaded. He fired forty missiles towards Kabul indiscriminately, unloading the machine for welding. He told me that he kills infidels –as he considered Kabul residents infidels."

Respondents have reported 6% of crimes against people's beliefs have happened during Karzai government. The present vulgarisms such as increase in sexual abuses, porn movies, consumption of alcoholic drinks and raping of women by foreign forces, are examples of such crimes mentioned by the respondents.

### **4.3 Crimes against Religious and Ethnic Minorities**

The religious and ethnic minorities have suffered more than anyone else during the previous five decades of conflicts in Afghanistan. These crimes have long roots in the history of Afghanistan and may be traced back to centuries. It is because Afghanistan had not had democratic governments and was constantly in conflicts. Wars have been won by groups with strong support and military equipments; therefore, in Afghanistan rights of religious and ethnic minorities have been violated more than any other place.



The problem Afghanistan faces is its inability to achieve a national understanding and values are set on the basis of ethnicity. In all relationships, ethnic and tribal interests are placed higher than national interest, national unity and national good. On the other hand, Afghans have very traditional interpretations from religion. In many cases, such an interpretation may justify the ethnic interests in the realm of social relations. Religious interpretations have been very formal and ideological and are therefore the sole bases on which social affairs are analyzed. Therefore, religious and ethnic minorities have been oppressed. In this research, respondents' memories go as back as Nader Khan monarchy regarding crimes against religious and ethnic minorities. Respondents say that, "during Nader Khan reign, Tajik people's agricultural lands were occupied in Baghlan and distributed to people from Kandahar and Jalalabad. Meanwhile, ethnic minorities were forced to move and settle in central regions of Afghanistan."

During Zahir Shah reign such crimes include: forceful settlements [displacement] of certain minority groups for controlling the borders, depriving minorities from education and literacy, religious pressures, and blocking the participation of minorities in government infrastructure.

During Communist regime, murdering a large number of Hazara students, intellectuals, elders and influential figures is the example of government crimes on religious and ethnic minorities.

During Mujahedin crimes against religious and ethnic minorities include: destruction of minority groups' houses, looting their possessions, forced displacement, burning their mosques, murder, occupation of properties, insult and humiliation, political restrictions, assassination of eminent figures, depriving from services and facilities, intimidation of Hindus and denying their rights, burning people in containers, enhancing Sunni and Shiite divisions, popularizing religious and ethnic violence, and excommunications.

A man from Kabul says, "Mujahedin commander committed all crimes against religious and ethnic minorities". Another man from Farza district of Kabul says, "During Dr. Najibullah government, several thousand of government forces formed by Tajiks, Hazaras, Pashtuns, and Uzbeks were deployed in Paktia to fight against Mujahedin. These forces were captured by Jihadi commanders and except the Pashtuns; all soldiers from other ethnic groups were killed".

During Taliban, owing to the religious fundamentalism, crimes against religious and ethnic minorities increased. Their crimes include: forcing Shiites to perform prayers in Sunni method, forcing Hindus to perform Muslim prayers, banning Nowroz celebrations, insulting other religions, forced displacement of minorities, insulting and humiliating the minorities, and massacring Tajik, Uzbek and Hazaras. A Member of Bamyan Provincial Council says, "In Ghundak Mosque, Taliban called Hazaras mosques Daramsal (Hindu temples) and said that they (Hazaras) must be converted to Islam. Therefore, they destroyed Hazaras' mosques". Likewise, Taliban used to ask residents of Herat about their religion. If someone told them that he is a Hazara or a Shiite, they would harass him.

#### 4.4 Extra Judicial Killings

That the result of the research indicates the fact according to the respondents that Taliban committed the most extra judicial<sup>12</sup> killings, communists the second most and mujahedin's assumed the third places in such crime.

53% of respondents in Bamyan, 51% in Faryab, 50% in Balkh and 46% in Herat have said that extra judicial killings took place during Taliban which were ethnically motivated.

42% of respondents in Kandahar and 41% in Paktia have said that such a crime took place during communists. [It is mainly due to the fact that] these provinces were home to most political and military opposition of to the Communist regime. Meanwhile, Paktia and Kandahar share borders with Pakistan, and therefore served as areas where the notion of jihad was exported from Pakistan to Afghanistan. The Communist regime suspected even minor movements in these areas and committed a lot of extra judicial killings.

42% of respondents in Nangarhar and 31% in Kabul believe that extra judicial killings took place during Mujahedin wherein belligerent factions committed such crimes because of tribal, sectarian and lingual reasons.

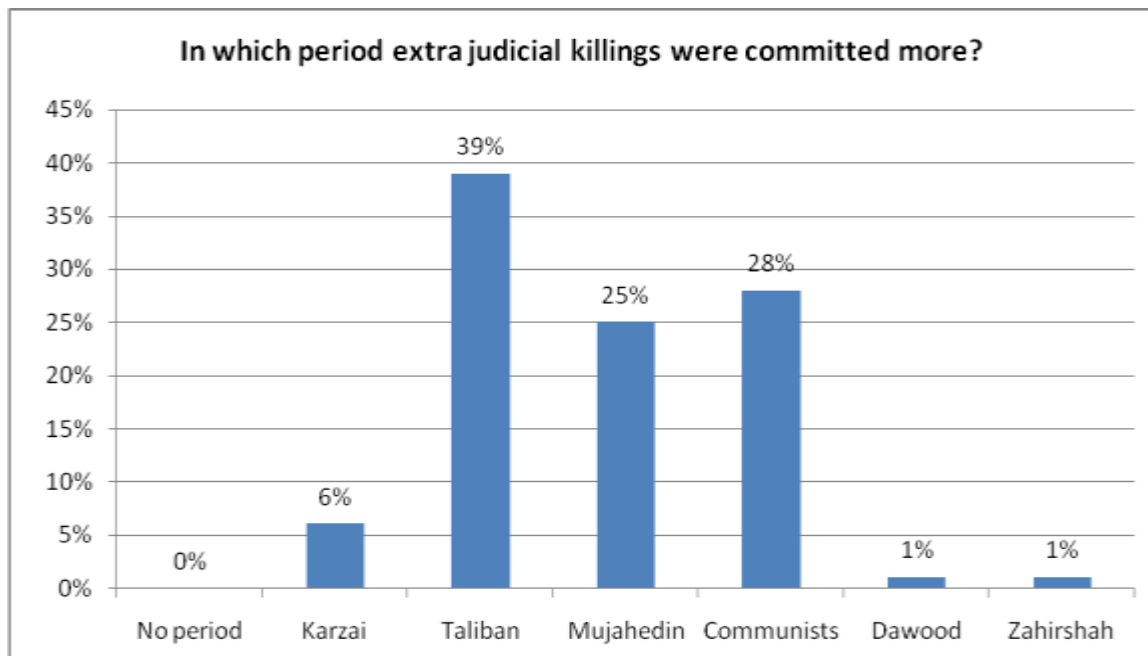


Figure 4-4a: Extra Judicial Killings

<sup>12</sup> - "An accused is considered innocent until convicted by a final decision of an authorized court. (Article 25 of the 2003 constitution); No act is considered crime, unless determined by a law adopted prior to the date the offense is committed. (Article 27 of the 2003 constitution)"



39% of extra judicial killings have taken place during Taliban rule. They committed massacres in Balkh, Bamyan, Kabul, Parwan, Faryab, Sar-e-Pol and Samangan. Individual extra judicial killings took place in every security post of Taliban.

A student of Balkh medical university describes his observation of extra judicial killings by Taliban in Mazar-e-Sharif as following: "In the second day of Taliban arrival, I was arrested and imprisoned in the women's section of the general prison for three days. Later I and other prisoners were put in containers and transferred to Sheberghan. When we arrived there, only 7 persons in the first container, 9 persons in the second, 19 persons in the third and 17 person in fourth container survived, all others were dead".

Taliban killed many innocent civilians in their check points. Blocking roads (establishing check points) started as soon as Mujahedin took power. The Taliban and Mujahedin government killed many Hazaras along Kabul-Kandahar highway. An officer from Kandahar says, "Killing Hazaras along Kabul-Kandahar highway was mostly done in Kundi Pusht area, Qalat district, Zabul. In 1998, Qalat district governor had assigned armed Taliban groups to collect Hazaras from hotels situated along the way. They would identify Hazara passengers passing the highway and would kill them in a place called Kundi Pusht and throw their bodies in a ditch. Later two lorry drivers handed the bodies of these victims to Hazaras of Muqor to bury them. A large number of these bodies were lost. From 1993 to 2001 about 2000 people were either killed or went missing along Kabul-Kandahar highway".

Upon entering Sar-e-Pol province, Taliban went to Elmrab district and started house search. They collected 90 men from the villages and imprisoned them in Hatim Bai's house. Later they kept only 26 young men. Taliban imprisoned them in a house for one night. The next day, a 5-men group of Taliban took them to Tartar village, make them stood in one line and shot them dead.

Taliban simply beheaded their captives; no investigation was carried out to prove their crime or companionship with Taliban enemies. All suspects of aiding the oppositions were automatically considered criminals. This way they killed a lot of innocent people. Taliban used to either behead their convicts or hang them from trees.

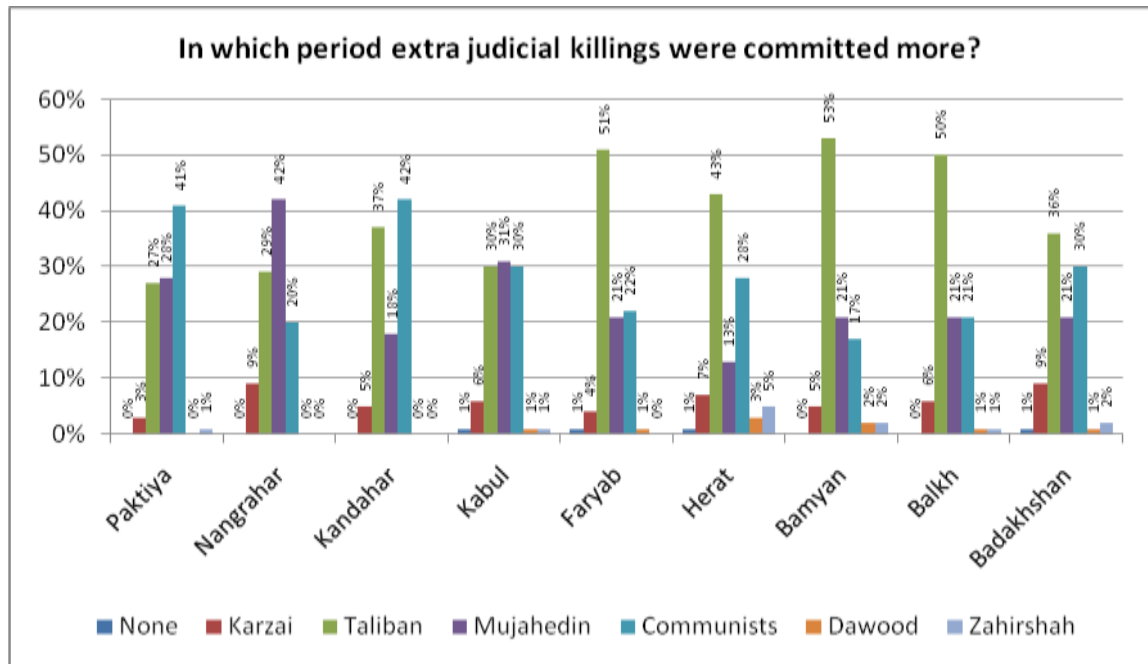


Figure 4-4b: Extra Judicial Killings

These types of punishments were carried out in Kandahar, Helmand and Ghazni provinces. The most prominent example of such executions is Naqshbandi’s slaughter that was kidnapped by Taliban along with an Italian journalist. They beheaded him but released the Italian journalist in exchange of the release of Taliban prisoners. An eyewitness from Kandahar says, “Taliban hanged Amir Lalai, a Jihadi commander, from a tank’s barrel. His body remained hanging there for one week”.

6% of respondents have said that extra judicial killings have taken place during Karzai government. In the fight against Taliban, American and NATO forces have killed many innocent civilians during bombardments in Ghazni, Kandahar, Paktia and Nangrahar.

28% of the respondents believe that extra judicial killings have taken place during Communist regime. The communists caused the civil war and stirred up the insecurity in the country, directly opposed peoples’ religious beliefs and carried out extra judicial killings. These killings were mostly carried out during people’s rebellions against the government. During various rebellions that took place during the Communist regime, thousands of people were killed without any trial. An 18<sup>th</sup> division soldier from Balkh who was an eye witness to one of such instances said that, “In 1979, during communists and their Russian advisors I served as a soldier in 18<sup>th</sup> division of Balkh and I witnessed hundreds of people being murdered without trial”. A teacher from Herat says that, “In Herat’s 17<sup>th</sup> division there is a place by the name of Bagh-e-Famararz. During the communists they killed a large number of people for being Muslim and buried them in a canal there”. Extra judicial killings which were witnessed by people in Kabul and other provinces took

place during communists rule; especially during Taraki, Hafizullah Amin and Babrak Karmal's reign.

25% of extra judicial killings took place during Mujahedin. The factional wars exacerbated such killings in every street, area, district, province and the private prisons owned by commanders. A woman from Afshar-e-Silo talks about the killings and crimes of Mujahedin: "a naked woman was found from the well of her house in 2006. The house owner who had returned to his house after many years and wanted to repair the well found the body of his wife. Her flesh was still attached to the bone, but when they took her body out of the well her flesh fell apart." This woman had gone missing during the massacre of Afshar in 1993.

According to 1% of the respondents extra judicial killings with political motive took place during the reign of Zahir Shah and Republic of Dawood Khan.

#### **4.5 Territorial Division of the Country by Fighting Factions**

The territorial division of the country by fighting factions in Kabul and provinces started during jihad, when every local commander had an area under his command. The Sunni fighting factions were seven namely, Jamiat-e-Islami (Islamic Population), Hizb-e-Islami (Islamic Party), Etihad-e-Islami (Islamic Union), Mahaz-e-Millie (National Front), Nijat-e-Millie (National Liberation) and Harakat-e-Inqilab (Revolutionary Movement). Before Mujahedin victory, the headquarters of these groups were in Pakistan where they were aided by Pakistan, the U.S and Saudi Arabia. These parties had a leading role in jihad and each had a military wing and arm depots provided by foreigners specially the U.S. The Shiites had six parties namely Sazman-e-Nasar (Help Organization), Nahzat-e-Islami (Islamic Movement), Sepah-e-Pasdaran (The Guarding Soldiers), Jabha-e-Mutahid (United Front), Harakat-e-Islami (Islamic movement) and Dawat-e-Islami (The Islamic Call). The majority of these parties were supported by Iran. They fought long wars among themselves in central highlands and other provinces under their control and carried out widespread violations of human rights, assault and vandalism.

The leading fighting parties in the civil war were Jamiat-e-Islami, Hizb-e-Wahdat (Islamic United Party), Shora-e-Nizar (The Observer Council), Etihad-e-Islami, Junbish-e-Milli Islami (National Islamic Movement), Hizb-e-Islami, Harakat-e-Islami-e- Afghanistan (Islamic movement of Afghanistan) and Harakat-e-Inqilab- Islami. Hizb-e-Wahdat entered Kabul in 1992 and occupied west of Kabul. It entered into a fierce war with Hizb-e-Jamiat-e-Islami over power-sharing. Another party involved in civil war was Junbish-e-Millie. This party was formed after the fall of Najibullah government. Initially, according to the policies of the Communist regime, it was established as a militia group to suppress the Mujahedin. After the collapse of the Communist regime, with the facilities that remained under this ethnical militia's possession, it changed into a potent ethnic force that could involve in power dealings with Mujahedin.

After the victory of Mujahedin in Kabul, a branch of Hizb-e-Jamiat-e-Islami named Shora-e-Nizar was formed under Ahmad Shah Masoud. After three months of Mujahedin's victory, the Jihadi parties fought against each other with the aim to hold power which continued until the arrival of Taliban in Kabul in 1996.

Territorial division of the country by fighting factions resulted in the following. Since each following outcome is escalated and massive enough it would not matter so much, not to bring it in a specific order; therefore it is more randomly mentioned than sorted out in orders.

- Destruction of people's houses and farms and public properties
- Racial, lingual and religious discrimination
- Lack of national trust
- Looting public wealth and historic monuments
- Forced migration and displacement
- Killings and massacres
- Destruction of economic and cultural infrastructures
- Violation of the rights of ethnic and religious minorities
- Increasing the number of people with disabilities
- Increasing the number of widows and orphans
- Degradation of environment
- Destruction of commerce and handicrafts
- Lawlessness
- Wastage of government funds and looting the treasury
- Corruption
- Insecurity
- Devastation of social services (water, road, hospital and transportation)
- Devastation of army, police and national security forces
- Sabotaging developmental plans
- Increase in sexual violence
- Abduction of women and children
- Cultivation and trafficking of drugs
- Growth of fundamentalism
- Usurpation of private and governmental properties
- Reducing the prestige of Afghanistan in the international community

#### **4.6 Victims of Human Rights Crimes**

Every human being possesses certain fundamental liberties and rights such as right to live, right to be protected against torture, right to be protected against slavery, right to work, right of choice and security, right to privacy and family life, right to freedom of thought, right to freedom of speech, right of assembly and unions, right of property, right to social security and right to education. The violation of these rights is a crime. During the past 50 years, the people of Afghanistan have been victims of such human rights crimes.

58% of respondents were victims of human rights crimes in the past 50 years. During the reign of Zahir Shah and Dawood Khan there were structural human rights violations as the government was controlled by a single family. They considered the government as their property; hence they suppressed even the smallest freedom movements. Zahir Shah was given different titles in order to symbolize his authority such as “The Shadow of God on Earth”. During his reign heavy taxes were collected. In some provinces people even paid the taxes for their donkeys. The government system kept people in mere darkness, in order to ensure the retention of power. Most Afghan intellectuals were imprisoned and people were under an intense political pressure in that period. These are the instances of Zahir Shah autocracy, which were particularly evident during the Premiership of Hashim Khan and Shah Mahmood Khan.

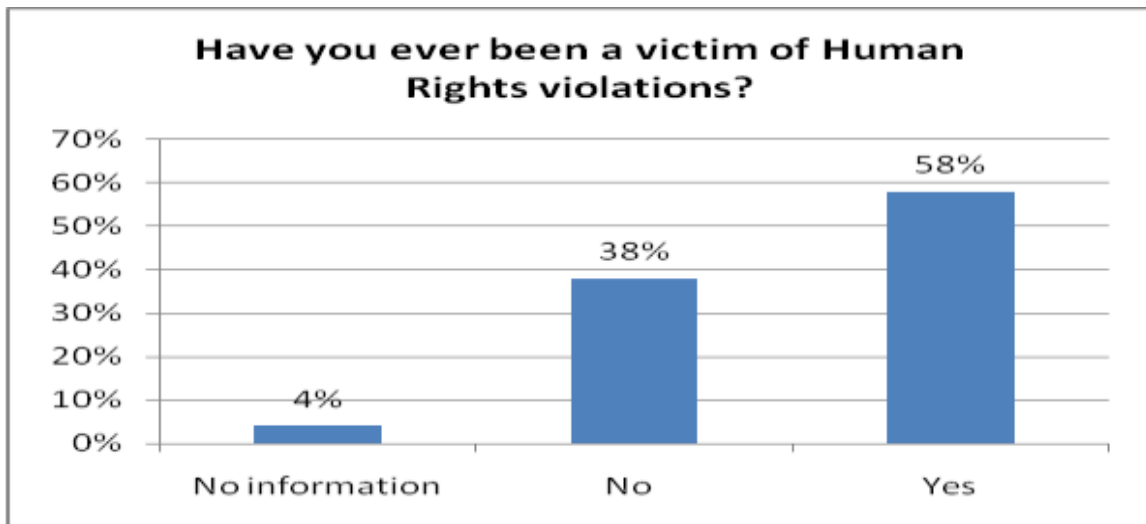


Figure 4-6a: Victims of Human Rights violations

In Dawood Khan government lingual politics and land reforms were initiated which caused further injustices. He restricted the political freedoms and banned publications (media). He only allowed the activities of his own party which resulted in a single party government that belonged to his friends alone.

Communists, Mujahedin and Taliban violated the rights in a widespread manner. Crimes such as violation of political and social liberties, sexual violence, destruction of people’s farms and properties, looting people’s houses, forced migration, imprisonment, extra judicial killings and

massacres, which have been discussed in different parts of this report took place during their rule.<sup>13</sup>

Further breakdown of the analysis indicates that 84% of respondents in Kandahar, 71% in Bamiyan and 60% in Balkh have said that they were victims of such human rights crimes in the past 50 years. The governments have violated their rights due to ethnic, sectarian and lingual reasons.

84% of Kandahar respondents have been victims of human rights crimes during the past 50 years, because Kandahar province has suffered from the wars during communists, Mujahedin, Taliban and Karzai government.

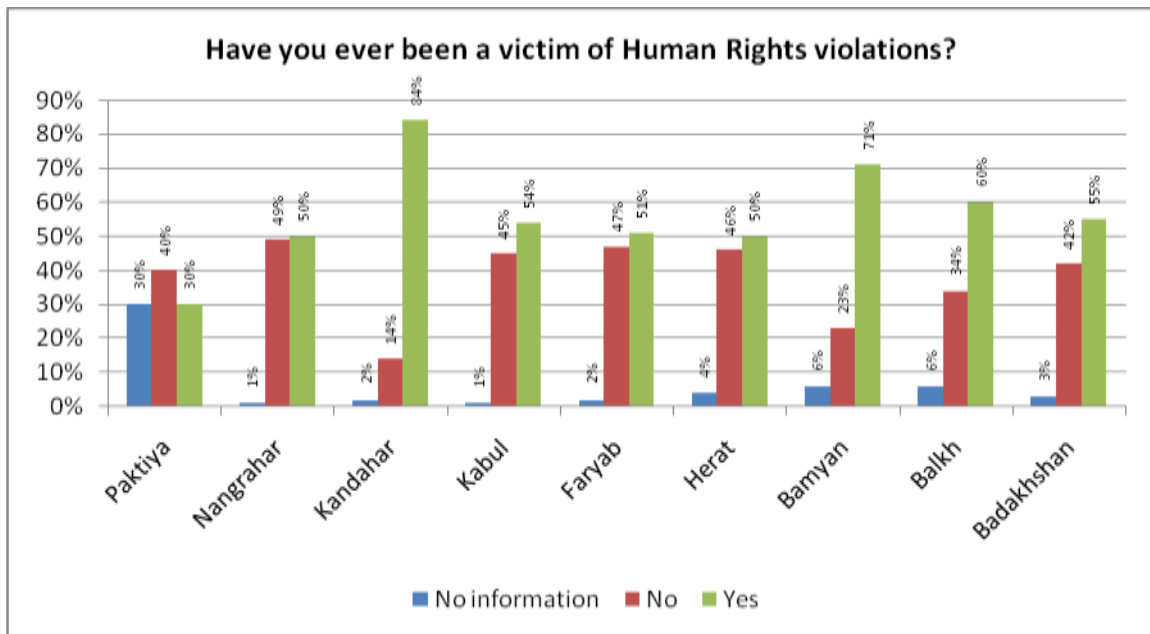


Figure 4-6b: Victims of Human Rights Crimes

49% of respondents in Nangrahar, 47% in Faryab and 46% in Herat believe that they were not victims of human rights crimes during the past fifty years.

30% of respondents in Paktia did not know if human rights crimes were committed during the past 50 years. This can be due to the unawareness of people about what human rights crimes are.

<sup>13</sup> - For exact types of such human rights violations in the past 50 years, see Sample Table 5 (Mental Torture), Appendix 10, Page 132, and Sample Table 6 (Physical Torture), Appendix 11, Page 135.

#### 4.7 Massacres

Massacre, a grave human rights violation, is an international crime which has occurred frequently in past 3 decades of Afghan history.<sup>14</sup>

55% of respondents have agreed that massacres have occurred in Kabul and provinces. In the years from 2002 to 2008, a number of mass graves were discovered in Badakhshan, Bamyan, Kabul and Mazar-e-Sharif. During Communist regime many uprising by people took place, which were suppressed by the regime by committing mass killings. These uprisings took place in Nuristan, Kunar, Paktika and Hazarajat during 1978-1979.

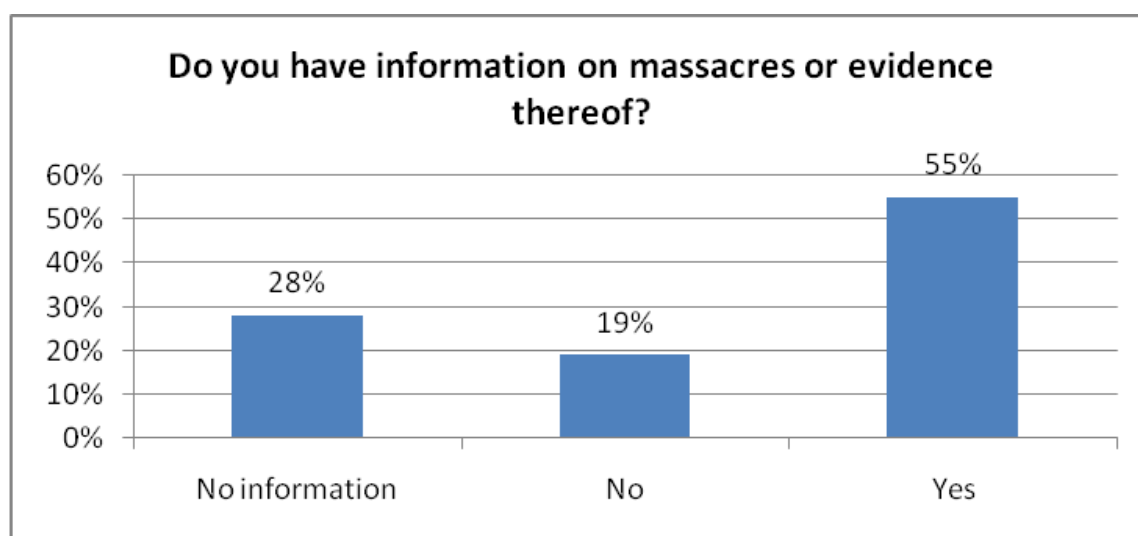


Figure 4-7a: Massacres

Respondents narrate the story of these uprisings as following:

The Chandawol uprising occurred on the 23 June 1979. According to respondents, [around] 2500 people were killed in this uprising. Bala Hesar uprising took place during Hafizullah Amin government on 5 August 1979 and was suppressed in a bloody manner. According to the eye witnesses, around 1200 students of military university and mutineers were killed.

Herat's uprising took place on 15 March 1979; according to eyewitnesses from Herat; around 20,000 people were killed by communist forces.

<sup>14</sup> - For details of massacres including numbers, locations and periods in the past three decades – as mentioned by respondents - refer to Table 7, Appendix 12, Page 138.

During seizure of Musa Qala district, Helmand by Mujahedin from winter of 1979 to spring of 1980, [around] 2000 communist party members and supporters were murdered. Mujahedin massacred some 600 more communists in Sangeen district of the same province.

Following the victory of Mujahedin in 1992, the civil war broke out with the fight between Hizb-e-Islami and Jamiat-e-Islami. Jamiat-e-Islami along with Junbish-e-Islami launched rocket attacks on Hizb-e-Islami bases. Hizb-e-Islami launched retaliatory rocket attacks on airport, Macrorians, Presidential Palace, Ministry of Defense and Kabul Garrison. These rocket attack exchanges cost the lives of so many people.

Jamiat-e-Islami in coalition with Etihad-e-Islami committed the Afshar massacre in 1993. During the war Etihad-e-Islami and Jamiat-e-Islami made a deal with Harakat-e-Islami that controlled the front line of war zone. This caused Hizb-e-Wahdat's defeat in Afshar Mountain. Etihad-e-Islami and Jamiat-e-Islami forces captured the area on 11 February 1993 and carried out the massacre.

In 2000 war started between Hizb-e-Wahdat and Taliban in Bamyan. Hizb-e-Wahdat was defeated and Bamyan was captured by Taliban. Taliban carried out massacre in Mir Hashim, Sar Aasyab and Sayedabad, and killed 70 persons in these villages. In the winter of year 2000, Taliban massacred 400 people in Yakawlang district center and in the Oxfam compound of Yakawlang district.

In the same year, Taliban committed another massacre in Qarghanato district of Bamyan after capturing it. In total, Taliban killed 20 people of this village in one day and arrested 16 more men and took them to center of Bamyan.

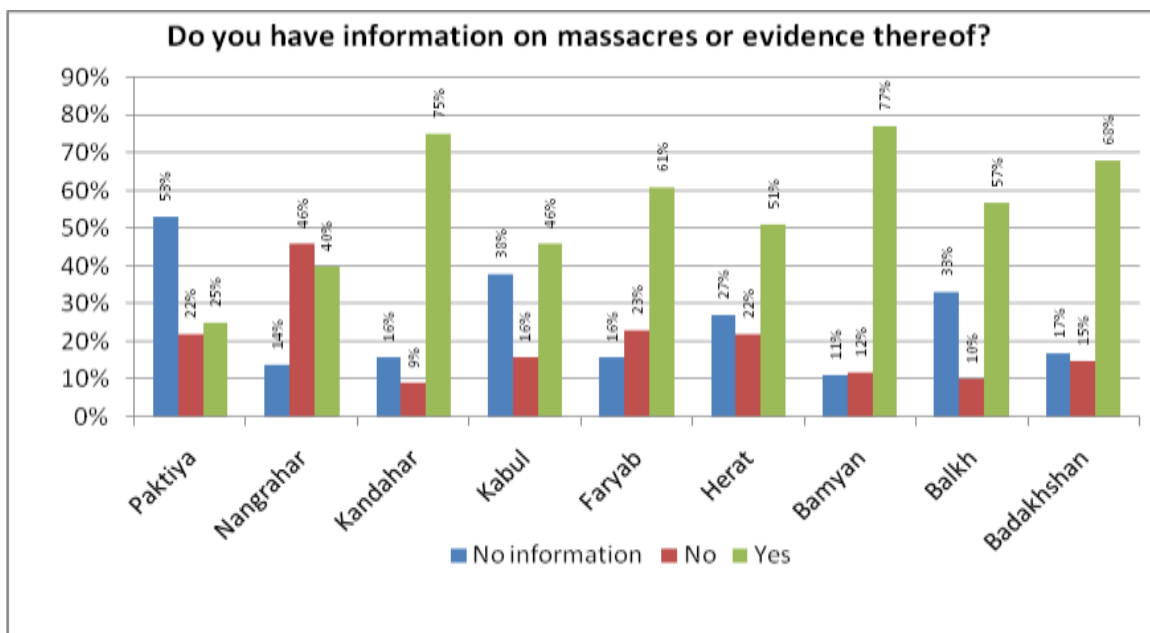


Figure 4-7b: Massacres



Taliban forces entered the city of Mazar-e-Sharif in 1998 and killed at least 2000 people most of whom were civilians. Upon capturing Mazar-e-Sharif, Taliban carried out massacres on other occasions as well.

Taliban killed the opponent forces. About 3000 soldiers of Hizb-e-Wahdat who had come from Bamyan to fight were massacred. Taliban conducted house to house searching in Hazara residential areas; reports show that they massacred hundreds of Hazara men, women and children.

Taliban attacked Dara-e-Soof from 1999 to 2001 and captured Doshi, Safid Kotal and Bazaar-e-Sokhta. Taliban killed 300 men, women and children in this valley. Only in Bazaar-e-Sokhta 150 people were massacred.

Upon entering Sar-e-Pol province Taliban went to Elmrab district and started house search. They collected 90 men from the villages and imprisoned them in a local commander's house. Later they shot 26 young men dead in a ditch in Tatar village.

In 2000, Taliban murdered twenty two people in Sayad village of Ghosfandi district during a clearance operation.

Going further into the detail of the research it is found that 77% of respondents in Bamyan, 75% in Kandahar and 68% in Badakhshan have confirmed that massacres have taken place. Massacres started in communists rule and continued through Mujahedin and Taliban period.

53% people of Paktia do not know if massacres have been committed. Mujahedin commanders would commit massacres by killing the detainees that were arrested during their fight against communists' army. They mass murdered certain non-Pashtun soldiers on the pretext of communist.

46% of respondents from Nangarhar have said that no massacres have ever occurred. Despite the fact that a massacre took place in Karala area during communists' regime, people have little awareness about it.



## Chapter five: Transitional Justice

### 5.1 Prosecution of Human Rights Violators

The methods that respondents have suggested for bringing human rights violators to justice are prosecution and punishment, dismissal from governmental posts, public apology, and granting amnesty by the people. 61% of the people believe that the criminals must be dismissed from government and nongovernmental posts. The prevalent corruption is due to recruitment of past criminals in the government system. Through these high government positions and opportunities they limit the possibility for their trials and have achieved good commercial, social and political positions.

23% of respondents have asked for the prosecution and punishment of human rights violators. They believe that without the prosecution of the perpetrators people cannot achieve their rights.

11% of respondents want criminals and violators to ask for people’s apology and thereafter be integrated in society. This means that the criminals should accept their past [crimes] before integration in society. 5% of respondents are of the opinion that the violators of human rights should be granted amnesty and reintegrated into the society. They believe that amnesty to human rights violators support the peace process in Afghanistan, as otherwise they can act as an impediment to the peace process due to their tribal, lingual and governmental status.

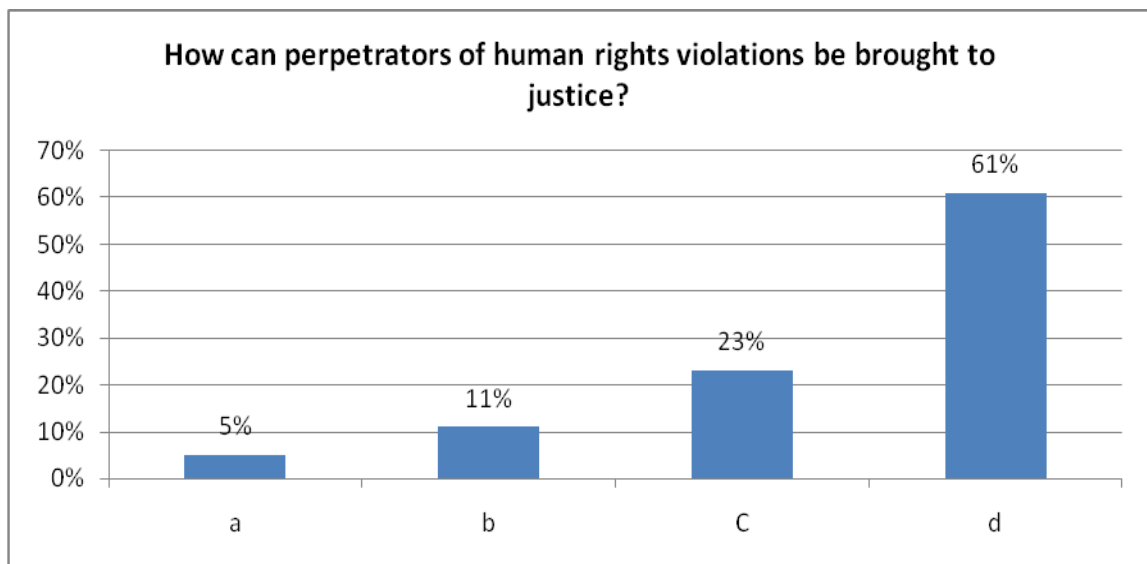


Figure 5-1a: Prosecution of Human Rights Violators



- a. Amnesty
- b. Public apology and reintegration into society/community
- c. Prosecution and imprisonment
- d. Lustration/disciplinary measures if in public office e.g. political, parliamentary, teachers, police, civil servants

74% of respondents in Faryab, 60% in Paktia, 56% in Kandahar, 56 % in Bamyān and 56% in Badakhshan have said that the human rights violators must be prosecuted and punished. These provinces were the main provinces for warlords' crimes.

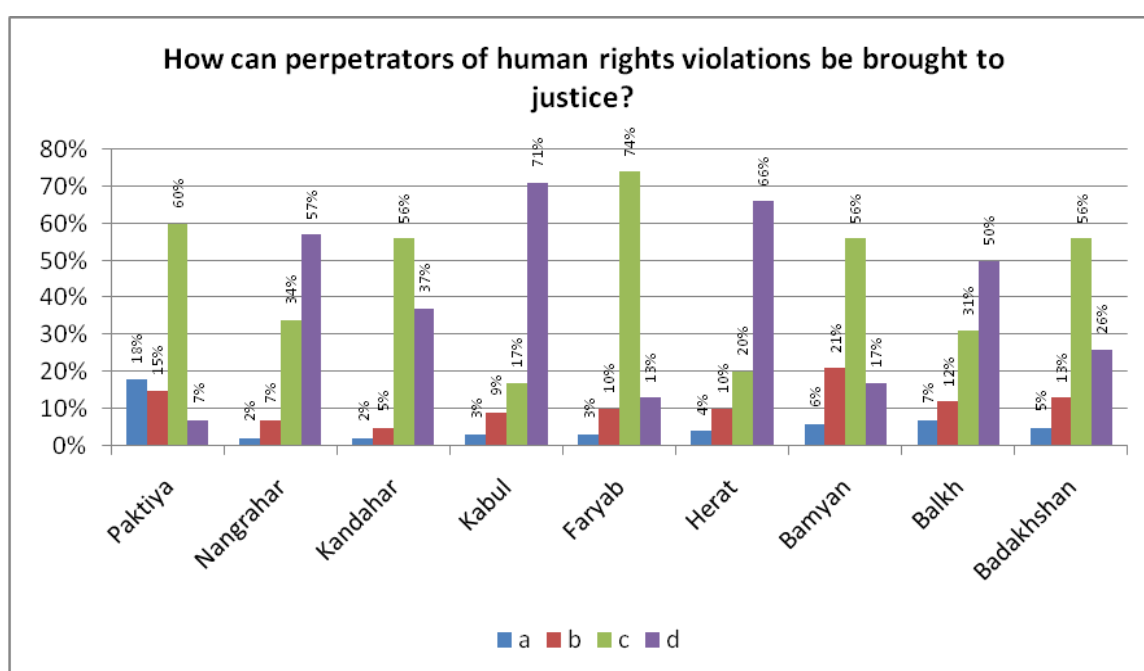


Figure 5-1b: Prosecution of Human Rights Violators

- a. Amnesty
- b. Public apology and reintegration into society/community
- c. Prosecution and imprisonment
- d. Lustration/disciplinary measures if in public office e.g. political, parliamentary, teachers, police, civil servants

71% of respondents in Kabul, 66% in Herat, 57% in Nangrahar and 50% in Balkh have said that the human rights violators must be dismissed from government and nongovernmental posts. According to them, the human rights violators have occupied key government posts. The [current] provincial governors, district governors and security commanders were once local

commanders and therefore accused of human rights violations<sup>15</sup>. They have comfortable lives in these provinces by now and are indulged in corruption.

## **5.2 Restitution of Victims' Rights**

In post conflict countries, the restitution of victims' rights is essential for achieving social justice. In case of non-restitution of victims' right, the new government cannot be called democratic. Restitution of victims' rights has various methods. It is important that governments adopt the method according to people's desires. In Afghanistan the restitution of victims' rights should be addressed through a national consultation and the negated rights of the people must be restituted; otherwise, the government will not be the peoples' government.

As per the research findings 43% of the respondents believe that restitution of victims' rights must happen through financial compensation of their losses. During the reign of Zahir Shah, peoples' lands were grabbed and distributed to Pashtuns in North of the country specially Kunduz. Ethnic minorities were denied education and political participation and were kept deprived of welfare facilities. During three decades of war, people's properties were looted and their houses were burned. Now, in order to retribute their rights, they should be compensated. For those whose children were denied education, schools should be built and attention should be paid towards their social welfare. Those, whose lands were grabbed, should be given their lands back. The national tittles given to those who have caused harm to people and violated their rights must be taken back.

19% of respondents believe that restitution of victims' rights must take place through taking revenge like trials, execution, and confiscation of the criminals' properties. People can clearly notice the difference between their live conditions and those of the war criminals. The criminals, who have destructed peoples' houses, killed their children, raped their women, looted the public wealth and now live luxurious lives, should be hanged and their wealth should be confiscated. In the last five decades, the examples of such actions are Mujahedin commanders, who possess extravagant houses and live comfortable lives through looting the private and government wealth.

19% of respondents believe that restitution of rights to the war victims should take place through health facilities and pension privileges. 11% believe it should take place through restitution of prestige to regain social reputation.

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<sup>15</sup> - For detailed Human Rights Violations including type and period of violation refer to Table 8, Appendix 13, Page 140.

8% of respondents say that restitution of victims' rights should be done through symbolic measures such as building memorials, museums or commemorative events. But these proposed monuments should be kept distinct from those built for the war criminals.

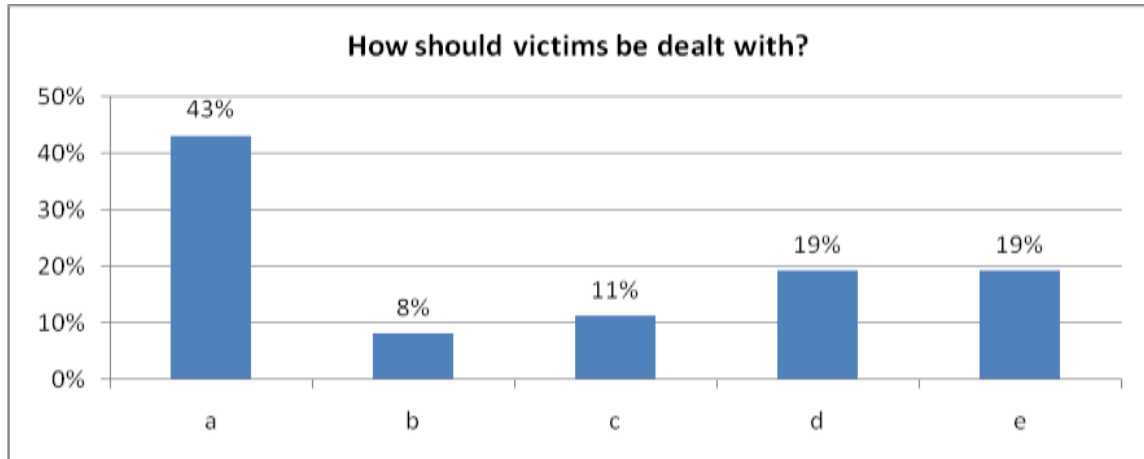


Figure 5-2a: Restitution of Victims' Rights

- a. Financial compensation for the lost property and/or income e.g. pension, healthcare,
- b. Symbolic measures such as memorials, museums, commemoration day
- c. Rehabilitation e.g. of person and records and public/social reputation
- d. Revenge
- e. Through health care facilities and pension privileges.

The above cases are the methods proposed by the respondents for restitution of victims' rights as shown in the graph.

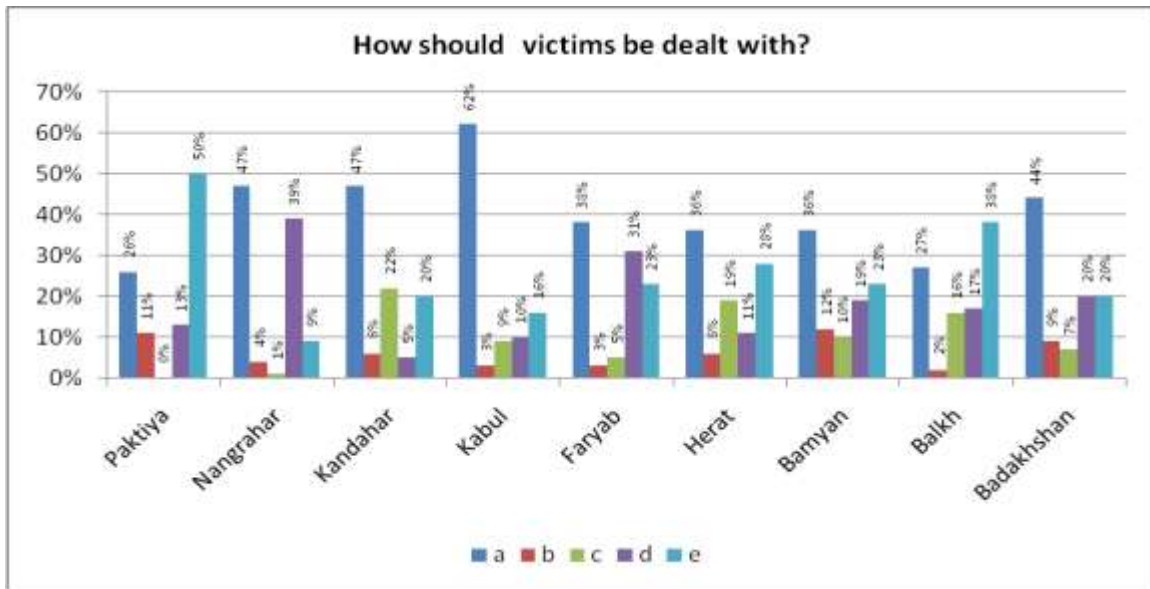


Figure 5-2b: Restitution of Victims' Rights

- a. Financial compensation for the lost property and/or income e.g. pension, healthcare,
- b. Symbolic measures such as memorials, museums, commemoration day
- c. Rehabilitation e.g. of person and records and public/social reputation
- d. Revenge
- e. Through health care facilities and pension privileges.

62% respondents in Kabul, 47% in Kandahar and Nangrahar and 44% in Badakhshan have proposed restitution of victims' rights through financial compensation for their lost properties. As they notice the difference between their living conditions and those of the human rights violators, they expect their lost properties shall be compensated by perpetrators of human rights violations.

39% respondents in Nangrahar, 31% in Faryab, 20% in Badakhshan and 19% of Bamyan say that restitution of victims' rights should happen by taking revenge through trials, execution and confiscation of war criminals' properties.

50% respondents in Paktia and 38% in Balkh say that restitution of victims' rights should happen through providing them healthcare and pension facilities. Respondents believe this is a suitable measure to retribute their violated rights during wars and injustices of the past five decades.

22% of respondents in Kandahar, 19% in Herat, 16% in Balkh and 10% in Bamyan consider restitution of prestige as a suitable method to retribute the victims' rights. Victims should regain their social reputation and should not be considered a criminal.

### 5.3 Immunity of Criminals from Prosecution

According to respondents, criminals are those who have killed innocent civilians, destroyed their houses, committed sexual assaults, and grabbed private and government properties. Such criminals were abundant during the previous five decades in Afghanistan, committing these crimes to implement the orders of either despotic or undemocratic governments, or ethnically and lingual-motivated factions.

The research findings indicate that the criminals had been immune from prosecution during four periods namely Communists, Mujahedin, Taliban and government of Hamid Karzai. In these periods, despite committing crimes such as murders, disrespect to peoples’ beliefs, extra judicial killings, assaults and forced displacement, they have not only been immune from prosecution but have also assumed high government positions.

During the reign of Zahir Shah and Dawood Khan, immunity from prosecution was dynastical and tribal based. Mohammadzais (the tribe to which Zahir Shah belonged) were the main autocrats who oppressed people but due to family, tribal and friendly relations remained immune from prosecution.

31% respondents have asserted that during Karzai government the human rights violators have been immune from prosecution. The factors enumerated by respondents for their non-prosecution are as following:

1. Weakness of legal and judiciary institutions as well as national police,
2. Returning of human rights violators in the government due to tribal and partisan expediencies,
3. Taking political advantage from them by other countries,
4. Lack of seriousness of international community for prosecuting them, and
5. Their high authority and economic power in the current government.

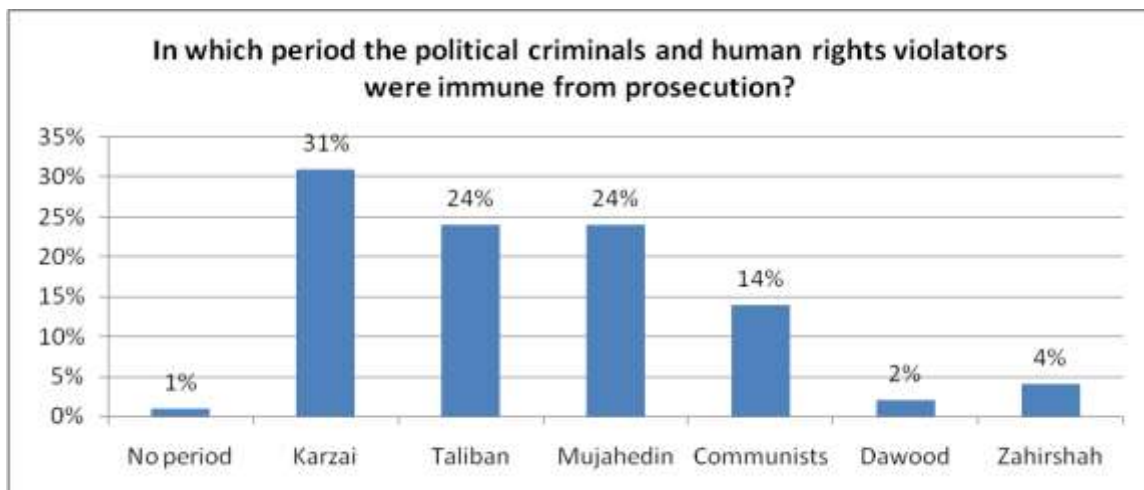


Figure 5-3a: Immunity of Human Rights Violators from Prosecution

24% of respondents have said that human rights violators were immune from prosecution during Mujahedin and they openly tyrannized and committed injustices against people. The human rights violators who are currently in top leadership of the Karzai government have carried out the violations such as looting and destruction of historic monuments, mass killings, destruction of houses and public properties, destruction and farms and livestock, abduction of children and women and sexual assaults. The racial and ethnic wars and absence of law-abiding governments provided them the freedom of committing any type of crime. Every ethnic group considered killing the people of other ethnic groups permissive and an honor. In this period, Kabul and provinces were like “geography of killing”; murder, looting and assault were not considered crime, therefore no judicial institution was in place to prosecute the criminal, in other words, they enjoyed full immunity.

24% of respondents have mentioned that human rights violators were immune from prosecution during Taliban rule. Taliban used the religion as ground to commit violation. This excuse gave them full justification to commit any sort of crimes such as massacres, looting houses and historic monuments, destruction of agricultural forms, sexual assault and abduction of women and children and wanton hangings. Religion was a cover for their violations. In their traditional-tribal judicial system, no one was tried who committed such violations. In fact, the violators have enjoyed the same privilege throughout the history of Afghanistan. They committed violations in the name of ethnicity, language, religion and ideology and had immunity in every period.

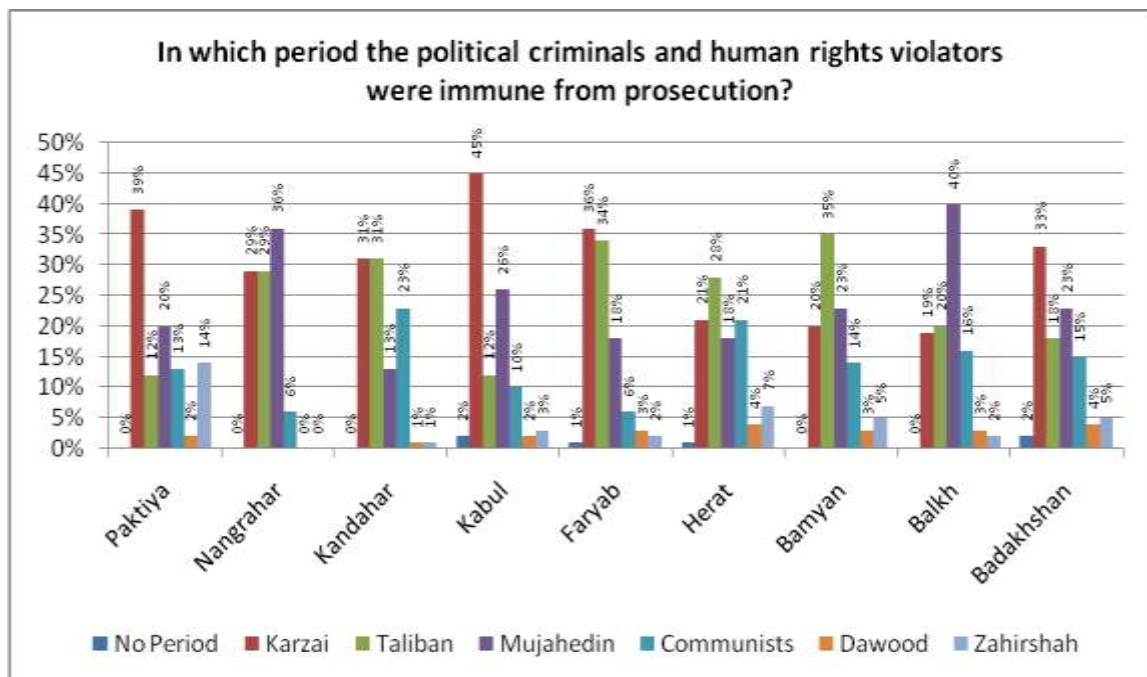


Figure 5-3b: Immunity of Criminals from Prosecution



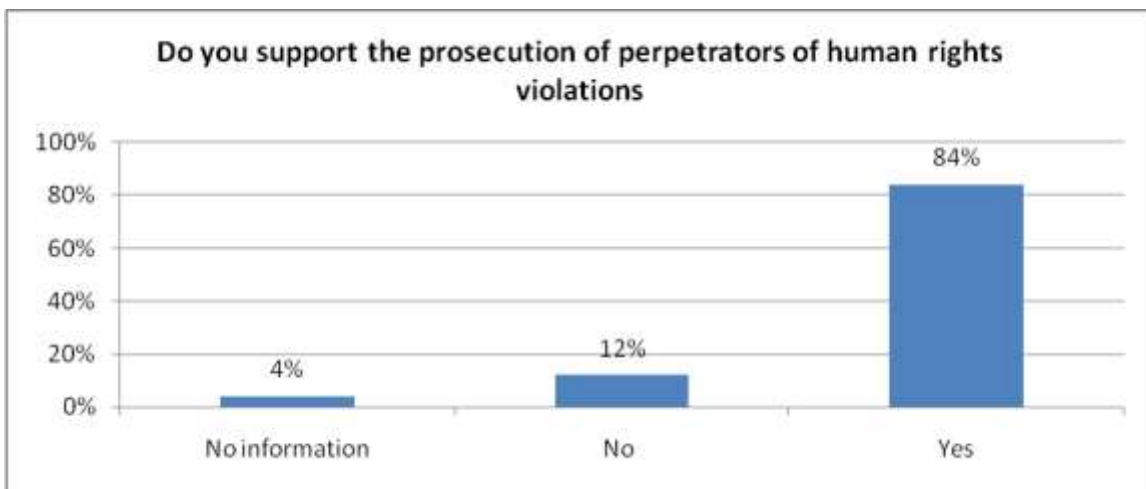
14% have said that criminals were immune from prosecution during Communists. Since all crimes were committed by KHAD on the pretext of fighting against petrification and imperialism, so there existed no judicial system to prosecute them.

4% and 2% of respondents have said that criminals were immune from prosecution during the reign of Zahir Shah and Dawood Khan respectively.

**5.4 Accepting the Prosecution of Human Rights Violators**

Transitional justice is essential to investigate the past crimes and to achieve peace and justice under current circumstances. Equitable decisions must be taken about the manner of punishments of the war criminals and locally powerful people who committed human rights violations in the past five decades should receive, so that people’s government or a democratic government can come into existence. Democracy cannot find a foothold in Afghanistan, until the issues of human rights criminals are not settled fairly.

The finding shows that 84% of respondents accept the prosecution of human rights violators. The Afghans believe in the principals of justice and equality and want the criminals to be tried under the Afghan Constitution.. Otherwise, people’s rights cannot be restored. They believe that prosecution of human rights violators is the only way to achieve social justice therefore; it should take place in real terms and openly. It is the undeniable right of Afghans to get the human rights violators prosecuted. A man form Faryab province expressed, “Even if my son is one of the human rights violators he must be tried and even hanged in order to be a lesson for others.”



*Figure 5-4a: Prosecution of Human Rights Violators*

As shown in graph above, a high percentage of respondents want past crimes to be addressed and transitional justice to be implemented.

A woman from Herat said “The human rights violators should not be even called human beings; their trial must take place in public. Otherwise, the situation will deteriorate and peoples’ trust on government will increasingly diminish”. Likewise, a woman from Balkh expressed “There is no need of investigation about human rights violators, their crimes are obvious; they have sucked the blood of people and must be tried openly”. A man from Nangarhar said, “they should be hanged irrespective of their ethnicity, position and other considerations, because they have killed my son.”

The majority of respondents (84%) supports the prosecution of human rights violators and urges the government to conduct a multi-dimensional study on the topic. They should not only be prosecuted but should also be summoned by special accountability courts. A human rights activist from Bamyan said, “Post-conflict societies cannot move towards a desired future until they clear their past accounts. Non-addressing the past human rights violations undermines the peace process and provides for retaliatory measures among the masses.”

There existed a clear dissatisfaction among the respondents regarding government and international community’s efforts in implementing the transitional justice. In fact, they believe that the Afghan government and international community have not done enough to implement translational justice.

A woman from Kabul expressed, “the prosecution of human rights violators must take place in accordance to international standards, and in Afghanistan. Those who have killed hundreds of innocent civilians should be tried in a competent court. The possessions and properties of those that were seized must be returned such perpetrators’ money, property and social status should be seized, and in accordance to the law, and should be compensated to those whose properties and possessions were looted.”

A man from Kandahar suggests, “The human rights violators must be treated according their crimes. Mujahedin leaders and local armed commanders should be removed from their positions, should be tried, executed or sentenced. Other punishments are less for them and forgiving them is tyrannizing the nation”. Similarly a women from Herat says, “The government must treat them based on the type of their crime, and should consider the most dreadful and cruelest tortures and punishments for them.” Respondents have also said that government must draw upon the experiences of other countries in treating them.



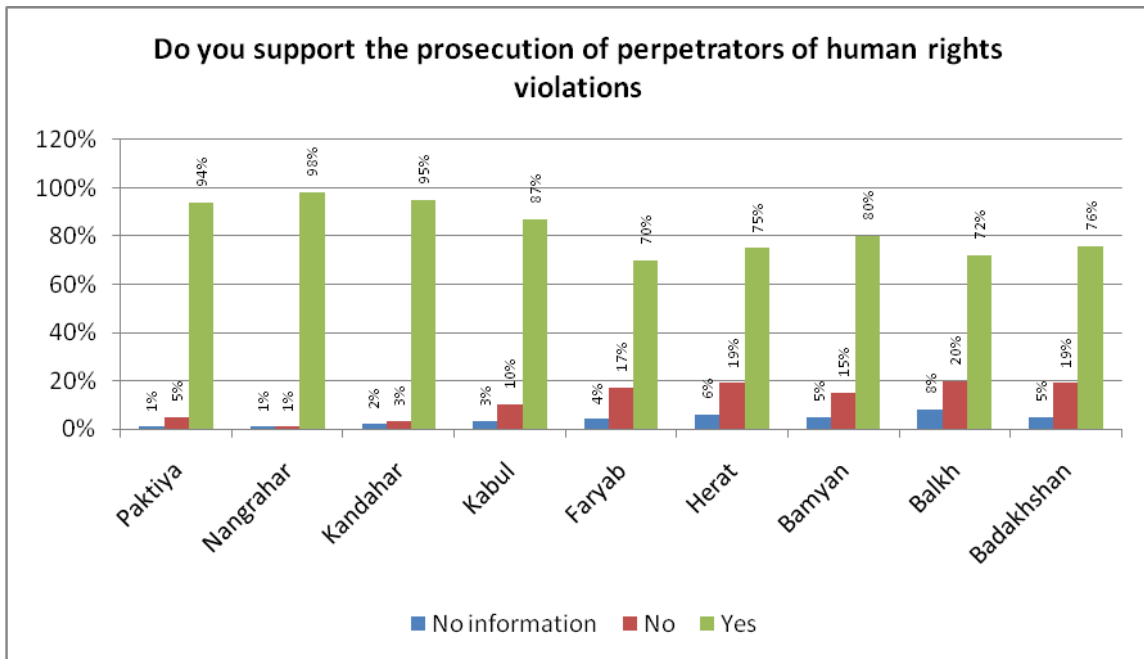


Figure 5-4b: Prosecution of Human Rights Violators

12% of respondents disagreed with the idea of prosecuting human rights violators. They urge that human rights violators are the “compromised” statesmen who cannot be tried in courts. Meanwhile, it is difficult to fairly differentiate between them in the current government; therefore, it is better not to prosecute them. The government cannot easily identify the human rights violators, because they have integrated in the government structure and hold high ranks. During 2001’s Bonn Conference, when the model of state-building was being discussed, there existed two approaches about human rights violators in Afghanistan’s future setup. The first approach was their exclusion from the government and the second approach was their inclusion. The second idea was approved due to the presence of the major war groups in the conference, and they were accepted in Afghanistan’s government. This decision was based on the fears of the international community from the warlords, they believed that without them, building the government in Afghanistan would fail. As the Jihadi factions formed the majority in that conference, the second approach was agreed upon.

Respondents from Badakhshan (76%), Balkh (72%), Bamyan (80%), Herat (75%), Faryab (79%), Kabul (87%), Kandahar (95%), Nangrahar (98%) and Paktia (94%) accept the human rights violators should be prosecuted. They believe that in absence of such a prosecution, justice cannot be achieved and the Afghan government cannot become democratic (the people’s government).

20% of respondents in Balkh, 19% in Herat and Badakhshan, 17% in Faryab and 15% in Bamyan do not agree with the prosecution of human rights violators. These provinces were mostly under the influence of ethnic and religious commanders.

### 5.5 Acceptance of Transitional Justice

Transitional justice addresses the difficulties a society faces during the transformation process from a despotic regime into a democratic setup. The new government must be distinct from the former and decide upon the manner of punishments of previous armed groups, individual criminals and human rights violators. Transitional justice necessitates paying attention to the development, scrutiny, analysis and practical implementation of a series of strategies in order to address the previous human rights violations, so that a future based on democracy, justice and equality could be achieved.

43% of respondents who have considered prosecution and punishment the best method of implementing transitional justice say that the perpetrators of human rights violations have committed crimes on civilians either under the name of party, ethnicity or language. Hence, violators who are alive should be punished by government and international community. Those who are not alive should be called criminals in the real written history of Afghanistan. Meanwhile the penalty for other crimes such as looting, imprisonments and smaller crimes should be set according to the law.

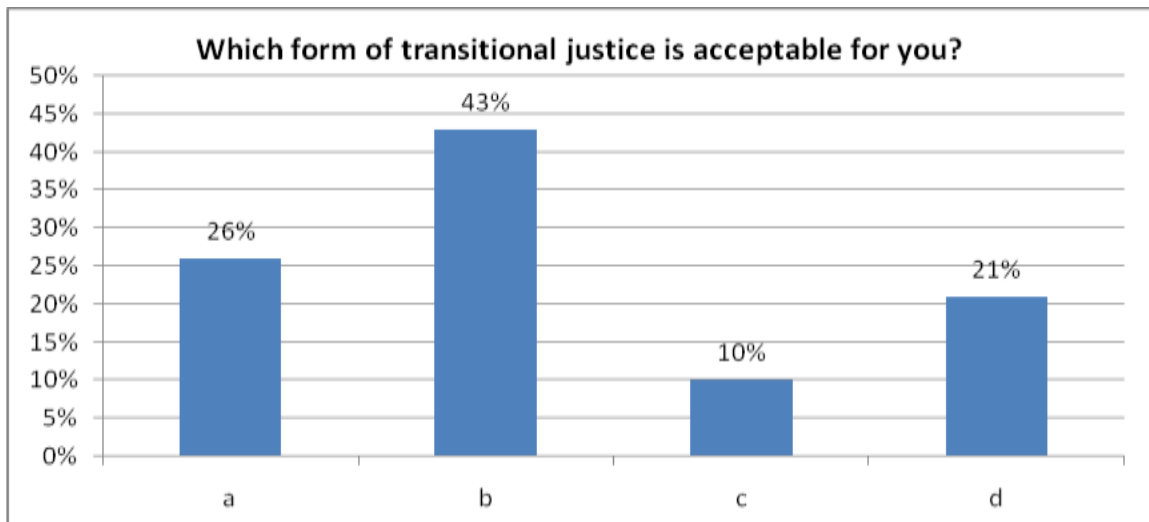


Figure 5-5a: Acceptance of Transitional Justice

- Restorative justice e.g. mediation and dialogue (through shuras etc.)
- Retributive justice e.g. prosecution/trials and imprisonment.
- Historical justice e.g. truth-telling and recording of events and violations.
- Compensatory justice e.g. reparation and rehabilitation of victims

26% of respondents accept transitional justice through reconciliation. The victims should reconcile with the perpetrators of human rights violations, because their prosecution is impossible under current conditions. Most people live below the poverty line and on the other

hand, the criminals possess economic and political power which makes their prosecution impossible.

21% of respondents accept the transitional justice through compensatory justice (restitution of victims' rights). People see a stark difference between their economic conditions and those of the criminals. The criminals who have plundered private and public properties are officeholders in the current government and their ongoing businesses add on to their accumulated wealth. Therefore, the respondents want compensation against their loss of rights. Lands, shops, houses, vehicles, estates and movable and unmovable assets grabbed by the violators must be returned. Human rights violators who are accused of sexual assaults, abduction of women and children, murder and torture must be brought to justice according to national and international laws, as well as Sharia law.

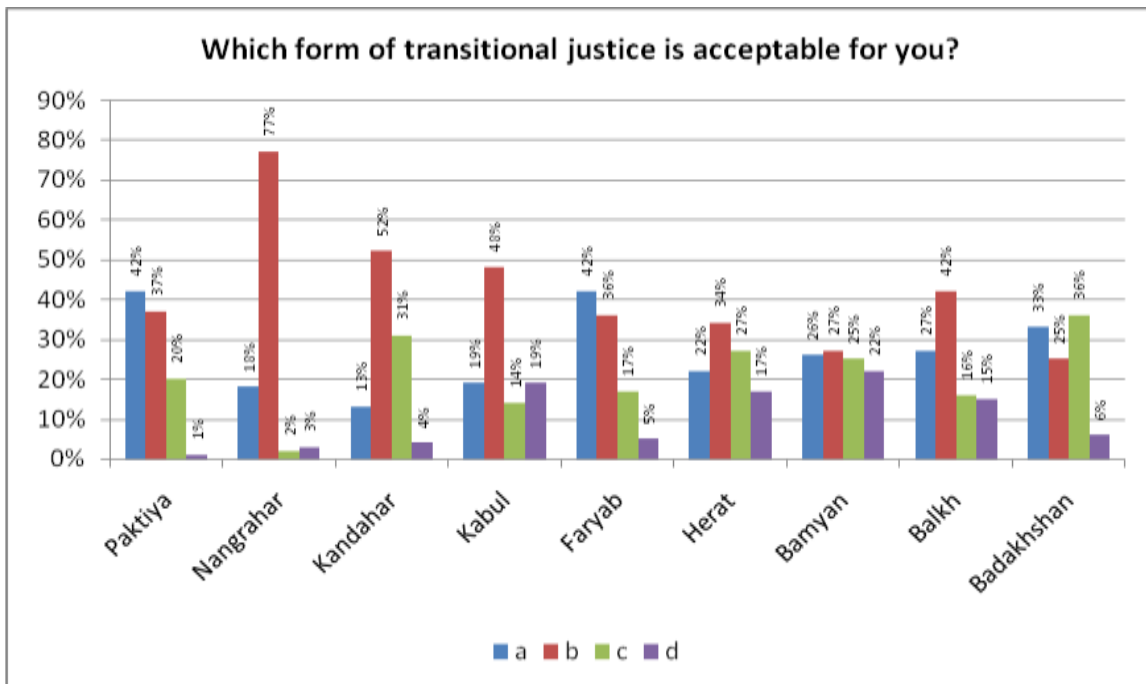


Figure 5-5b: Acceptance of Transitional Justice

- a. Restorative justice e.g. mediation and dialogue (through shuras etc.)
- b. Retributive justice e.g. prosecution/trials and imprisonment.
- c. Historical justice e.g. truth-telling and recording of events and violations.
- d. Compensatory justice e.g. reparation and rehabilitation of victims

10% of respondents accept transitional justice through historical justice (truth-telling and recording of violations and recognizing the crimes committed). During the wars and the six different periods, killings, forced disappearance, torture, extra judicial killings, looting, destruction of historic monuments, sexual assault, abduction of women and children, forced displacement and detentions have taken place. After telling the truth and confessing about the

occurrences of certain events and crimes, the Afghan nation, government and international community should recognize the human rights violators as criminals. Truth-seeking must be done and based on the wishes of war victims; transitional justice should also take place by building monuments and museums.

Respondents from Badakhshan (33%), Balkh (27%), Bamyan (26%), Herat (22%), Faryab (42%), Kabul (19%), Kandahar (13%), Nangarhar (18%) and Paktia (42%) consider reconciliation as the most suited method of transitional justice in Afghanistan. They say that they are tired of wars.

25% of respondents in Badakhshan, 42% in Balkh, 27% in Bamyan, 34% in Herat, 36% in Faryab, 48% in Kabul, 52% in Kandahar, 77% in Nangarhar and 37% of Paktia consider prosecutions and punishments the best method of transitional justice in Afghanistan. Their reason is that during the past five decades people have undergone innumerable personal and financial losses.

36% of respondents in Badakhshan, 16% in Balkh, 25% in Bamyan, 27% in Herat, 36% in Faryab, 14% in Kabul, 31% in Kandahar, 2% in Nangarhar and 20% in Paktia say that historical justice method i.e. truth seeking about past events and crimes, is the best method of implementing transitional justice in Afghanistan. They do not consider punishment practical and feasible

6% of respondents in Badakhshan, 15% in Balkh, 22% in Bamyan, 17% in Herat, 5% in Faryab, 19% in Kabul, 4% in Kandahar, 3% in Nangarhar and 1% in Paktia consider compensation as the best method of implementing transitional justice in Afghanistan. Their reason is that the majority of people live under bad economic conditions and therefore compensating them with money is the best way to implement transitional justice. Nonetheless, some respondents do not accept this method because they say that crimes such as murder, rape and insult to human dignity cannot be compensated.



## Chapter Six: Peoples' Recommendations

### 6.1 Constitution of 2003

Constitution is the law which defines the national identity, government structure; rights and duties of citizens, authorities of the President and the parliament, human rights and government institutions. This document is a national and social contract among citizens and the government and is developed by an assembly formed for this particular purpose. The first constitution of Afghanistan which had 73 articles was passed by Amanullah Khan in 1919, after the declaration of independence. The Constitution of 2003 is the eighth Afghan constitution passed unanimously by the Loya Jirga in 12 chapter and 162 articles and signed by Hamid Karzai (January 2004), Head of interim administration as per the Bonn Accord.

During the research, respondents were asked about the current constitution, where the majority of respondents accept it. This is the first ever constitution that is ratified by the representatives of people. People believe that the earlier constitutions were not democratic and it is this Constitution in which they find their indigenous and Islamic values. Therefore, this constitution is accepted by the majority of people.

69% of the respondents accept the Constitution passed in 2003. According to them, this constitution is formulated according to the receipts of Allah and teachings of Prophet Mohammad (PBUH) and ensures the rights of all Afghans. It has enshrined women's rights and emphasized on the freedom of speech.

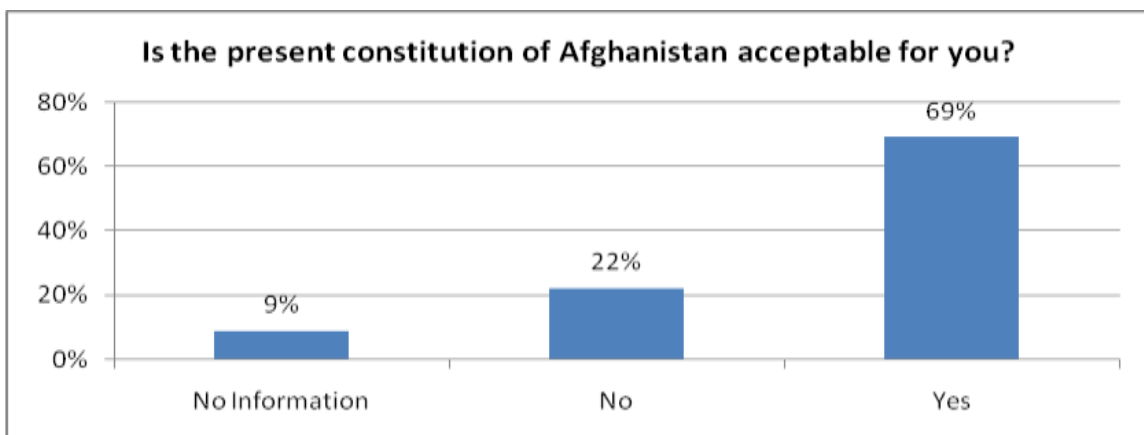


Figure 6-1a: Constitution of 2003

According to the respondents if this constitution is implemented without any ethnic and religious prejudices it is the best constitution in the history of Afghanistan. According to the respondents, its shortcomings are as following. "The article about thieves and abduction of children must be amended; instead of imprisonment, lapidating and revenge must be made effective, because imprisonment for such crimes is against Quran injunctions". The constitution of Afghanistan has clear articles about non-contradiction with religious beliefs. The third article of first chapter reads, "In Afghanistan, no law can be contrary to the beliefs and provisions of the sacred religion of Islam." Likewise, the second chapter of the constitution guarantees fundamental rights and duties of the citizens according to sacred religion of Islam, and human dignity and democratic values.

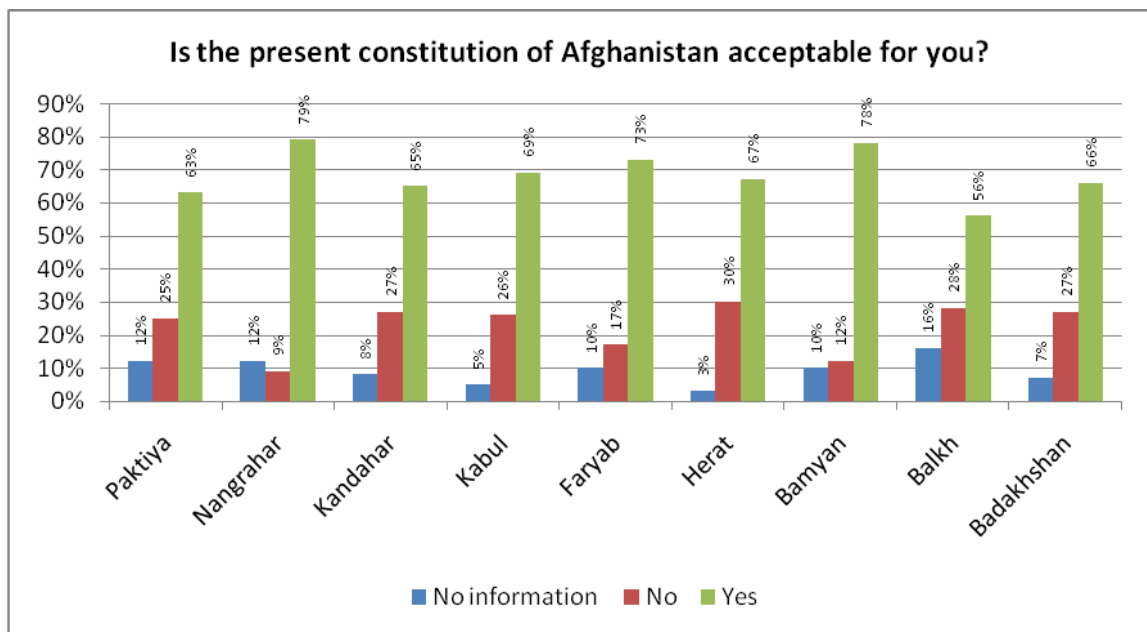


Figure 6-1b: Constitution of 2003

22% of respondents opposed the current constitution. They are of the opinion that the current constitution is not in harmony with Sharia. They believe that the source and fundamental law is the orders of Allah and instructions of Prophet Mohammad (PBUH), and any law against them is unacceptable. Furthermore, they believe that Islamic laws are comprehensive and the current constitution falsifies Allah’s laws, and misleads the mentality and spirit of the people. This constitution provides for the inculcation of barbarian culture and moral decay. The other dimension of their concern is that constitution does not have any applicability in the current circumstance. Afghanistan requires a law, which can ensure security throughout the country. Corruption, trafficking of drugs, existence of mafia in the government and irresponsible armed



commanders curb the practicability of Constitution. Afghanistan needs a law to help her overcome these problems.

### 6.2 National Reconciliation Charter (Amnesty Law 2007)

When Najibullah government reached to the brink of downfall, he called for national reconciliation so the dissidents would join him and form a collation government, saving his government from collapse. The government then started refraining from violent political encounters and to a certain degree opened up the political space in Afghanistan. This policy was of no help to the government of Najibullah as it failed to bring any political dissident on his side, resulting in his defeat by Mujahedin. The second National Reconciliation Charter (in 12 articles) was presented to the parliament of Afghanistan in 2007. [Despite being passed by the parliament], President Karzai refrained from approving it, leaving the way for the transitional justice open.

The National Reconciliation Charter (Amnesty Law 2007) has created different reactions throughout the country. Respondents were asked whether they accepted this charter. The following graph represents their degree of acceptance.

Interestingly 39% of respondents do not accept the National Reconciliation Charter. They believe that this charter has not been approved by the nation but by the human rights violators themselves. It is the right of the nation to forgive or punish. This charter is unjust and politicized, and there are no good intentions behind it; therefore, it cannot help peace process.

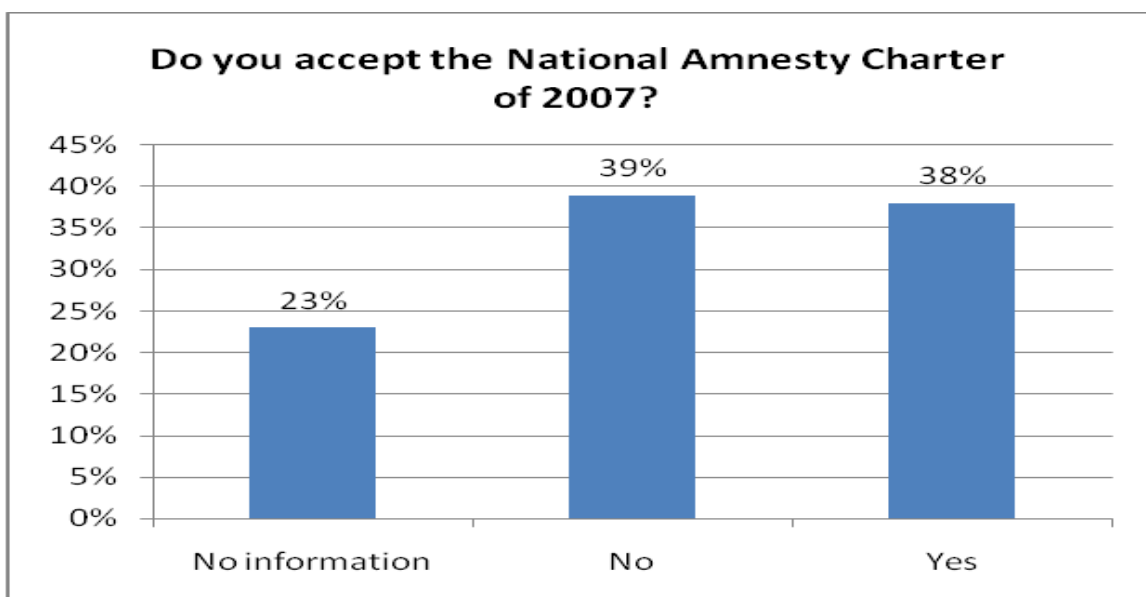


Figure 6-2a: Acceptance of National Reconciliation Charter of 2007

A woman from Herat states, “I know peace is good but people should not forgive the human rights violators. They were the ones who sold the country and are servants of foreigners (traitors) and now passed a charter to disguise their crimes therefore, this charter is illegal”. Respondents believe that forgiving human rights violators will instigate further insecurity in the country, because [family members of] victims will resort to retaliatory measures themselves. The trust in the Constitution will be undermined and anarchy will prevail. A man from Paktia said, “They are the traitors that have committed thousands of crimes. The parliamentarians have misused the authority entrusted by the people. They have drafted a law for their own immunity and to mute the voice of the nation.”

Majority of respondents believe that if Afghanistan’s past wounds are not healed, democracy in Afghanistan would be a fake phenomenon. Democracy will only thrive when the minds of people are free from the tensions of past violations; otherwise, the haunting violent past has the ability to destroy democracy at any point of time. People do not trust the ruler who has a criminal background. A man from Bamyan said, “Human rights criminals are the enemies of the country, their position-loving or country-loving tendencies are well-known to everyone.” Similarly, the majority of respondents believe that this charter is a political tool through which they want to keep the criminals in power; while, there is no guarantee that these blood-thirsty criminals can be reformed. This charter paves the way for the return of human rights violators who are involved in brutal murders and killings of civilians. A woman from Kabul stated, “This is a ridiculous charter. Nowhere in the world do criminals forgive themselves. If so, what is the right of the people?” There exists another opinion that the national reconciliation is a foreigners-run project through which they want to preserve their puppets in Afghanistan’s government and take political advantage from them.

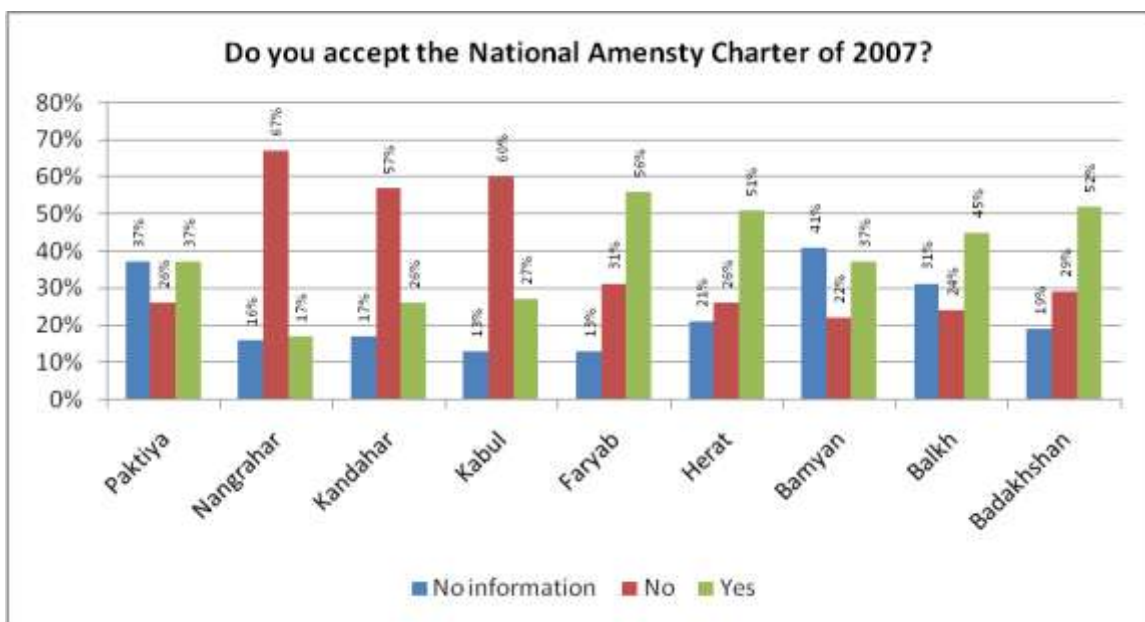


Figure 6-2b: National Reconciliation Charter of 2007

38% of respondents have conditionally accepted the National Reconciliation Charter. The condition is that it shall be in the best interest of the people and shall not be a deception. A man from Balkh suggests, "I accept the National Reconciliation Charter. I accept the measures taken by any government that results in security and tranquility of the people. I hope with this initiative, further blood-stained hands do not strangle people". Similarly a woman from Nangarhar said, "I accept the reconciliation only if it is just and does not provide opportunity for the return of human rights violators. Reconciliation should be done with those who are not against the interests of the people and who put down their arms and accept all the laws". Meanwhile, the majority of respondents who have accepted the charter believe that "reconciliation is only acceptable when it is compatible with national, human and social standards".

23% of the respondents were unaware of the National Reconciliation Charter. They were from the lower classes of society and mainly illiterate. In some cases, respondents have perplexed the National Reconciliation Charter with National Reconciliation Policy announced by Najibullah, the last communist President of Afghanistan.

Respondents in Badakhshan (52%), Balkh (45%), Bamyan (37%), Herat (51%), Faryab (56%), Kabul (27%), Kandahar (26%), Nangarhar (17%) and Paktia (37%) accept the charter of national reconciliation. They believe it will help the peace process and end the factional wars in Afghanistan.

Respondents in Badakhshan (29%), Balkh (24%), Bamyan (22%), Herat (28%), Faryab (31%), Kabul (60%), Kandahar (57%), Nangarhar (67%) and Paktia (26%) did not accept the charter of national reconciliation. They have emphasized on the need for justice and consider this charter a non-Islamic law. (According to Islam) no one can forgive the right of another individual and the Parliament does not have the authority to pass such a law.

41% of respondents in Bamyan, 37% in Paktia and 31% in Balkh, which are rather high percentages, were unaware of the National Reconciliation Charter. The residents of these provinces are unaware of political changes in the country, due to lack of precise information about this charter, low level of awareness about political processes and inaccessibility to information.

### **6.3 Peace and Solidarity for Reconstruction**

Afghanistan moves towards reconstruction and Afghans resent the long years of wars. Now that the international community has extended its support, Afghans are ready to work for their country if job opportunities are provided. Under the current circumstances, the reconstruction process has less effect on peoples' lives. Instead, it will be affective when people's mental and physical energies are utilized in reconstruction process. According to respondents, the peace and reconstruction will only yield fruits when corrupt figures, war criminals, drug traffickers,

defalcators of government organizations, and enemies of peace and security are dismissed from people and are punished. To replace them, righteous, sympathetic, patriot and honest representatives should be appointed and the foreign countries should support them. Past events should be investigated, causes of war and violence should be identified and the true history of the country should be written in order to heal the wounds of the people. A woman from Paktia suggests that, "Transparency should be promoted within the government. The possessions of the ministers and high-ranking officials should be checked and registered. Education should be standardized, and the values of peace and coexistence should be incorporated in the curriculum". Similarly, an engineer from Kandahar said, "The foreign aids must be spent in building the economic, cultural and social infrastructures of the country, and women must be helped to achieve economic independence". All ethnicities, tribes and followers of different sects are each other's brothers. The causes of sectarian, ethnic and racial violence should be uprooted and serious attention should be paid to nation-building. Values which help to achieve a national understanding should be invigorated. Suppression of dissidents on the pretext of being al-Qaida, Taliban and terrorists must be stopped and civilian casualties should be prevented". A man from Herat suggested, "National police, national army and national security (intelligence) should be empowered so they could defend citizens' security, rights and liberties. Their salaries must be raised so they do not indulge in bribery and corruption". A female teacher from Balkh said, "Transitional justice should be implemented and criminals must be prosecuted so that the rights of victims are restituted. Those whose private properties are plundered should receive them back". A man from Badakhshan suggests, "The properties of war criminals should be confiscated. The properties of NGO and companies directors must be checked and if any corruption cases are found, they should be prosecuted". A university professor from Herat recommends, "Balanced development should also be pursued so the living standards are raised. Employment opportunities should be generated and fight against poverty should be carried out seriously. Historic monuments purchased by other countries should be returned, and their smugglers should be brought to justice". Likewise, the historic monuments should also be rehabilitated. Media should be strengthened and transit roads should be built. Finally, the presence of foreign troops should be regulated to prevent civilian casualties.

#### **6.4 People's Expectation from Government**

Mr. Hamid Karzai is the first elected President of Afghanistan. People expect from the current government, elected by their votes to pay attention to their lives. Following is a random collection of the expectations of respondents:

- Establishment of friendly relations with not only the neighboring countries but around the world
- Reconstruction of economic infrastructure around the country
- Respect to human

- Creation of an organized administrative system to replace the current system
- Appointment of expert, fair and sympathetic people in judiciary and legal entities
- Implementation of Afghan constitution and other national laws
- Establishment of realistic government based on the will of the people
- Elimination of tribal, lingual and religious compromises
- Fight against nepotism and middlemen inside the government
- Paying attention to the lives of widows, people with disabilities and martyrs families
- Construction of memorials for victims
- Creation of jobs
- Building of production industries in Kabul and provinces
- Provision of safe drinking water and health clinics
- Distribution of improved seeds to farmers
- Strong government support to agricultural and livestock farmers
- Fight against terror, trafficking and abduction of women and children
- Defending democracy and freedom of press
- Free education for all and promotion of Islamic culture
- Training national police and national army with patriotic and philanthropic motive and raising their awareness about human rights
- Providing a decent life for refugees and returnees
- Standardizing the religious schools according to law
- Raising national awareness about rights and liberties
- Preservation of national wealth such as forests and underground resources
- Building of highways and bridges
- Increasing government employees' salaries
- Construction of power and water dams
- Ensuring merit in government organizations

## Results

1. During Zahir Shah Reign, citizens did not enjoy political liberty or political participation, and lived under intense pressure of injustices and ethnic and lingual autocracy. 26% respondents said Justice and rule of law existed during this period. 3% to 4% say that corruption, killing and imprisonment of intellectuals and criminals' immunity from legal prosecution existed. Only 1% has said women freedoms and rights, security, forced displacement and extra judicial killings took place during Zahir Shah Monarchy.
2. 33%, the highest during the past five decades, say that Dawood Khan Government ensured justice and enforcement of law.
3. During Communists regime respondents say that intellectuals were murdered (52%) and imprisoned (53%) – this is the highest figure during the last five decades. In this period 59% of the total uprisings against the government took place.

4. During Mujahedin period, justice and law enforcement did not exist. [Only] 2% have agreed that justice and law enforcement existed during Mujahedin. A high number of respondents (35%) said that insecurity was dominant. Other crimes that took place were forced displacement, sexual abuses, and extra judicial killings. 24% say that criminals were immune from prosecution in this period.
5. Only 7% say that justice and law enforcement existed during Taliban rule. A large number (76%) has said that rights and liberties were violated during Taliban. Likewise, 37% have said that forced displacement occurred. 29% say that crime against peoples' beliefs was committed by Taliban, while a large number (39%) said that they conducted extra judicial killings.
6. 19% of respondents have said that justice and law enforcement exist during Hamid Karzai government. A high percentage (58%), say that there is corruption and 22% respondents confirm insecurity during Karzai government. The highest number of respondents (31%) says that during Karzai government criminals are immune from prosecution. Meanwhile, the highest number (47%) says that democracy and freedom of press exist during Karzai government.
7. Respondents have recommended that merit-based appointment should be observed in government offices and human rights should be respected. Ethnic, lingual and sectarian compromises must be stopped and fight against terror, trafficking and abduction of women and children must be carried out seriously. Attention should be given to peoples' better lives. National awareness should be raised about rights and liberties so that reconstruction of economic infrastructure and peace are done more transparently and ultimately people live under democratic rule.



## Appendices

### Appendix 1: Introduction to the research and research methodology

#### a. Introduction to the Research

The Afghan Civil Society Forum-organization (ACSFo) was developed as a partnership between Afghan civil society actors and Swiss-peace by the request of the 76 participants at the first Afghan Civil Society Conference (who are called founders) in Bad Honnef, Germany (29 November - 2 December 2001). This conference took place parallel to the meeting of Afghan political representatives negotiating the Bonn Agreement.

ACSFo believes in democratic principles and people's participation. ACSFo's goal is to promote the development of civil society in Afghanistan. ACSFo's vision is a democracy supported by informed, committed and active citizens who participate in the development of a just society based on rule of law, respect to human rights and the fundamental liberties of Afghanistan.

ACSFo has initiated the How People Define Violence and Justice Project to research about the injustices and violations in past fifty years of Afghanistan. The current questionnaire is prepared to collect information and needs your answers. The filled out questionnaires will be confidentially kept in ACSFo archives.

Should there be any questions about the questionnaire kindly contact (Address: H# 45, Shahr Ara Watt, Opposite to Malalai Maternity Hospital, 0700224563).

Name:
Permanent address:
Current address:
Education:
Occupation:
Sex:

Marital Status:
Ethnicity:
Registration:-

1. The above questionnaire ( ) is completed by ( ) in ( ) village of ( ) district.

**b. Research Methodology**

**Questionnaire Development**

At first, a 7-member team was assigned to design and develop the questionnaire in order to specify the objective and framework of the research. This team was composed of experts who had the intellectual as well as practical experience in social issues and thus fully able to develop a questionnaire that met this project’s needs. The team studied Afghanistan’s last fifty years’ history (1958 – 2008) to identify the bases of human rights violations as well as the changes that led to such abuses. In order to develop the research questionnaire, they conducted the following studies:

1. Review of government’s political and social programs with regards to human rights violations during the past 50 years
2. Changes of regimes
3. Racial, ethnic and lingual prejudices
4. Law enforcement
5. Social welfare
6. Political freedoms
7. Foreign countries interferences
8. Civil war

The questionnaire consisted of 36 questions. Questions 1 – 13 had three answers of “yes”, “no” and “I don’t know” with the reasons that had to be written in the “how” column opposite to the answer.

Questions 14 – 27 were related to the various governments. Each question had seven answers covering regimes from Muhammad Zahir Shah monarchy till Hamid Karzai administration. The





respondents had to provide the reason for the choosing the answer in the “additional information” column.

Questions 28 – 31 consisted of analytical questions wherein every respondent recorded his/her views, thoughts and observations.

Questions 32 – 34 were related to transitional justice and had four answers. The respondents had to choose one answer and elaborate on it in the column provided.

Question 35 was an analytical query about peoples’ view regarding peace and solidarity.

Question 36 was regarding the expectations of people from the next government.

The questionnaire ended with an “observational case”. In order to transfer the experiences and observations of human rights violations during the past 50 years, the ones having these experiences recorded their observations in the “observational case” page.

### **Scope of Research**

The research was carried out in nine provinces, covering 400 respondents in each. Totally, 3600 . people from Kabul, Badakhshan, Kandahar, Bamian, Nangarhar, Paktia, Herat, Faryab and Balkh participated in this research.

### **Questionnaires Implementation Methodology**

Two researchers, one male and one female, were assigned in each province to carry out the questionnaires. A 3-day civic education workshop was conducted in Kabul, to train them on concepts such as human rights, civil society, transitional justice as well as the methods of conducting the interviews.

### **Data Collection**

The entire 3600 questionnaires were collected in two methods. For questions 1-13 (that had 3 options), 14-27 (that had 6 options) and 32 – 34 (that had 4 options) a database was developed. Meanwhile, the key findings and cases were extracted to be included in the report.

### **Data Analysis**

Data analysis was carried out in a way that could describe the commonalities and differences between provinces. The views and observations of data collectors about the fields such as the economic, cultural and psychological conditions as well as human rights abuses, and crimes such as destruction of houses, and mass graves have been taken into consideration. The design and development of the questionnaire is indicated as below:

2. Questionnaire development
  - Identification of human rights violations in the past 50 years of Afghanistan:
    - i. Desk research on last 50 years of Afghanistan by studying books such as: Afghanistan in the Course of History, Afghanistan in 20<sup>th</sup> Century, A Guidance on Governments of Afghanistan, and Days and Events of Afghanistan
    - ii. Studying reports such as Peoples' Voice for Justice\*, Justice Project, The Bloody Hands
  - Development of Preliminary Questionnaire
    - i. Two meetings with ACSFo senior employees for evaluating the questionnaire
    - ii. Meeting with Dr. Andrea Fleschengberg of HBS, political scientist and transitional justice activist in post-conflict states for evaluating the questionnaire
    - iii. Trial implementation of the questionnaire
  - Finalizing the Questionnaire
    - i. Section One, 1–13, questions with three options
    - ii. Section Two, 14 – 27, questions with six options
    - iii. Section Three, 28 – 31 and 35 – 36, analytical questions
    - iv. Section Four 31 – 34 Optional Questions
    - v. Section Five Observational Cases
3. 3-day Interviewers Training Workshop
  - Project orientation
  - Human rights and civil society training and an overview of last fifty years
  - Research methodology training by Dr. Andrea Fleschengberg
  - Training on using the questionnaire
4. Using the Questionnaires
  - Section One, using the questionnaires in provinces
  - Return of interviewers from provinces and participating in a 3-day workshop on challenges and opportunities faced in field, exchange of experience and resolving technical problems while using the questionnaires
  - Using the questionnaire in field
  - Field monitoring of research
5. Evaluation of Data Obtained through Questionnaires
  - Evaluation and identifying key provincial findings
  - Identifying crimes and human rights abuses
  - Consolidation of key provincial findings
6. Tabulation
  - Detention Centers and Prisons
  - Rapes
  - Murders
  - Forced Disappearance
  - Psychological Tortures
  - Physical Tortures

- Massacres
- Human Right Violators
- 7. Extracting Figures from Database
  - Developing the database and entering the data of 3600 questionnaires
  - Extracting figures with percentages and graphs
- 8. Report Writing
  - Consolidating the key provincial findings and graphs
  - Comparative analysis of provincial graphs
  - Initial drafting and editing
  - Reviewing of report by national and international staffs
  - English translation
  - Pashto translation
  - Publishing
  - Posting the report in ACSFo website

Appendix 2: List of Human Rights Concerns in the Last Five Decades

Afghan Civil Society Forum (ACSFo)  
People's Defined Violation and Justice

List of issues of concern in context of human rights under

<b>I</b>	<b>Kingdom of Mohammad Zahir Shah i.e. 1933-1973 (40 years)</b>	
<b>1.1</b>	<b>Hashim Khan Premiership (18 years)</b>	
	1.1.1	Imprisonment of intellectuals
	1.1.2	Imprisonment of Leaders of Political Parties.
	1.1.3	Imprisonment of Esmat Ullah Khan, Malik Qais and Mir Zaman along with their families in Paktia Province.
<b>1.2</b>	<b>Shah Mahmud Khan Premiership</b>	
	1.2.1.	Elections of Sharwali (Mayer of City)
	1.2.2.	Elections of Shura-e-Millie (National Assembly)
	1.2.3.	Freedom of Media
	1.2.4.	Formation of Political Parties i.e. Waish Zulmiyan, Hizb-e-Watan, Hizb-e-Kolob-e-Millie
	1.2.5.	Freedom of forming associations
	1.2.6.	First demonstration
	1.2.7.	Publication of newspapers i.e. Angar, Magazine Waish Zulmiyan, Magazine of Nida-e-Watan, Nida-e-Khalq, Wolas and Kolob-e-Millie
	1.2.8.	Imprisonment of Syed Ismail Balkhi, Khawaja Naeem, Mohammad Ibrahim s/o Gawsawar and Mohamad Ali.
<b>1.3</b>	<b>Mohammad Dawood Khan Premiership 1956-1963</b>	
	1.3.1	Nihzet-e-Niswan (a movement for empowerment of women)
	1.3.2	Seize of diplomatic relations between Afghanistan and Pakistan.
	1.3.3	Imprisonment of Abdul Malik, Sibghat Ullah Mujadady, Abdul Rehman Sheenghar and Abdullah, Exclusion of Royal Family from presidency
<b>1.4</b>		
<b>1.5</b>	<b>Mohammad Yousuf's Premiership 1963</b>	
	1.5.1	Deh-e-democracy i.e. Decade of Democracy
	1.5.2	The Constitution of 1964 i.e. 3rd constitution
	1.5.3	Press Law 1965
	1.5.4	Demonstration of students and firing by police
	1.5.5	Putting acid on women by Nowjawnan-e-Musulaman
	1.5.6	Activities of political parties specially Hezb-e-Khalq (PDPA)
	1.5.7	The movement (political) of Shula-e-Jawed
	1.5.8	Hizb-e-Jawanan-e-Musulmanan
	1.5.9	Hizb-e-Afghan Millat
	1.5.10	Hizb-e-Mutaraqi Democrate
	1.5.11	Sadai-e-Afghan
	1.5.12	Setam-e-Millie
	1.5.13	Itehad-e-Millie

2.	<b>1.6</b>	<b>Mohammad Hashem Maindwal's Premiership 1965-1967</b>	
	1.6.1.	The law of political parties	
	<b>1.7</b>	<b>Presidency of Noor Ahmad Itemadi 1967-1971</b>	
	1.7.1	Forceful expulsion of Mullahs from Pol-e-Kheshti Mosque	
	<b>1.8</b>	<b>Dr. Addul Zahir Premiership 1971-1972</b>	
	1.8.1.	Drought and sale of children by poor people	
	1.8.2.	Pashto-Dari controversy in Parliament	
	1.8.3.	Slaughter of a student by Hizb-e-Jawanan-e-Musulmanan at Laghman	
	1.8.4.	Killing of four French citizens at Kandhar	
	1.8.5.	Deterioration of security situation at Kandhar	
	<b>1.9</b>	<b>Mohammad Musa Shafiq's Premiership 1972</b>	
	1.9.1.	Solving the issue of Hilmand river water with Iran	
	<b>The era of 4th Constitution; Republic of Sardar Mohammad Dawood Khan i.e. 1973-1978 (5 years)</b>		
	2.1	Revolt of 26 of Hoot and seizing of power by Dawood	
	2.2	The regime of dictatorship	
	2.3	Holding the 4 portfolios of government by Dawood Khan at a time	
	2.4	Banning Political Parties and press/media	
	2.5	Death of Mohammad Hashim Maindwal in prison	
	2.6	Execution and hanging to death of the associates of Hashim Maindwal i.e. Aarif Shinwari, Nik Mohhamad Saha, Abdulrazaq Maindward,	
2.7	Attest of Ghulam Mohammad Niazi and his associates		
2.8	Delay in formation of Constitution for 4 years as opposed to the promise by Dawood Khan.		
2.9	The fourth Constitution of Afghanistan by Loya Jirga		
2.10	Ban on political activities		
2.11	Initiation of armed movement at Panjshair and Kunar province		
2.12	Flee of Afghans and refugee in other states		
2.13	Killing of Ali Ahmad Khurram (Minister of Planning) in his office.		
2.14	Killing of Inaamul Haq (pilot of Ariana Air Line)		
2.15	Killing of Shair Aqa, Head of Group-e-Millie		
2.16	Finding of 500 dead bodies in a case at Qala-e-Zaman Khan		
2.17	Loya Jirga		
2.18	Election of Aziz Ullah Wasfi as the head of the Loya Jirga		
2.19	Election of Dawood Khan as a president for 6 years		
2.20	Rivalry between Babrak Karmal and Mir Akbar Khyber		
2.21	Joining of 300 Russian Military Advisory in army		
2.22	Killing of Mir Akbar Khyber leader of Hizb-e-Parcham and PDPA		
2.23	Arrest of few people including Noor Mohammad Tarakai and Babrak Karmal, the leaders of Hizb-e-Parcham and PADP on the pretext of contempt of government		

3	<b>Revolt of 7 Sawr and coming into power of Noor Mohammad Tarakai (Communist's regimes)</b>	
	3.1	Killing of Dawood Khan and the rest of his family members. Revolt against Dawood April 1973
	3.2	Seizing citizenship of 13 of the members of Royal Family who were living abroad
	3.3	Uprising of Chindawal and killing of 5000 people
	3.4	Uprising of Bala Hisar
	3.5	Uprising of Herat and killing of 24,000 people
	3.6	Revolt of forces of Raish Koor
	3.7	Killing of Adolf, the US Ambassador
	3.8	Hanging to death of the Ghulam Mohammad Niazi the leader of Nohzat-e-Islami along with associates at Pol-e-Charkhi
	3.9	Issuance of the proclamation of No. 6, eliminating Sood (interest on money)
	3.10	Issuance of the proclamation of No. 7, fixing Towana i.e. marriage/wedding/dowry money for brides @ 300 Af of women
	3.11	Issuance of the proclamation of No. 8, land reforms/socialization of lands. Fixing the limit of owning lands by land lords and distribution of lands among farmers.
4.	<b>Revolt of Hafeezullah Amin i.e. 1978-1979 (1 year); Hizb-e-Demokratic-e-Khalq (PDPA)</b>	
	4.1	Killing of Noor Mohammad Tarakai,
	4.2	Dissemination of a list of 13,000 people killed by the regime of Noor Mohammad Tarakai
	4.3	Uprising at Dara Soof, Samangan Province
5.	<b>Russian aggression and coming in power of Babrak Karmal</b>	
	5.1	Execution and hanging to death of Hafizullah Amin
	5.2	Amnesty and release of thousands of imprisoned people from Pol-e-Charkhi
	5.3	Uprising of the people of Kabul against the Russian aggression and firing by troops causing death and wound of hundreds of people
	5.4	Appointment of Sultan Ali Keshthman as Prime Minster
	5.5	Attack by Russian Troops and government of Kabul at Padkhwabshana Logar and killing of the hundreds of people through the use of chemical gas who took shelter in a canal/Kareez
	5.6	Trespass/ingress of the homes/families by Russain troops at Kunar Province.
	5.7	Use of Nipam Bombs at Shumali
	5.8	Bombardment of the Yakawlang bazaar, Bamyán.
	5.9	Bombardment of the District Goshta and Bathi Kot at Jalalabad
	5.10	Killing of 72 persons at district Kas, Laghman province
6.	<b>Regime of Dr. Najibullah and exclusion of Russian forces from Afghanistan.</b>	
	6.1	Decree of executing to death, six of the Jihadi Leaders in their absence

	<p>6.2 Bombardment of Parachinar i.e. a tribal city situated on the Pakistani side of border between the two states, on the first day of the one sided seize fire.</p> <p>6.3 Drafting of Constitution by Loya Jirga</p> <p>6.4 Appointment of Mohammad Hassan Sharq as Prime Minster</p> <p>6.5 Exclusion of the last troops of Russian forces</p> <p>6.6 Killing of 600 persons because of the bombardment of Russian forces</p> <p>6.7 Formation of troops by Kabul government on the basis of ethnicity/nationality</p> <p>6.8 Appointment of Sultan Ali Keshtman for the 2nd period</p> <p>6.9 Taking over of Jalalabad city by Mujahedeen, 8 March 1989.</p>
	<p>6.10 Killing of 32 persons of Jamiat Islami Afghanistan at Takhar by one of the warlords of Hizb-e-Islami named Syed Jamal</p> <p>6.11 Revolt by General Shahnawaz Tanai and flee of the leaders of the revolt to the tribal areas of Pakistan.</p> <p>6.12 Firing by two of the persons who were surrendered on the government officials wounding of Fazalhaq Khaliqyar, the mayor of Herat</p> <p>6.13 Appointment of Fazalhaq Khaliqyar as Prime Minster</p> <p>6.14 Killing of 6 persons and wounding of 25 persons by Skud Missile of the Tanzeem-e-Mahaz who were gathered for a meeting at Nangerhar Province</p> <p>6.15 Fall of Khost city in the hands of Mujahedeen.</p> <p>6.16 Massacre of the troops of the Kabul government who were surrendered during the fall of Khost province</p> <p>6.17 Powerful explosion at Asadabad city Kunar province, killing and wounding more than 1000 persons</p>
	<p>6.17.1 Firing of 4 Skud missiles on Khowaja Ghar, Takhar Province, 50 people dead and injured, 21 May 1991.</p> <p>6.17.2 Killing of Movlavi Jameel Rehman, leader of Tanzeem Jumaat ul Dawat Afghanistan near boarder area of Bejavar.</p> <p>6.17.3 Release of 1000 government officials who were caught during the fall of Khost</p> <p>6.17.4 Fall of Samangan Province in to the hands of Mujahedin.</p> <p>6.17.5 Formation of Junbesh Millie Islami Afghanistan after fall of Mazar city, 20 March 1992.</p> <p>6.17.6 Taking shelter of Dr. Najibullah in UN compound at Kabul, 6 Apr 1992.</p> <p>6.17.7 Fall of Faizabad city after bloody clash between government troops and Mujahedin, 22 Apr 1992</p>

		6.17.8	Fall of Kandahar, Jalalabad, Gardez, Mehtar Lam and Qalanow in the hands of Mujahedin.
7.	<b>Mujahedin:</b>		
	7.1	Arrival of Mujahedin at Kabul, occupation of government departments led by Sibghat Ullah Mujadady, 28 Apr 2008.	
	7.2	Killing of the persons of the Hizb-e-Islami by Shura-e-Nazar and Junbish-e- Milli at Kabul	
	7.3	Killing of 4 of the leader of Hezb-e-Wahdat at Kabul and start of war between Hezb-e-Wahdat and Itihad Islami	
	7.4	Division of Kabul by armed groups	
	7.5	Transfer of power by Mujadady to Prof. Burhan udin Rabani and Shura Qayady lead by Hayat uallah Mohammad Asif Mohsisni, 28, Jun 1992.	
	7.6	Initiation of the disarmament of Kabul	
	7.7	Fierce fighting between government troops and Hizb Wahdat. Firing of thousands of indiscriminate missiles and other heavy arms on different parts of Kabul causing heavy civilian injuries, 14 July 1992.	
	7.8	Seize fire between government and Hizb-e-Islami after fierce fighting.	
	7.9	Election of Prof: Burhanudin Rabani as President of Afghanistan by Shura-e-Hal wa Aqd	
	7.10	Maturity of the mandate of the government of Rabany but transfer of power did not take place, 31 Oct 1992.	
	7.11	Appointment of Sibghat Ullah Mujadady i.e. 24 Apr 1992 for two months as President of Transitional government.	
	7.12	Agreement between govt. and other Mujahedin for further presidency of Rabani joined with Eng.Gulbadeen as Prime Minister, 8 March 1993. The Mujahedin factions then visited Mecca and swore to end enmity between the rival Mujahedin factions.	
	7.13	Opposition Mujahedin parties who have formed a grand alliance against government in the name of Shurai Hamahangy Inqelabi Afghanistan and started attacking Kabul from 3 sides.	
8.	<b>Taliban: Mullah Mohammad Omar i.e. 1995-2001 (6 years)</b>		
	8.1	Rise of Taliban by occupation of District Speen Boldak, 13 Oct 1994	
	8.2	Fall of Qandhar Province 12 Nov 1994,	
	8.3	Fall of Maidan Province 10 Feb 1995 and fall of Logar Province 11 Feb 1995.	
	8.4	Fall of Head Office of Hizb-e-Islami into the hands of Taliban and Defense Ministry of Afghanistan, Feb 13, 1995.	
	8.5	Killing of Abdul Ali Mazari Head of Hezb-e-Wahdat who was associated prior with Taliban under an agreement.	



	8.6	Bombardment of Talqan Bazar and certain points at Badakhshan Province by Russian planes.
	8.7	Fall of Herat City in the hands of Taliban, Sept 5, 1995.
	8.8	Taking of Dr. Najibullah along with his brother Ahmedzai from UN compound, killing them and handing their dead bodies at Charahi Aryana.
	8.9	Massacre of the people of Shumaly
	8.10	Transfer of the women of Shumaly to Jalalabad
	8.11	Killing of 2,000 Taliban at Mazar
	8.12	Exclusion of Taliban from Northern province
	8.13	Fierce fighting between Hizb-e-Wahdat and Junbish-e- Milli at Mazar, March 14, 1998.
	8.14	Fall of Shiberghan City into the hands of Taliban, Aug 1, 1998.
	8.15	Fall of Talqan City into the hands of Taliban, Aug 8, 1998.
	8.16	Fall of Mazar city into the hands of Taliban and massacre of Mazar City by Taliban, August 8-11, 1998.
	8.17	Fall of Pol-e-Khumry into the hands of Taliban, Aug 12, 1998.
	8.18	Fall of Bamyan into the hands of Taliban, Sept 13, 1998.
	8.19	Taking control of Mazar for the 2nd time and massacre
	8.20	Displacement of around 2,00,000 people because of wars at Kabul, Aug 1999.
	8.21	Banning of Eid-e-Nowroz by Taliban as un-Islamic using force, March 18-21, 2000.
	8.22	Fall of Bamyan in hands of Taliban and massacre at Bamyan Bazaar and Yakawlang.
	8.23	Total destruction of Buddha Bamyan Statues, March 9-11, 2001.
	8.24	Massacre at Kundesht on the way to Kabul to Kandahar
	8.25	Hanging to death of Abdul Haq along with his associates
	8.26	Killing of Ahmad Shah Masood by two Arabs pretend to be journalists at Khowja Bahawdin, 9 Sept 2001.
	8.27	9/11 attacks and change of the world policy towards Afghanistan.
	8.28	US attacks targeting Taliban started, Oct 8, 2001.
	8.29	Hundreds free from Pol-e-Charkhi prison, Nov 13, 2001.
	8.30	Revolt of Taliban in Qala-e-Jangi, hundreds of Taliban and guards killed, Nov 25, 2001.
	8.31	Fall of Jalalabad and Qondozi from Taliban, Nov 22 and 26, 2001.
	8.32	Discrimination on basis of ethnicity /religion/sect/language
9	<b>Current government: Hamid Karzai i.e. 2001-2007 (6 years)</b>	
	9.1	Bon conference and formation of transitional government, Nov 28, 2001.
	9.2	Agreement for deployment of Multi Nation Forces in Afghanistan, Jan 1, 2002.

9.3	Transfer of Taliban and al-Qaida prisoners to Guantonamo Bay, Jan 11, 2002.
9.4	Emergency Loya Jirga
9.5	Constitution of 2002
9.6	Promulgation of the Political Parties Act.
9.7	Promulgation of the Press/Media Law.
9.8	Presidential and Parliamentary Elections
9.9	Development in the activities of political parties, media and civil society organization.
9.10	Political victimization/killings
9.10.1	Haji Abdul Qadir
9.10.2	Dr. Abdul Rehman
9.10.3	Juma Mohammad Mohammadi
9.10.4	Ashraf Ramadan
9.10.5	Killing of Naqshbendi and release of foreign journalist.
9.10.6	Syed Mustafa Kazmi and associates
9.10.7	Civilian death toll in the anti government attacks
9.10.8	Civilian death toll during operations against terrorist.
9.10.9	Bombing of a wedding ceremony in Herawat, Orozgan province by US airplane, Jul 1, 2002.
9.10.10	Censorship of the media/press
9.10.11	Vulnerability of civil society
9.10.12	Insecurity
9.10.13	Suicide bombing
9.10.14	Corruption/embezzlement of public funds by Government officials, Non Government Organizations involved in developmental and welfare activities.
9.10.15	Opium
9.10.16	Proclamation for determination of age as 22 to 30 years for recruitment in armed forces, May 20, 2002.
9.10.17	Sanad-e-Maafiat passed by Parliament

Appendix 3: Questionnaire

How, please explain	Do not know	No	Yes	Question	#
				Is unemployment a cause of violence and human rights violations?	1
				Have you experienced protection of your rights by the government?	2
				Does the destruction of public infrastructure and looting of public property take place by some one?	3
				Does the destruction and looting of historical monuments/sites take place by someone?	4
				Does the destruction of crops and cattle take place by someone?	5
				Do you have information on massacres or evidence thereof?	6
				Did any persons from your family or community disappear or were killed?	7
				Have you ever become a victim of human rights violations?	8
				Do you support the prosecution of perpetrators of human rights violations?	9
				Is the present constitution of Afghanistan acceptable for you?	10
				Is the "Musaleh-e-Millie" i.e. general amnesty of 2007 acceptable for you?	11

				Does the revolt of the 7th of Sawr i.e. on 27th April 1978 resulted in violation of human rights?	12
				Does kidnapping and sexual violence against women take place by someone?	13

Kindly answer by tick marking ( ) relevant column and also mention reason for your answer, if any. Multiple choice questions:

#	Question	Kingdom of Zahir	Dawood Khan Governme	Communist Regime	Mujahidin Rule	Taliban	Karzai Governme	Additional Information (if any)
14	In which period did justice and rule of law implemented the most?							
15	In which period was financial corruption the highest?							
16	In which period was insecurity the highest?							
17	In which period did most forced displacements of the people take place?							
18	In which period did most uprisings of people against the government take place?							
19	In which period was violence against the beliefs of people most widespread?							

20	In which period did most killings of Afghan intellectuals occur?							
21	In which period did most imprisonment of Afghan intellectuals take place?							
22	In which period did the Afghan media experience greatest independence?							
23	When was democracy as “government of the people for the people and by the people” implemented in Afghanistan?							
24	In which period were political crimes and violations largely immune from prosecution?							
25	In which period most extra judicial killings take place?							
26	In which period did most massacres take place?							
27	In which period did women face less rights and freedom as well as violations?							

**Kindly answer the questions by tick marking ( ) any or many of the relevant column and also mention reason for your answer, if any.**





## Open ended/analytical questions

Question	#
Please explain the reasons for becoming a refugee.	28
What are the factors responsible for kidnapping of children?	29
What sort of human rights violations take place against religious and ethnic minorities?	30



<p>What kind of situation was created through the territorial division of the country between the fighting factions?</p>	<p>31</p>
<p>How can perpetrators of human rights violations be brought to justice?</p> <ul style="list-style-type: none"> <li>a. Amnesty</li> <li>b. Public apology and their reintegration into society/community</li> <li>c. Prosecution and imprisonment</li> <li>d. Lustration/disciplinary measures if in public office e.g. political, parliamentarian, teachers, police, civil servants</li> <li>e. Other: _____</li> </ul>	<p>32</p>
<p>Which form of transitional justice are acceptable for you?</p> <ul style="list-style-type: none"> <li>e. Restorative justice e.g. mediation and dialogue (through shuras etc.)</li> <li>f. Retributive justice e.g. prosecution/trials and imprisonment.</li> <li>g. Historical justice e.g. truth-telling and recording of events and violations.</li> <li>h. Compensatory justice e.g. reparation and rehabilitation of victims</li> <li>i. other _____ (Please explain why and for which perpetrators,)</li> </ul>	<p>33</p>
<p>How should victims be dealt with?</p> <ul style="list-style-type: none"> <li>a. Financial compensation for the lost property and/or income e.g. pension, healthcare,</li> <li>b. Symbolic measures such as memorials, museums, commemoration day</li> <li>c. Rehabilitation e.g. of person and records and public/social reputation</li> <li>d. Revenge</li> <li>e. Other: _____ (Please explain why and for which kind of victim.</li> </ul>	<p>34</p>

How can peace and reconciliation be achieved for the reconstruction of the country? What are your views on peace and reconciliation for reconstructing the country?	35
What are your expectations from government in future?	36





**Case study: Provide eye witness information on violation of human rights**

## Appendix 4: Interviewees

This Research Project paid particular attention to gender balance with regards to selection of interviewees. Strict 50% men and 50% women policy was adopted. However, during the implementation due to security problems the proportion changed to 69% men and 31% women.

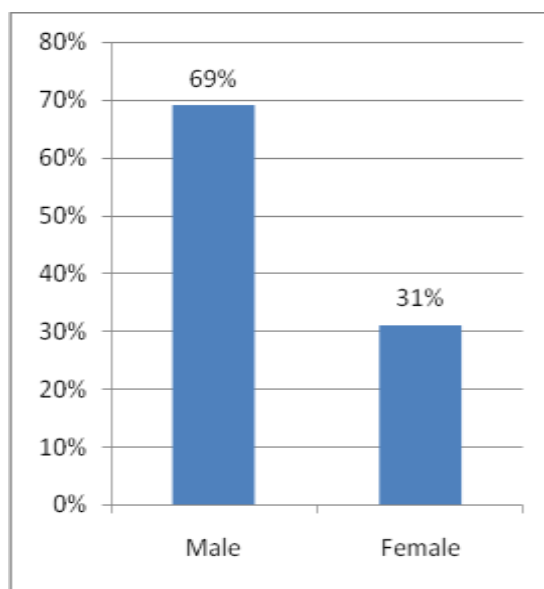


Figure a: Gender ratio of the interviews

The provincial breakdown of male interviewees is: Badakhshan (62%), Balkh (55%), Bamyan (65), Herat (64%), Faryab (63%), Kabul (70%), Kandahar (73%), Nangarhar (79%) and Paktia (92%).

The provincial breakdown of female interviewees is: Badakhshan (38%), Balkh (45%), Bamyan (35%), Herat (36%), Faryab (37%), Kabul (30%), Kandahar (27%), Nangarhar (21%) and Paktia (8%).

The researcher faced many difficulties during the field research in every province. Insecurity, lack of women's interest in the interview, lack of literate women, lack of considerable presence of women in government organizations and NGOS, and tribal traditions were among such problems. Paktia, Nangarhar and Kandahar respectively were the provinces with lowest percentage of female interviewee. Despite women researchers' level best efforts, women in provinces were not able to cooperate.

Interviewees

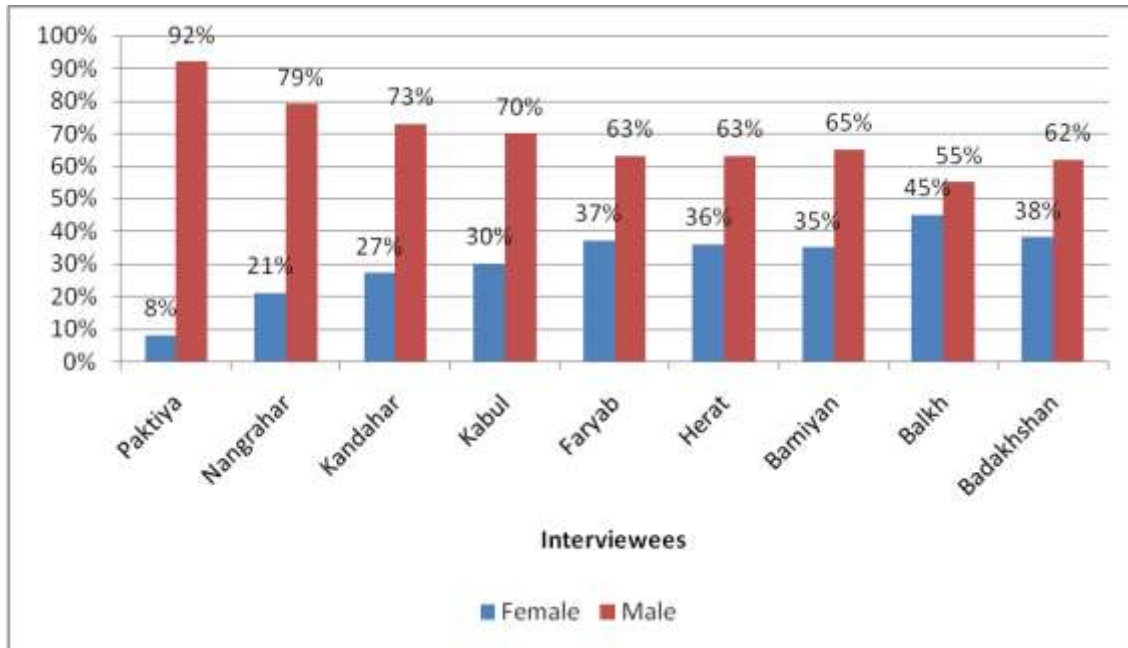


Figure b: Gender ratio of the interviews in the provinces

[Finally] 69% men and 31% women took part in the actual interviews. In none of these provinces, due to the social mosaic and conditions, there were any female religious leaders, drivers, hoteliers, farmers, labors and female political activists. Therefore, the pre-determined percentage was not possible to achieve.

## Appendix 5: Interviewees

No	Accepted Condition			Initial Condition			Elucidation of Interviewees	Interviewee
	Total	Female 34%	Male 66%	Total	Female 50%	Male 50%		
1	60	4	8	60	6	6	Dominant Party	Social and political activists
		2	2		2	2	Parliamentarian	
		2	2		5	5	Member of Provincial council	
		5	5		5	5	District representative	
		4	6		4	4	Opposition Party	
		4	6		4	4	Main Parties	
		4	6		4	4	Active supporters of different parties	
2	36	4	8	36	6	6	Elder spirituals	Intellectuals and religious spirituals
		4	8		6	6	Young spirituals	
		4	8		6	6	Students of faculty of Islamic Studies	
3	48	4	8	48	6	6	Senior Citizens	Society related individuals
		4	8		6	6	Khan, Malik	
		4	8		6	6	Clergy (Mullah Emam)	
		4	8		6	6	Youth	
4	60	4	8	60	6	6	Social workers	Economic and business related individuals
		4	8		6	6	Highway drivers	
		4	8		6	6	Highway private hotels	
		4	8		6	6	Farmers and Labors	
		4	8		6	6	Shopkeepers	
5	50	3	7	50	4	4	University Professors	Professional and Intellectuals
		3	7		6	6	Lawyers and Judges	
		3	7		4	4	Journalists	
		3	7		6	6	Doctors and Engineers	

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		3	7		5	5	Poets and Writers	
6	36	4	8	36	6	6	Experienced Teachers	Teachers and school students
		4	8		6	6	Newly recruited teachers	
		4	8		6	6	Students	
7	36	4	8	36	6	6	Volunteers (local shura)	Civil society activists
		4	8		6	6	Employees of social and civil society organizations (NGOs)	
		4	8		6	6	Social activists Associations and Unions	
8	48	4	8	48	6	6	Unemployed	Victims
		4	8		6	6	Disabled persons	
		4	8		6	6	Main victims	
		4	8		6	6	Those with uncertain future	
<b>Total</b>	<b>370</b>	<b>124</b>	<b>246</b>	<b>370</b>	<b>185</b>	<b>185</b>		



### Appendix 6: Table 1, List of detentions

This Table indicates the detention centers or prisons listed by the respondents, only. It is the outcome of interviews of our research team in the specific provinces. The exact percentage of interviewees is mentioned under the article 2.4.2 Imprisonment of Intellectuals, Page 17.

No.	Province	Period/Year	Place	Details
1	Kabul	Zahir Shah	Deh-Mazang	Freedom seekers such as Hadi Dawi, Abdur-Rahman Mahmoodi, Ghulam Muhammad Ghubar, Sayed Ismail Balkhi and Shuaa were imprisoned here. Now it is Border Police quarters.
2	Kabul	Zahir Shah	Arg Shahi (King's Palace)	This special prison belonged to Zahir Shah used for imprisoning his opponents.
3	Kabul	Zahir Shah	Saraji	This prison belonged to Zahir Shah which was located in Sarai Moti of Saraji. It does not have any proper physical existence now, except for a broken wall and gate.
4	Kabul	Dawood Khan	Sadarat	Khan Muhammad Marastyal, Hashim Maiwandwal, Nek Muhammad Sahak and Arif Shinwari Iqbal (Riksha) were executed in this detention center. It was an important center for torturing and getting forced confessions.
5	Kabul	Communists	Sadarat Square	There was no space in Sadarat detention during the communists for the detainees so the regime converted the cow pen of Ali Ahmad Khan, the Court Minister of Zahir Shah into detentions. This detention center was full of reptiles which were used as a means to torture the prisoners.
6	Kabul	1978 – 2008	Shashdarak	This prison was established during the communists in 1978 by AKSA and is now the detention center of National Directorate of Security(NDS).

7	Kabul	1978	Qala-e-Fathullah	The 12 <sup>th</sup> Directorate of National Security situated in Qala-e-Fathullah of Shahr-e- Now was one of the communists' prisons.
8	Kabul	1978 – 2008	Dar-ul-Aman	The 5 <sup>th</sup> Directorate of National Security currently called the Research Directorate was initially located in Sayed Mansor Nadiri's house and later a detention center was established near it.
9	Kabul	1978 – 2008	Airport	This detention center is in the 1 <sup>st</sup> Directorate of NDS in Kabul Airport which was established during the Communist regime and is still used for the same purpose.
10	Kabul	1992	Dasht-e-Barchi	The <i>Kote Ganai</i> prison belonged to Hizb-e-Wahdat
11	Kabul	1992	Abu Hanifa Mosque	This Hizb-e-Islami prison was situated in Abu-Hanifa Mosque in Bagرامي district of Kabul
12	Kabul	1993	Nadiria High School	The underground floor of Nadiria High School was used as a detention center by Shora-ye-Nizar party
13	Kabul	1992	Bagh-e-Dawood	Etihad-e-Islami prison situated in Bagh-i-Dawood of Paghman district
14	Panjsheer	1980 – 2001	Chah-i-Ahoey Panjsheer	This prison was build inside a mountain in Chah-i-Ahoey of Panjsheer by Jamiat-e-Islami party
15	Laghman	- 2001	Dara-i-Alingar	Hizb-e-Islami's prison in Dara-i-Alingar
16	Kabul	1992	Chahar Asyab	Chahar Asyab prison belonged to Hizb-e-Islami
17	Kabul	1993	Bagh-i-Sarkari	Bagh-i-Sarkari situated in Beni Hesar of 8 <sup>th</sup> District belonging to Hizb-e-Islami
18	Kabul	1992	Seya Sang	Seya Sang prison of Shah Shaheed belonged to Junbish-e- Milli

19	Kabul	1981	Yakh Dara	Yakh Dara prison was situated in Mosahi of Kabul and belonged to Hizb-e-Islami
20	Kabul	1992	Saraji	Qataghan Hotel detention center was situated in Saraji, Kabul city and belonged to Junbish-e-Milli Islami
21	Kabul	1992	Karte Parwan	Karte Parwan district security detention center belonged to Jamiat-e-Islami
22	Kabul	1992	Qargha	Qargha Hotel prison belonged to Jamiat-e-Islami
23	Kabul	1992	Security General Directorate	Jamiat-e-Islami detention center was in Security Directorate
24	Kabul	1992	3 <sup>rd</sup> Security Directorate	3 <sup>rd</sup> Security Directorate opposite to Chinese Embassy belonged to Jamiat-e-Islami
25	Kabul	1992	Khair Khana	Baba Jaan detention center in Khair Khana belonged to Jamiat-e-Islami
26	Kabul	1992	Jada-ye Asmai	Jamiat-e-Islami detention center in National Cinema, Jada-ye Salang
27	Kabul	1992	Beni Hesar	Qala-i-Baghdak prison of Beni Hesar belonged to Hizb-e-Islami
28	Kabul	1992	Beni Hesar	Qala-i-Sardar prison of Beni Hesar belonged to Hizb-i-Islami's Lashkar-i-Isar
29	Kabul	1992	Tourism Directorate	Tourism Directorate's detention center belonged to Jamiat-e-Islami
30	Kabul	1992	Social Sciences	Social Sciences prison belonged to Hizb-e-Wahdat
31	Kabul	1992	University Stop	University Stop detention center belonged to Harakat-e-Islami
32	Kabul	1992	Karte 3	Hizb-e- Wahdat's Prison
33	Kabul	1992	Qargha	Etihad-e-Islami's 8 <sup>th</sup> Division Qargha prison



Appendix 7: Table 2, List of Sexual Abuse

The more extensive descriptions and stories regarding this table are explained under the articles 3.4 Dishonoring Women (Sexual Abuses), Page 44, and 3.5 Abduction of Women and Children, Page 47.

No.	Location	Time/Period	Responsible
1	Shahr-e- Jadid, Badakhshan	Mujahedin	A commander forcefully married the wife of another man
2	Dara-e-Souf, Samangan	Hafizullah Amin/1979	A war broke out between Communist government and people, women were raped by communist troops
3	Bala Blog, Badghis	Militias/1984	Women were taken to unknown location by helicopters, during fight between militias and Mujahedin
4	Barchi, Kabul	Communists/1989	6 women were raped
5	Gozara, Heart	Mujahedin/1979	A 12 year old boy was forced to marry a commander
6	Kandahar	Mujahedin/June 1989	A commander married a boy
7	Afshar, Kabul	Mujahedin/1992	[Sexual violence committed] by Shora-e-Nizar and Etihad Islami
8	Hizb-e-Islami's checkpoints	1992/ Hizb-e-Islami	Commuters were sexually abused at Company and Afshar Dar-ul-Aman in Hizb-e-Islami check points
9	Chilsoton, Kabul	Mujahedin/1993	By Etihad-e- Islami and Hizb-e-Islami forces
10	Karta Parwan, Kabul	Mujahedin/1993	Raping a Hindu woman by Shora-e-Nizar forces
11	Qala-e-Zal, Kunduz	Mujahedin/1993	Raping women by Junbish-e- Milli forces

12	3 <sup>rd</sup> District, Kabul City	Mujahedin/1993	Raping women at Ibn Sina high school by Hizb-e-Wahdat forces
13	Gardiz, Paktia	Mujahedin	Raping of women by local Hizb-e-Islami commanders
14	Jalalabad, Nangarhar	Mujahedin	Hizb-e-Islami commanders sexually abused women
15	Jalalabad, Nangarhar	Mujahedin	Sexual abuse of Hindu women by Hizb-e-Islami commanders
16	Waras, Bamyan	Mujahedin	Raping of women by Nero-e-Pasdarans forces
17	Mazar-e-Sharif, Balkh	Mujahedin	By Junbish-e- Milli Wrestlers (forces)
18	Islam Qala, Heart	Mujahedin	Raping a 12-year old girl by a local commander
19	Kabul City	Mujahedin	Several sexual assaults, by Etihad Islami, Shora-e-Nizar and Junbish-e-Milli
20	Kandahar City	Mujahedin	Raping of women by Harakat-e-Islami commanders
21	Mazar-e-Sharif, Balkh	Mujahedin	Raping of women by Junbish-e- Milli commanders
22	Khoshal Khan, Kabul	Mujahedin	[Sexual assaults] of Etihad-e- Islami forces on Hazara women
23	Barchi, Kabul	Mujahedin/1993	Several cases of raping by Hizb-e-Wahdat and Harakat Islami forces
24	Babu Camp, Pakistan	Mujahedin	Arabs sexual assaults on Afghan refugees
25	Kabul Camp, Jalalabad	Mujahedin	Raping of women and forced marriage of already married women and teenage girls by Mujahedin
26	Shamshatoo Camp, Pakistan	Mujahedin	By Etihad Islami forces

27	Jalalabad, Nangarhar	Mujahedin	Rape of Hindu women
28	Andkhoy, Faryab	Mujahedin	Forced marriage of young girls by local commanders
29	Andkhoy, Faryab	Mujahedin	Several cases of raping by Junbish commanders
30	Bamyan	Mujahedin	Several cases of raping by Hizb-e-Wahdat forces
31	Shamali, Kabul	Taliban	Looting and transporting women to unknown (Jalalabad) locations by minibuses
32	Yakawlang, Bamyan	Taliban/2000	17 women were taken by Taliban forces
33	Shaheedan, Bamyan	Taliban/2000	Sexual assault of 7 women by Taliban forces
34	Jalalabad, Nangarhar	Karzai government	By ISAF forces
35	Helmand	Karzai government	By ISAF forces
36	Kandahar	Karzai government	By ISAF forces
37	Sayed Karam, Paktia	Karzai government	Forced marriage of a 12-year old girl to a local commander, on the accusation of her father being a communist
38	Bagram, Kabul	Karzai government	Sexual assault of translators and journalists by ISAF forces
39	Sar-e-Pol	March	A woman was raped by a local commander
40	Sar-e-Pol	February -2008	A woman was raped by a local commander

**Appendix 8: Table 3, Sample List of Murdered people**

In this sample list the exact full names of all murdered people and provinces are listed. It is in connection with the article 4.1. Murder and Forced Disappearance, Page 58.

No.	Name	Location	Province	Period/Government
1	Mawlawi Noor Muhammad	Kabul	Kabul	Communists
2	Muhammad Hussain Nohzat	Kabul	Kabul	Communists
3	Muhammad Yousuf Benish	Kabul	Kabul	Communists
4	Ustad Fazilat	Kabul	Kabul	Communists
5	Sayed Sarwar Waez	Kabul	Kabul	Communists
6	Mosa Shafeeq	Kabul	Kabul	Communists
7	Muhammad Jan Khoshdel	Kabul	Kabul	Communists
8	Ustad Mohsen	Kabul	Kabul	Communists
9	Muhammad Asif Turkamni	Kabul	Kabul	Communists
10	Shah Telaa	Kabul	Kabul	Communists
11	Ustad Mujahid	Kabul	Kabul	Communists
12	Ghulam Abass (13 yrs old)	Kabul	Kabul	Communists
13	Bashir Bahman	Kabul	Kabul	Communists
14	Ustad Masjidi	Shewaki	Kabul	Communists
15	Abdulullah Mahmoodi	Kabul	Kabul	Communists
16	Yonous Akbari	Kabul	Kabul	Communists
17	Toran Jabar	Kabul	Kabul	Communists

18	Dr. Namat	Kabul	Kabul	Communists
19	Amanullah Paiman	Kabul	Kabul	Communists
20	Alem	Kabul	Kabul	Communists
21	Ghulam Sakhi	Kabul	Kabul	Communists
22	Ghulam Mohammad	Farza	Kabul	Communists
23	Dr. Abdul Hai	Taghab	Kapisa	Communists
24	Mir Baba	Sara-e-Khoja	Kabul	Communists
25	Qaisar	Shewaki	Kabul	Communists
26	Basir	Shewaki	Kabul	Communists
27	Noorullah Payman	Shah Shaheed, Kabul	Logar	Communists
28	Nazir	Kabul	Kabul	Communists
29	Khan Mohammad & his wife	Shah Shaheed	Kabul	Shahnawaz Tanai's Coup
30	Noor	Bini Hesar	Kabul	Shahnawaz Tanai's Coup
31	Jahid	Faizabad	Badakhshan	Communists/Najibullah
32	Dr. Abrar and 8 members of his family	Krala	Nangarhar	Communists/Najibullah
33	Mohammadullah	Krala	Nangarhar	Communists
34	Zia Mohammad	Balkh	Balkh	Russians/Karmal
35	Ghulam Abas	Bagh Faramarz	Herat	Communists/Taraki
36	Juma	Kozargah	Herat	Communists/Amin
37	Abas	Mai Frosh	Herat	Communists/Amin
38	Faisal	Tapa Shamali	Herat	Communists/Amin
39	Ghulam Mohammad	Tapa Ferqa 17	Herat	Communists/Amin

40	Abdul Wahab	Gardiz	Paktia	Communists/Amin
41	Abdul Shkoor	Center	Kandahar	Mujaheedin
42	Ghaws	Khakriz	Kandahar	Mujaheedin
43	Ustad Qurban Ali	Bini Hesar	Kabul	Mujaheedin
44	Waisuddin	Faizabad	Badakhshan	Mujaheedin
45	Ghulam Farooq	Faizabad	Badakhshan	Mujaheedin
46	Amanullah	Gardiz	Paktia	Mujaheedin
47	Ghulam Rasoul	Sayed Karam	Paktia	Mujaheedin
48	Motiullah & two women	Jalalabad	Nangarhar	Mujaheedin
49	Mohammad Agha	Dasht-e- Lailee	Balkh	Mujaheedin/Junbish
50	Sayed Pir Mohammad	Ali Chopan	Balkh	Mujaheedin
51	Ten individuals	Commander Shahzada's compound	Balkh	Mujaheedin
52	Ismail with four persons	Kamar Kalagh	Herat	Mujaheedin
53	Aminullah	Center	Herat	Mujaheedin/Jamiat Islami
54	Ghulam Rabani with three persons	Heart	Mujaheedin	Mujaheedin/Jamiat Islami
55	Mohammad Afzal	Jalalabad	Nangarhar	Mujaheedin
56	Bashi Mohammad	Sayed Khel	Parwan	Mujaheedin/Hizb-e-Islami
57	Rokai	Mazar-e-Sharif	Balkh	Mujaheedin/Junbish
58	Abdul Raouf Pahlawan with two persons	Andkhoy	Faryab	Mujaheedin

59	Tajuddin	Sheberghan	Jowzjan	Mujaheedin
60	Fatah Mawj	Gholbahar	Kapisa	Mujaheedin
61	Pahlawan Ahmad Jan	Panjsheer	Panjsheer	Mujaheedin
62	Mohammad Hussain Noori	Yakawlang	Bamyan	Taliban
63	Haji Mirza	Qarghanato	Bamyan	Taliban
64	Pahlawan Buzkash	Qarghanato	Bamyan	Taliban
65	Haji Nazir	Qarghanato	Bamyan	Taliban
66	Khalifa Mir Afghan	Qarghanato	Bamyan	Taliban
67	Ghulam Nabi	Qarghanato	Bamyan	Taliban
68	Jawad	Qarghanato	Bamyan	Taliban
69	Yaqoub	Qarghanato	Bamyan	Taliban
70	Ghulam Hussain	Qarghanato	Bamyan	Taliban
71	Fazel Ahmad	Center	Bamyan	Taliban
72	Ali Ahmad	Center	Bamyan	Taliban
73	Mohammad Reza	Center	Bamyan	Taliban
74	Gul Ahmad	Center	Bamyan	Taliban
75	Dagarwal Hayatullah	Nek Yakawlang	Bamyan	Taliban
76	A woman	Char Baghcha	herat	Taliban
77	8 year old boy	Karta	herat	Taliban
78	Abdul Latif	Heart	herat	Taliban
79	Ghulam Mohammad	Andkhoy	Faryab	Taliban
80	Akram	Jowzjan	Faryab	Taliban
81	Several relatives of Rasoul Pahlawan	Andkhoy	Faryab	Taliban

82	Malik Khan	Mazar-e-Sharif	Balkh	Taliban
83	Mohammad Mohsen with 17 persons	Dehdadi, Mazar-e-Sharif	Balkh	Taliban
84	Pir Mohammad with 12 persons	Gozar Ala Chopan, Mazar-e-Sharif	Balkh	Taliban
85	Sayed Mustafa Kazemi	Sherkat Qand Road	Baghlan	Karzai government
86	Haji Mohammad Arif Zarif	Sherkat Qand Road	Baghlan	Karzai government
87	Sebghatullah Zaki	Sherkat Qand Road	Baghlan	Karzai government
88	Engineer Abdul Matin	Sherkat Qand Road	Baghlan	Karzai government
89	Saheburahman Hemat	Sherkat Qand Road	Baghlan	Karzai government
90	Nazkamir Sarfraz	Sherkat Qand Road	Baghlan	Karzai government
91	Sayed Ali Jan	Sherkat Qand Road	Baghlan	Karzai government
91	Sayed Sarwar Hussain	Sherkat Qand Road	Baghlan	Karzai government
92	Sayed Ahmad Hussain	Sherkat Qand Road	Baghlan	Karzai government
93	Sayed Sarwar	Sherkat Qand Road	Baghlan	Karzai government
94	Mahfoz	Sherkat Qand Road	Baghlan	Karzai government
95	Mohammad Osman	Sherkat Qand Road	Baghlan	Karzai government
96	58 students	Sherkat Qand Road	Baghlan	Karzai government



### Appendix 9: Table 4, Sample List of Forcefully Disappeared people

In the name column, the exact names of the disappeared people – who are believed to have been killed wildly by the relative regimes – are listed.

This table is connected to the article 4.1. Murder and Forced Disappearance, Page 58.

No.	Name	Location	Province	Period/Government
1	Haji Qayyum	Center	Bamyan	Communists
2	Ali Reza	Center	Bamyan	Communists
3	Abdul Rahman Akhondzada	Center	Herat	Communists
4	Molana Safi	Kota-e-Sangi	Kabul	Communists
5	Loy Khan	Koz Kunar, Shina village	Nangarhar	Communists
6	Awaz	Toti village	Herat	Communists
7	Narogh Malem	Jalalabad	Nangarhar	Communists
8	Hadi	Jalalabad	Nangarhar	Communists
9	Ali Dad	Rabat Neki	Herat	Communists
10	Sayed Alam	Rabat Neki	Herat	Communists
11	Tajuddin and his son	Andkhoy	Faryab	Communists/Amin
12	Mohammad Amin with 24 persons	Qarya Kohna	Faryab	Communists/Amin
13	Aslam Jan	Faizabad	Badakhshan	Communists/Najibullah
14	Shafaq	Yakawlang	Bamyan	Communists
15	Karimi	Yakawlang	Bamyan	Mujahedin

16	Amanullah with his wife and brothers	Shaikhan	Gardiz, Paktia	Mujahedin
17	A fifteen year old girl	Qarya Eisa	Gardiz, Paktia	Mujahedin
18	Ustad Nabi's niece	Qarya Eisa	Gardiz, Paktia	Mujahedin
19	Mohammad Gheyas	Faizabad	Badakhshan	Mujahedin
20	Esmatullah	Laghman	Laghman	Mujahedin
21	Sayed Ali	Yakawlang	Bamyan	Mujahedin
22	Mohammad Ahmadi	Yakawlang	Bamyan	Mujahedin
23	Mohammad Ali	Manogi, Kolak village	Nangarhar	Mujahedin
24	Noor	Lachapur	Nangarhar	Mujahedin
25	Abdul Majid	Jalalabad	Nangarhar	Mujahedin
26	Brader Qasab	Kama	Nangarhar	Mujahedin
27	Ahmad Ali	Yakawlang	Bamyan	Taliban
28	Mohammad Awaz	Yakawlang	Bamyan	Taliban
29	Haji Hashim	Yakawlang	Bamyan	Taliban
30	Mahboob Khan	Yakawlang	Bamyan	Taliban
31	Akbar Kababi	Sayedabad	Bamyan	Taliban
32	Ali Khan	Sayedabad	Bamyan	Taliban
33	Zafan	Sayedabad	Bamyan	Taliban
34	Jawad	Zard Sang, Panj Aab	Bamyan	Taliban

35	Mohammad Naser	Yakawlang	Bamyan	Taliban
36	Zaher	Tapa Hizb-e-Wahdat	Bamyan	Taliban
37	Haji Qayyum	Center	Bamyan	Taliban
38	Rahmat	Qala Eisa Khan	Bamyan	Taliban
39	Sayed Aziz	Yakawlang	Bamyan	Taliban
40	Roshan	Kulangan, Yakawlang	Bamyan	Karzai government

Appendix 10: Table 5, List of Mental Torture

Stories and descriptions concerning this table are expressed under articles 5.1 Prosecution of Human Rights Violators, Page 74 and 5.2 Restitution of Victims’ Rights, Page 76.

No.	Types of Torture	Period/Involved People	Location
1	Insult to ethnicity	Zahir Shah, Dawood Khan, Mujahedin and Taliban	Government offices, public places, educational institutes and prisons
2	Insult to religious belief	Communists, Mujahedin and Taliban	Government offices, public places, educational institutes and prisons
3	Insult to language	Zahir Shah, Dawood Khan, Mujahedin and Taliban	Government offices, public places, educational institutes and prisons
4	Depriving from welfare services	Zahir Shah, Dawood Khan, Mujahedin and Taliban	All levels of life in the country
5	Derogatory titles	Zahir Shah, Dawood Khan, Communists, Mujahedin and Taliban	Government offices, educational institutes and prisons
6	Destruction of houses	Communists, Mujahedin, Taliban and Karzai government	In Kabul and provinces
7	Forced migration	Taliban	Parwan, Bamyán and north Kabul
8	Hanging in front of the prisoners	Communists	Pul-e-Charkhi prison
9	Calling an ethnic group “outsider”	Mujahedin, Taliban and Karzai government	The President of Mujahedin said that Hazaras are the descendents of Genghis and are not from Afghanistan, Taliban used to say “Tajiks should go to Tajikistan, Uzbeks to Uzbekistan and Hazaras to <i>Goristan</i> (graveyard)” in 2008 the representative of nomads in the parliament said “other tribes are migrants and nomads are the original residents of Afghanistan.

<b>10</b>	Killing ethnic leaders	Zahir Shah, Dawood Khan, Communists, Mujahedin, Taliban and Americans	In all provinces and in south Afghanistan during American
<b>11</b>	Imposing particular sect of religion	Taliban	In 1998, Taliban governor in Mazar-e-Sharif warned Hazaras either to convert into Sunni sect or leave the city.
<b>12</b>	Not allowing political participation	Zahir Shah, Dawood Khan and Taliban	In Kabul and provinces, minorities were denied the right to have government jobs
<b>13</b>	Sexual violence	Communists	During investigation in KHAD
<b>14</b>	Cursing	Communists, Mujahedin and Karzai	Intelligence centers and prisons
<b>15</b>	Hanging in public	Zahir Shah, Mujahedin and Taliban	Ghazi stadium, public places in provinces
<b>16</b>	Hanging the cut hands and feet in city squares	Taliban	Ansari, Haji Yaqoub, Kote Sangi and Arianna squares in Kabul city
<b>17</b>	Throwing the dead bodies on the roads	Taliban	War zones of Qala-e-Wazirabad
<b>18</b>	Cutting hand and foot of the accused in public	Taliban	The entire area under Taliban control
<b>19</b>	Suicide attacks	Taliban	Kabul, Kandahar, Ghazni, Balkh, Paktia, Nangarhar and Herat
<b>20</b>	Coloring criminals' face black and roaming them in the city	Taliban	In Kabul and provinces

<b>21</b>	Transferring the prisoners to Americans prisons	Americans	Guantanamo and Bagram
<b>22</b>	Stripping the prisoners during investigation	Americans	Prisons and detention centers
<b>23</b>	Sexual violence against the translators	Americans	Bagram



### Appendix 11: Table 6, List of Physical Torture

Descriptions and stories of this table are explained under the Chapter 5 Transitional Justice including issues related to Human Rights Violations.

No.	Types of torture	Persons involved	Location
1	Solitary confinement	Zahir Shah, Dawood Khan and Communists	Prisons in Kabul and provinces, intelligence offices
2	Imprisoning inside the container	Mujahedin and Taliban	Kabul and Mazar-e-Sharif
3	Pulling out the nails	Communists	Pulling out the nails of hands and feet during investigation
4	Sleep deprivation	Communists	General prisons in Kabul and provinces
5	Biting the bellybutton	Mujahedin	Security headquarters No 2
6	Electrical shock	Communists	Intelligence office (KHAD)
7	Water torture (keeping in water for many days)	Communists	In Sadarat pool
8	Forced stripping	Communists, Mujahedin	In intelligence office (KHAD) during investigation
9	Cutting hands and feet	Mujahedin and Taliban	Private prisons and public places
10	Cutting women's breasts	Mujahedin	Private prisons
11	Beating with chains	Communists, Mujahedin and Taliban	KHAD offices, Mujahedin private prisons and Taliban general prisons
12	Hanging 7-kg soil bags on prisoner's neck	Communists	Pul-e-Charkhi prison
13	Tearing hair, beard and mustache	Communists, Mujahedin	KHAD offices, and private prisons
14	Electric metallic rooms	Communists	Directorate No. 2, Shashdarak
15	Placing prisoners' name in hanging list	Communists	In Pol-e-Charkhi prison
16	Preventing family	Communists, Mujahedin	Pol-e-Charkhi prison, private

	visits	and Taliban	prisons and Taliban security offices
17	Injecting chemical substances	Communists	Pol-e-Charkhi prison (injection sugar and hydrargyrum)
18	Not informing the prisoners about the court's judgment	Zahir Shah, Communists and Karzai government	In Dehmazang and Pol-e-Charkhi prisons, jails and detention centers
19	Light deprivation	Communists	Pol-e-Charkhi prison and KHAD offices
20	Toilet deprivation	Communists	Pol-e-Charkhi prison and KHAD offices
21	Tying accused persons' eyes and firing around them	Communists	In communists prisons in all provinces
22	Underground excavations	Mujahedin	In war zones of Kabul and provinces
23	Walking on mines	Mujahedin	In war zones
24	Feeding urine	Mujahedin	Private prisons
25	Dry shaving of head	Mujahedin and Karzai government	Private prisons, security/intelligence offices
26	Carrying the bullets and ammunitions by prisoners in war fronts	Mujahedin	War zones
27	Hanging by feet and beating with stick	Taliban	Bamyan and every Taliban prison
28	Making the prisoners sit on broken bottle	Mujahedin	Private prisons of Jihadi commanders
29	Beating with gun's stock and stick	Mujahedin and Taliban	On roads and streets of Kabul and provinces
30	Food deprivation	Mujahedin, Taliban and Karzai government	In all prisons of Kabul and provinces
31	Burning the body with cigarette	Communists, Mujahedin and Taliban	In KHAD offices, private prisons and general prisons of Taliban
32	Burning with heated skewer	Mujahedin	Private prisons



<b>33</b>	Putting motorcycle silencer in prisoner's mouth	Taliban	Taliban prisons
<b>34</b>	Keeping the eyes open with matchsticks	Mujahedin	Private prisons
<b>35</b>	Hanging with feet and placing the head inside a water bucket	Mujahedin	Private prisons
<b>36</b>	Rape	Communists, Mujahedin and Karzai government	Rape of women prisoners in Pol-e-Charkhi prison
<b>37</b>	Whipping with cable	Taliban	Taliban controlled areas
<b>38</b>	Making the prisoner sit on wall and hanging weights from the prisoner's feet on both sides	Mujahedin	Dasht Barchi, Kabul city
<b>39</b>	Stroking the genital organ	Mujahedin	Kicking on genital organ during investigation
<b>40</b>	Making the prisoner sit on snow	Taliban	Taliban controlled areas
<b>41</b>	Shaving the head of the prisoner and placing him/her under waterfall	Communists	Kandahar prison

## Appendix 12: Table 7, List of Massacres

This table is related to article 4.7. Massacres, Page 71.

No.	Location	Period/year	Detail
1	Baharak District, Badakhshan	1979	40 persons were murdered
2	Dasht-e- Chimtala, Kabul	Communists	Dasht-e-Chimtala
3	Dasht-e-Laili, Balkh	Taliban	Thousands of people were killed
4	Afshar, Kabul	Mujahedin	Hundreds of people were killed
5	Shamshatoo Camp, Pakistan	1986	Hizb-e-Islami would torture and hang people in Shamshatoo prison
6	Karala, Nangarhar	Communists	1000 to 1200 persons were massacred
7	Chandawol, Kabul	Communists	1300 people in Chandawol uprising
8	Jalalabad, Nangarhar	Communists	As a result of a bombardment, 22 persons were killed
9	Laghman	Mujahedin	10 persons were massacred by a commander of Hizb-e-Islami
10	Jalalabad, Nangarhar	Communists	22 persons were killed 8 persons were injured in a missile attack
11	Sar Aasyab, Bamyan	Taliban	8 persons were massacred
12	Yakawlang, Bamyan	Taliban	Taliban massacred 400 persons in Yakawlang
13	Old village of Andkhoy, Faryab	Communists	5 persons were killed
14	Nijrab District, Kapisa	Communists/1978	Hundreds of people were killed by 666 Commando Division in the public uprising

15	Karho, Laghman	Mujahedin	35 persons were massacred by Hizb-e-Islami commanders in Karho village of Laghman
16	Fooladi, Bamyān	Taliban / 2000	20 persons killed
17	Hajigak, Bamyān	Taliban / 2000	Taliban massacred 20 persons inside a cave in Hajigak
18	Kalagh, Herat	Mujahedin	14 persons of one family were killed
19	Herat	15 March 1979	In this uprising 24000 people were killed
20	Bagh-e-Faramarz, Herat	Communists	In 17 <sup>th</sup> division (Bagh-e-Faramarz) people were massacred
21	Benihesar, Kabul	Communists	5 member of Barshah's family were killed in the coup by Shahnawaz Tanai
22	Balahisar, Kabul	Communists	During uprising of Balahisar in 1979 around 1200 officers and cadets of military university were killed
23	Benihesar, Kabul	Communists	During uprising of Balahisar they opened fire on a bus and killed 23 persons
24	Adraskan, Herat	Taliban	75 persons were killed
25	Baska, Herat	Mujahedin	Some immigrants were killed
26	Sarbalaq, Bamyān	Taliban	5 members of one family
27	Dasht-e-Isa Khan	Taliban	10 persons were massacred
28	Chardeh, Bamyān	Taliban	12 persons were killed
29	Kandahar	Karzai government / 2008	85 persons were killed in Bagh-e-Pol area of Kandahar in 2008 during a dog festival
30	Qarghanato, Bamyān	Taliban	20 persons were massacred in a collective manner

### Appendix 13: Table 8, List of Human Rights Violations

This table gives details of specific types of Human Rights Violations in different periods in the past five decades. Stories and more remarks about the Human Rights Violations are explained under the article 4.6 Victims of Human Rights Crimes and all articles of Chapter 5 Transitional Justice.

No.	Responsible	Period	Location	Type of Violation
1	Zahir Shah	1933-1973	Dehmazang prison	Hundreds of innocent civilians were imprisoned during Premiership of Hashim Khan, Shah Mahmud Khan and Dawood Khan.
2	Zahir Shah	1933-1973	Entire country	Blocking ethnic and religious minorities' political participation, their exclusion from army and police forces, stopping them from pursuing higher education and their non-recruitment in higher government positions.
3	Zahir Shah	1933-1973	Shamali and Kunduz	Grabbing the lands of Shamali and Kunduz residents and distributing them among Pashtuns.
4	Dawood Khan	1973-1978	Entire country	Restricting the freedom of press and political freedoms.
5	Dawood Khan	1973-1978	Kabul	Killings of political dissidents such as Maiwandwal and Noor Mohammad Marastial.
6	Communist regime	1978-1992	Entire Country	Invasion against people beliefs, suppression of dissidents, wanton killings and execution of civilians.
7	Communist regime	1979	Entire Country	Wanton bombardments of Russians and communists in the country.
8	Communist regime	1978-1992	Entire Country	Imprisonments and execution of intellectuals, restricting the freedom of press and political parties
9	Communist regime	1978-1992	Entire Country	War between Uzbek militias and Mujahedin in Kandahar, Ghazni, Logar and Badghis led into civilian casualties.
10	Mujahedin	1993-1996	Kabul	War between Junbish and Jamiat in Kart-e-Now, Arzan Qeemat and Chawk, between Junbish and Hizb-e-Islami in Rahman Mena and Qalacha, between Junbish and Etihad in

				Ministry of Interior, between Jamiat and Junbish in Makroyan and Qala-e-Zaman Khan.
11	Mujahedin	1993-1996	Kabul	War between Hizb-e-Islami and Jamiat in Char Aasyab and Arzan Qeemat and launching shower of rockets to Kabul by Hizb-e-Islami
12	Mujahedin	1993-1996	Kabul	War between Hizb-e-Wahdat with Jamiat in Koh-e-Television, Dasht-e-Barchi, Chandawol, Bagh-e- Qazi, Kabul university, Dehmazang and Dar-ul-Aman.
13	Mujahedin	1993-1996	Kabul	War between Shora-e-Nizar with Hizb-e-Wahdat in West Kabul which resulted in the leader of Hizb-e-Wahdat's surrender to Taliban and West Kabul's bombardment.
14	Mujahedin	1993-1996	Kabul	War between Jamiat and Etihad against Hizb-e-Wahdat and Harakat in Afshar-e-Silo
15	Mujahedin	1978-1996	Badakhshan	Murder of intellectual teachers by Jamiat
16	Mujahedin	1992-1996	Kandahar	War between Jamiat and Hizb-e-Islami
17	Mujahedin	1992-1996	Faryab	War between Junbish with Jamiat in Faryab
18	Mujahedin	1992-1996	Balkh	War between Jamiat and Junbish in Dehdadi, Balkh, and war between Junbish and Hizb-e-Wahdat in Mazar-e-Sharif.  Note: These wars are related to human rights violations in Kabul and provinces. Jihadi leaders and commanders committed murders, wanton hangings, destruction and burning houses, massacre, rape, abduction, looting, forced marriage of young boys with men, and grabbing government properties.
19	Taliban	1996	Kabul	War between Taliban and Shora-e-Nizar
20	Taliban	2000-2001	Parwan	War [between Taliban] and Jamiat
21	Taliban	1999	Faryab	War between Taliban and Junbish
22	Taliban	1999	Balkh	War between Taliban and Hizb-e-Wahdat and

				Harakat
23	Taliban	1999-2001	Dara-e-Soof	War between Taliban and Hizb-e- Wahdat
24	Taliban	1996-2001	Zabul	Mujahedin and Taliban checkpoints in Qalat, Zabul, where they arrested and killed Hazaras.
25	Taliban	2000	Bamyan	War between Taliban and Hizb-e- Wahdat
26	Taliban	2001-2008	Entire Country	Suicide attacks, extra judicial killings, destruction of houses
27	Karzai government	2001-2008	Entire Country	War with Taliban and al-Qaida, failure in combating corruption, unfair distribution of resources, lack of merit based appointment in offices (meritocracy), insecurity, plantation and trafficking of drugs.
28	Kuchies	2007-2008	Behsood	Killings, destruction of forms, house and killing of livestock
29	American forces during Karzai government	2001-2008	Afghanistan	Wanton bombardment, aiding Taliban and al-Qaida to ensure conflict's continuation, violation of human rights in prisons

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