

## I. HISTORICAL NOTE ON AFGHANISTAN

1.1 The state of Afghanistan descends from a Pashtun tribal empire founded in Qandahar in 1747. The capital moved to Kabul in 1775. The state assumed its current boundaries under the rule of Amir Abdul Rahman Khan (1880–1901) and became an officially recognized buffer state under the Anglo-Russian Treaty of 1905. Pursuant to that treaty Afghanistan exercised domestic sovereignty, but its foreign affairs were under the control of the British Government of India. The country gained full independence in 1919, under Amir Amanullah Khan (later King Amanullah).

1.2 From 1747 until 1973 (with the exception of a few months in 1929), the country was ruled by royal dynasties drawn from Pashtun tribes from the Qandahar region. From 1826 to the overthrow of the monarchy in 1973, all rulers, with the exception of Habibullah Kalakani, were members of the Muhammadzai clan.

1.3 Though the rulers of Afghanistan were Pashtun, the country's population is highly diverse. It appears that no group constitutes a majority, though Pashtuns may be the largest. Pashtuns predominate in the southern and eastern parts of the country but are settled in pockets in every region. Tajiks, Sunni Muslims who speak a variety of Persian, predominate in the northeast and west, but are present in most urban areas as well. Uzbeks, along with other speakers of Turki languages, such as Turkmen, live in the far north and northwest. The Hazaras, the only major ethnic group that practices Shi'a Islam, originate in the mountainous Central Highlands (Hazarajat) but are also present in large numbers in Kabul, Mazar-i Sharif, and other cities. There are many smaller ethnic groups, such as Baluch, Pashai, and Nuristanis. Families claiming descent from the Prophet Muhammad (sayyids or sadat) have a special status among all groups.

1.4 Through 1978, the Afghan state was officially a Sunni Muslim one, recognizing the Hanafi school of jurisprudence. Under the constitution of 1964, this school of jurisprudence was recognized as a source of law in the absence of other provisions, and no law could contradict the "basic principles of the sacred religion of Islam." Religious scholars (ulama) predominated in the judiciary. The current constitution of the Islamic Republic of Afghanistan grants recognition to both the Hanafi Sunni school and to Shi'a schools followed in Afghanistan.

1.5 Since the reign of Amir Abdul Rahman Khan, the administration of Afghanistan has been de jure highly centralized, with all provincial governors, judges, and police appointed from Kabul in a prefectoral system. This weak centralized state co-existed with local societies that governed themselves largely by customary law. During the war and destruction since 1978, this de jure centralized structure survived and was reaffirmed in the constitution of 2004. This de jure centralization coexists with the decentralized, non-institutionalized exercise of de facto power in many areas.

1.6 The last king of Afghanistan, Muhammad Zahir Shah, who enjoys the title of the Father of the Nation under the constitution of 2004, reigned from 1933, when his father, Nadir Shah, was assassinated, to 1973. From 1963 to 1973, Zahir Shah reigned as a constitutional monarch with a parliament elected according to the constitution of 1964. This period became known as "New Democracy" or the

“Decade of Democracy.” In 1973, Zahir Shah’s cousin, Prince Muhammad Daud Khan, overthrew him in a military coup and abolished this system. Daud Khan, who had been prime minister from 1953 to 1963, established a republic with himself as president. He was in turn overthrown and killed in a military coup in April 1978.

1.7 This coup brought to power a government dominated by the People’s Democratic Party of Afghanistan (PDPA), a factionalized, pro-Soviet, leftist party. Like other political groups, including Islamist organizations, the PDPA had organized itself during the period of New Democracy. It was divided into two factions: Parcham, an ethnically mixed faction largely drawn from urban elites, and Khalq, a largely Pashtun faction recruiting from newly educated men of rural background.

1.8 Afghanistan was one of three Muslim states (with Iraq and Turkey) that were members of the League of Nations, and it joined the United Nations in 1946, soon after its founding. Through most of the Cold War, until April 1978, Afghanistan pursued a policy of nonalignment and received aid from both the Soviet and US-led blocs. Because Afghanistan made territorial claims against its US-allied neighbor Pakistan, its military was trained and equipped primarily by the USSR. Hence pro-Soviet officers in the military were better placed than others to seize power. There were numerous other political groups in the country, most of them tiny and without national organization. These included Islamist groups, originally organized at Kabul University, who later formed part of the resistance to the PDPA-led regime and its Soviet backers.

## II. EXECUTIVE SUMMARY

2.1 Afghanistan has not been at peace for over a quarter-century. The December 2001 Bonn Agreement provided a rough road map to the rebuilding of institutions of government, but the brief transitional process outlined in that Agreement can at best mark the beginning of recovery from decades of destruction. The legacy of the past is visible today in the physical ruin of the country: its shell-cratered cities, mined fields, and burned orchards, vineyards, and villages. It is apparent in the physical and psychological scars borne by the Afghans, a people who have endured a brutal revolution from above, foreign occupation, and relentless civil war fuelled by foreign interference. No document can fully describe what the Afghans have lived through. Every Afghan has a story to tell, or many stories, of suffering and loss, and also of those responsible: the armies, militias, commanders, and gunmen—some Afghan, some foreign—who fought each other for ideals, political power, money, and revenge. Some victims became perpetrators, and some perpetrators became victims in a cycle of violence that has slowed but not yet ended.

2.2 This report is a compilation of some of the existing documentation by UN agencies, international and Afghan human rights organizations, humanitarian organizations, journalists, scholars, and others on violations of human rights and humanitarian law committed by all parties to the Afghan conflicts between April 27, 1978, and December 22, 2001. The sources consulted are mainly limited to those published in English and French. Important sources in the languages of Afghanistan and Russian have been mentioned but not studied in depth. This report hopes to establish a baseline for further documentation.

2.3 The report describes the nature of the conflict through its various phases: the April 1978 coup d'état that brought to power the pro-Soviet, factionalized People's Democratic Party of Afghanistan (PDPA); the months of repression that followed and the uprising it sparked; the Soviet invasion and occupation; the conflict between the PDPA government and the resistance (the mujahidin) after the Soviet withdrawal; the collapse of the PDPA, renamed the Watan (Homeland) Party, that ushered in a new civil war among mujahidin parties and other militia forces; the emergence and reign of the Taliban; and the defeat of the Taliban in late 2001 by the US-led coalition and allied Afghan commanders. In each phase, the report outlines the pattern of human rights violations and violations of international humanitarian law committed by the parties to the conflict, Afghan and non-Afghan, as they have been documented or reported by the sources consulted for this report.

2.4 Under the first government of the PDPA-led Democratic Republic of Afghanistan (DRA), dominated by the Khalq faction, human rights organizations and independent experts have documented the mass arrests, torture, and executions carried out by party activists and the government's security forces. Those targeted included leaders of social, political, or religious groups and others who were considered potential threats or who resisted the government's reforms. Thousands more were jailed without charge or trial. Former prisoners at the Pul-i Charkhi jail described severely crowded conditions, disease, scant food, torture, and regular summary executions of prisoners.

2.5 The imposition through violence of radical measures, in particular those that threatened the Islamic basis of the state's legitimacy, sparked local revolts and mutinies of major army garrisons. A mass flow of refugees began to arrive in Pakistan and Iran. When army garrisons mutinied, the government lost control of the provinces, and the resistance movement began to organize and supply itself in Pakistan. As rural revolts coalesced into a larger movement, refugees reported large-scale massacres of civilians in reprisal for alleged support to the resistance—the mujahidin.

2.6 As the political and security situation deteriorated, the Soviet leadership—which had supported the government established by the PDPA coup but became alarmed at the expanding resistance movement—decided to intervene to end President Amin's rule. On December 27, 1979, a large-scale airlift brought thousands of Soviet commandos to Kabul, while tens of thousands of troops arrived overland. Amin was killed in the Darulaman Palace by a special KGB unit sent to capture or kill him. A new government dominated by Parcham and led by Babrak Karmal took power, though Khalqis retained important positions in the officer corps and the ministry of the interior.

2.7 The new government, unlike the previous one, was largely under the control of the Soviet Union, whose troops soon approached the 100,000 mark, and which had advisers in every ministry. The KGB established a new Afghan organization, modeled on itself, combining domestic and international intelligence functions with those of a secret police and covert-action organization. The new organization was called Khidamat-i Ittila'at-i Dawlati, the State Information Services, known by its acronym, KhAD. Its founding leader was Dr. Najibullah.

2.8 Although the Karmal government declared an amnesty and freed thousands of prisoners who had been held by the Amin regime at Pul-i Charkhi, it then embarked on its own pursuit of suspected opponents. According to human rights groups and UN reports, captured mujahidin combatants were generally executed on the spot. KhAD maintained and enforced control in the cities through arbitrary arrest, torture, imprisonment, and execution. According to human rights groups and former Afghan officials, tens of thousands of people were arrested in Kabul alone. There was no due process, and virtually everyone arrested was tortured.

2.9 The Soviet invasion sparked a nationwide resistance movement. During the early 1980s, reports indicated that the USSR, with the help of its Afghan allies, pursued a counter-insurgency strategy that included punitive, indiscriminate bombing, cordon and search operations, massacres, and reprisal killings of civilians. According to available human rights reports, when the resistance attacked a military convoy, Soviet and Afghan forces often attacked the nearest village. If a region was a base area for the resistance, they reportedly bombed the villages repeatedly. Most of these bombings, reported by Western observers as well as Afghan refugees, disregarded the laws of war that require military action to be directed against military targets in a proportionate manner.

2.10 The counter-insurgency and repression drove five to six million Afghans (about a third of the population) into exile as refugees, mostly in the neighboring countries of Pakistan and Iran. The Soviet forces and Afghan government reportedly

also laid and distributed various forms of antipersonnel mines throughout the country, sometimes by prohibited means that make the mapping and systematic removal of mines impossible. Refugees described deliberate efforts to destroy the rural economy by burning crops, fields, and villages, and slaughtering livestock.

2.10 The USSR withdrew its forces from Afghanistan under the 1988 Geneva Accords, negotiated through the good offices of UN Secretary-General Javier Perez de Cuellar through his personal representative, Diego Cordovez. These Accords consisted of four instruments signed by Afghanistan, Pakistan, the US, and the USSR. These agreements provided for the withdrawal of all Soviet forces, the end of external interference in Afghanistan, superpower guarantees, and the return of refugees. The US insisted that the obligations of the two guarantors were “symmetrical,” and that it retained the right to aid the opposition as long as the USSR aided the government. The Soviet withdrawal was completed in February 1989, but aid to both sides continued.

2.11 After the Soviet withdrawal, the government, now known again as the Republic of Afghanistan, abandoned its ideology and undertook some reforms. Abuses continued, though not at the same level as during the Soviet intervention. The government had control over most urban areas. Government forces reportedly continued to bomb some rural areas, killing civilians, but the government increasingly relied on militia forces, some of them former mujahidin, to maintain control.

2.12 According to available credible sources, throughout the 1980s, the US, Pakistan, Saudi Arabia, and China armed and trained Afghan Sunni resistance groups, while Iran did likewise with Shi’a ones. The Pakistani intelligence agency, the Inter-Services Intelligence Directorate (ISI) was reported to be the major foreign operational organization on the ground with the Afghan resistance. It was primarily responsible for delivering the weapons purchased from China and Egypt with funds reportedly provided by the US and Saudi Arabia and transported to Pakistan by the CIA. After 1985 the US reportedly also delivered aid “unilaterally” to certain commanders, such as Ahmad Shah Massoud, Abdul Haq, Jalaluddin Haqqani, and Amin Wardak.

2.13 According to human rights sources quoted in the report, mujahidin forces committed various kinds of abuses. They executed Soviet prisoners—often in brutal ways. They executed captured Afghan military officers or others judged to be “communists” after trial for the Islamic crime of “apostasy.” Some mujahidin groups and commanders engaged in assassinations and other forms of extra-judicial killing in Afghanistan and Pakistan to eliminate factional rivals or political opponents. Elements of the mujahidin began to rocket Kabul and other cities and engage in acts of terrorism, such as setting off car bombs. During offensives against government controlled areas, some mujahidin and their Arab allies from the group that came to be known as al-Qaida committed serious abuses, including summary executions of suspected “communists” and rape.

2.14 Power shifts within the Soviet Union and its ultimate dissolution in December 1991 paved the way for Moscow and Washington to agree to cease military aid to their respective clients as of January 1, 1992. While the UN urgently sought agreement from the Afghan parties on a political settlement, mujahidin and former

militia forces positioned themselves to fill the anticipated power vacuum. Under pressure from the UN, on March 18, 1992, President Najibullah announced his intention to resign, but he was blocked from leaving the country on April 16 by rebel Parchami forces at the airport, and he took refuge in the UN compound in Kabul. On April 25, forces of the newly formed “Northern Alliance” of non-Pashtun mujahidin and former regime militias from Northern Afghanistan entered Kabul and took control of the major government institutions, while other mujahidin and militia forces, largely composed of Pashtuns, took control of various neighborhoods. According to press reports and human rights groups, some of these armed groups summarily executed members of the former government.

2.15 Over the next four years, Kabul was engulfed in a violent power struggle that left tens of thousands of civilians dead and destroyed large portions of the city. Human rights groups have documented atrocities committed by forces under the command of senior commanders from all of the major factions. These include indiscriminate and disproportionate bombardment of civilians—attacks that, according to humanitarian agencies, killed tens of thousands and drove hundreds of thousands more to seek refuge as displaced persons or as refugees in other countries. Hizb-i Islami, the Islamic party, led by Gulbuddin Hikmatyar, rocketed Kabul relentlessly for three years. Jamiat-i Islami/Shura-i Nazar (led by Burhanudin Rabbani and Ahmad Shah Massoud), Junbish-i Milli (led by Abdul Rashid Dostum), Hizb-i Wahdat (led by Abdul Ali Mazari), and Ittihad-i Islami (led by Abd al-Rabb al-Rasul Sayyaf), launched indiscriminate artillery and mortar attacks and other bombardments of civilian targets.

2.16 The main contenders for power were reported to have summarily executed captured combatants and civilians, often in particularly brutal ways, according to human rights groups. In some cases, these amounted to massacres of hundreds or thousands of detainees. Some faction leaders reportedly assassinated political opponents. All groups maintained detention centers where torture was reportedly widely used, and where some detainees were summarily executed.

2.17 Human rights researchers have documented massacres of large numbers of civilians carried out on the orders of senior faction leaders. According to existing reports, some armed groups—notably Hizb-i Wahdat and Ittihad—took civilians hostage during episodes of fighting. Many of those detained disappeared. Individual commanders with all of the armed factions detained persons for the purpose of extortion.

2.18 For the first time in the war, armed factions engaged in mass rape as a weapon of war. According to human rights reports, Ittihad-i Islami, Jamiat/Shura-i Nazar, Junbish, Hizb-i Wahdat, and Hizb-i Islami all used rape to punish civilians in neighborhoods under the control of rival armed factions. The victims of rape were targeted because of their ethnicity as well as gender.

2.19 Outside Kabul, fighting was less intense, but the country became fragmented as each region and sub-region came under a different de facto authority. Civilians traveling by road were at the mercy of commanders who demanded tolls and often abducted and raped or abused them.

2.20 The Taliban emerged from this period of lawlessness. They were the product of the network of private, rural-based madrasas (religious schools) in the Pashtun areas of southern and eastern Afghanistan and the neighboring areas of Pakistan, which offered the only education available to a generation of Afghan refugee and rural boys. Pakistan and Saudi Arabia were reported to have provided the military and financial resources to make the Taliban an effective military force. According to independent experts, by 2000 the Taliban's fighting force included an estimated eight to fifteen thousand non-Afghans.

2.21 During their conquest of predominantly non-Pashtun areas of northern Afghanistan, Taliban forces engaged in a systematic pattern of violations of international humanitarian law, including massacres of civilians. They were particularly brutal toward ethnic Hazaras and other Shi'a, whom they considered to have deviated from Islam. The Taliban operated as a relatively centralized military force. A number of top commanders responsible for major operations moved around the country as front lines shifted. The names of these commanders recur in witness testimony about the violations.

2.22 In areas they considered to be bases for resistance to them, Taliban forces undertook "scorched-earth" tactics, burning down homes, fields, and entire villages. These incidents have been documented by the UN and human rights organizations, and the results are still plainly visible, for instance, in the Shamali plain north of Kabul. The Taliban also systematically destroyed the means of livelihood of civilian populations in areas they wished to depopulate, apparently to prevent local residents from providing assistance to opposition forces.

2.23 In areas under their administrative control, the Taliban imposed harsh restrictions aimed at controlling the civilian population. Many of these restrictions targeted women, prohibiting them from working outside the home except in limited circumstances and forbidding girls from attending school, at least above the primary level. The Taliban also prohibited women from appearing in public without their bodies and faces completely covered and ordered men to wear untrimmed beards and attend mosque. They reportedly enforced these restrictions with violence; Taliban police beat women and men on the streets for violating dress codes, detained women who appeared outside the home unaccompanied by a male relative or who appeared to be in the company of men who were not their relatives, arrested men with trimmed beards for re-education, and beat or whipped men not attending mosque.

2.24 Throughout the period of the war, various armed groups implemented a harsh interpretation of shari'a law, including public execution of murderers, amputation of the hands of thieves, and the stoning to death of convicted adulterers. The Taliban's Islamic Emirate institutionalized such punishments as part of its system of rule. It also executed accused homosexuals by burying them alive under clay or brick walls that were pushed over. The Taliban authorities coerced young women or girls into forced marriages with Taliban soldiers.

2.25 The post-1992 period also saw wholesale destruction of Afghanistan's rich cultural heritage. During the rule of the mujahidin in Kabul, the famous Kabul museum was rocketed and looted. Priceless archeological treasures were trafficked abroad with the connivance of some officials. The Taliban, under the influence of

their extremist international allies, destroyed the giant Buddhas of Bamiyan, internationally known symbols of the country's pre-Islamic past. They also destroyed other lesser known, precious sculptures from Afghanistan's Greco-Buddhist past, banned music, and persecuted contemporary artists.

2.26 In response to the September 11, 2001, attacks on the US, US forces provided arms and financial support to Northern Alliance commanders opposed to the Taliban as well as to independent commanders in southern and eastern Afghanistan. In its bombing campaign against the Taliban, the US used cluster munitions, which killed civilians, and occasionally struck civilian targets. Combatants captured by the US have been detained for prolonged periods without charges or access to any judicial procedure to examine their status. There are persistent reports of ill-treatment and torture of some of those detained.

2.27 As areas of northern Afghanistan came under Northern Alliance control, some Northern Alliance forces attacked local Pashtuns, beating men, raping women, and abducting civilians for ransom, according to human rights groups. When Taliban forces in Kunduz were taken prisoner in November 2001, at least several hundred died while being transported in overcrowded container trucks. Some were reported to have been summarily executed. US forces are reported to have been present during some of these abuses and to have carried out abusive interrogations of some captured combatants or suspected combatants.



### III. THE REGIME OF TARAKI AND AMIN:

**April 27, 1978 – December 27, 1979 / Sawr 7, 1357 – Jaddi, 6 1358**

3.1 In April 1978 a political crisis in Kabul led to a coup d'état that set off the series of armed conflicts that continue in Afghanistan over twenty-six years later. The mysterious assassination of a Parchami leader, Mir Akbar Khyber, on April 17, 1978, led to massive demonstrations in Kabul, to which President Daud responded by ordering the arrest of the PDPA leaders. In response to these arrests, military officers affiliated with the PDPA launched a coup, captured the Arg (presidential palace), and killed Daud, his family, and several of his closest collaborators on April 27, 1978. A few days later these officers handed power over to the Revolutionary Council of the PDPA, which proclaimed the Democratic Republic of Afghanistan (DRA). The PDPA called this coup the "Sawr Revolution," after the Persian zodiacal month (Sawr is the sign of Taurus) in which it occurred.<sup>1</sup>

3.2 Nur Mohammad Taraki, general secretary of the PDPA, leader of the Khalq faction, became president of the Revolutionary Council and prime minister; Babrak Karmal, leader of the Parcham faction, and Hafizullah Amin, the other major Khalqi leader, became deputy prime ministers. Taraki appointed Parchami Lieutenant General Abdul Qadir as Minister of Defense and Parchami Nur Ahmad Nur as Minister of the Interior. A new secret police agency reporting directly to Taraki, known as AGSA, was headed by Khalqi and Taraki loyalist Asadullah Sarwari.<sup>2</sup> According to human rights reports and scholarly studies cited below, prominent political leaders of previous governments were immediately arrested and some executed. Large numbers of Soviet advisers arrived and moved into government offices and educational institutions.<sup>3</sup>

3.3 Conflict soon broke out again between Parcham and Khalq. In July six leading Parchamis, including Babrak Karmal and his successor Najibullah, were sent abroad as ambassadors. In August a group of Parchami army officers were arrested for planning a coup, and Taraki and Amin purged Parcham from the administration.<sup>4</sup>

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<sup>1</sup> For a minute-by-minute, nearly contemporary account of the coup, see Louis Dupree, Red Flag Over the Hindu Kush, Pt. II: The Accidental Coup, or Taraki in Blunderland, American Universities Field Staff, Asia series, No. 23, (Hanover, New Hampshire: AUFS, 1980). For differing evaluations see Bhabani Sen Gupta, Afghanistan Politics, Economics and Society: Revolution, Resistance, Intervention (Boulder, Colo.: Lynne Rienner, 1986) 17–31; Henry Bradsher, Afghanistan and the Soviet Union (Durham, N.C.: Duke Press Policy Studies, 1983) 53–73; and Anthony Arnold, Afghanistan: The Soviet Invasion in Perspective (Stanford, Cal.: Hoover Institution, 1985) 67–73. Gilles Doronsorro, La révolution afghane: Des communistes aux talibans (Paris: Karthala, 2000) and William Maley, The Afghanistan Wars (London: Palgrave Macmillan, 2003) 25–31 present accounts using Soviet sources opened since that time.

<sup>2</sup> AGSA is an acronym in Pashto for Da Afghanistan Gato Satonki Idara—Administration for the Protection of the Interests of Afghanistan. After Amin assassinated Taraki in September 1979 and took full power, he renamed it KAM, Kargari Istikhbarati Muassisa—the Workers' Intelligence Agency. On personnel changes, see Anthony Arnold, Afghanistan's Two-Party Communism: Parcham and Khalq (Stanford, Cal.: Hoover Institution, 1983).

<sup>3</sup> Maley, The Afghanistan Wars 27–31.

<sup>4</sup> Arnold, The Soviet Invasion in Perspective 74–75.

3.4 Khalq proceeded with a program of radical social change and mass repression. It launched quickly formulated reforms in land tenure, rural debt, and marriage and started a literacy program, even as the newly formed political police, AGSA, arrested and killed thousands.<sup>5</sup> President Taraki set the tone, announcing that “Those who plot against us in the dark will disappear in the dark.”<sup>6</sup> The new government also changed school textbooks, removing Islamic instruction and replacing it with “political science,” namely instruction in Soviet-style Marxist-Leninist lessons.<sup>7</sup> Reports spoke of young cadres who had suddenly come to power mocking Afghans who prayed, including elders.<sup>8</sup> The imposition of these measures, in particular those that seemed to strike at the Islamic basis of the state’s legitimacy, helped spark local revolts and, more threateningly, set off mutinies of major army garrisons.<sup>9</sup> In Herat, where captains Ismail Khan and Alauddin Khan of the 17<sup>th</sup> Division played leading roles in the revolt on 24 Hut 1357 (17 March 1979), the regime lost control of the city for an entire week, and it regained control only after a massive bombing campaign, reportedly carried out by the Soviet air force from bases in Central Asia.<sup>10</sup>

3.5 These developments caused concern in the Soviet Union, which had become increasingly committed to the Sawr Revolution. Brezhnev and Taraki signed a treaty of “friendship and cooperation” in Moscow in December 1978,<sup>11</sup> but control over events eluded the Soviets. The Afghan regime’s extreme radicalism and repression contributed to the growth of the resistance, which, along with the elimination of Parcham, alarmed Moscow. In a meeting of the Soviet Politburo on March 17, 1979, during the Herat uprising, Soviet Premier Alexei Kosygin complained that “Amin and Taraki alike are concealing from us the true state of affairs” and “have continued to execute people who do not agree with them.”<sup>12</sup> Yet the DRA’s strongman, Hafizullah Amin, resisted Moscow’s attempts to make him change his policies.

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<sup>5</sup> On the “reforms” and mass arrests see M. Nazif Shahrani, “Introduction: Marxist ‘Revolution’ and Islamic Resistance in Afghanistan,” in Revolutions and Rebellions in Afghanistan: Anthropological Perspectives, eds. M. Nazif Shahrani and Robert L. Canfield, Research Series, no. 57 (Berkeley: University of California Institute of International Studies, 1984) 3–56; Olivier Roy, Islam and Resistance in Afghanistan (Cambridge: Cambridge University Press, 1986) 84–97; Barnett R. Rubin, The Fragmentation of Afghanistan: State Formation and Collapse in the International System (New Haven: Yale University Press, 2002, first edition 1995) 112–115; and Maley, The Afghanistan Wars 28.

<sup>6</sup> Anthony Hyman, Afghanistan under Soviet Domination (London: St. Martin’s Press, 1984) 108 citing Kabul Times, May 3, 1979.

<sup>7</sup> See testimonies by a number of students in Michael Barry, “Repression et guerre soviétiques,” Temps Modernes 407 (June 1980): 171–234.

<sup>8</sup> Barry, “Repression et guerre soviétiques,” reproduced testimonies from Afghans who said that party members asked them if they were “doing sports” when they prayed.

<sup>9</sup> Roy, Islam and Resistance in Afghanistan 99, 108, 119. Rubin, The Fragmentation of Afghanistan 118; Maley, The Afghanistan Wars 60–62.

<sup>10</sup> Ismail Khan served as governor of Herat province from the fall of the Taliban until September 2004 and remains an influential figure in western Afghanistan. Alauddin Khan was assassinated, reportedly by a Taliban agent, on August 4, 1996. The fullest account of this uprising in French or English is in Dorronsoro, La révolution afghane.

<sup>11</sup> Bradsher 96–98.

<sup>12</sup> Maley, The Afghanistan Wars 31, citing James G. Hershberg (ed.), “New Evidence on the Soviet Intervention in Afghanistan,” Cold War International History Bulletin (1996–97), 8–9: 138–139.

3.6 The Soviet leadership together with Taraki sought to remove Amin in September 1979, but the plan failed.<sup>13</sup> Amin fled from a planned ambush and instead assassinated Taraki several days later. Amin asked Pakistan to relay to the United States a request to help him maintain his independence from Soviet pressure.<sup>14</sup> Meanwhile, the taking of American hostages in Tehran had increased Soviet expectations of American intervention in the region. In a curious case of blowback, the Soviet leaders started to believe disinformation spread by the KGB about Amin's being a CIA agent.<sup>15</sup> Fearful of the collapse or defection of their Afghan clients, and of the ability of the United States to exploit either outcome, the Politburo decided on December 12, 1979, to intervene militarily in order to replace Hafizullah Amin's government with one dominated by Babrak Karmal's Parcham.<sup>16</sup>

3.7 On December 27, 1979, Amin was "eliminated" in an operation carried out by Department 8 of Directorate S of the First Chief Directorate of the KGB. The heads of these two units, Vladimir Krasovskii and Vadim V. Kirpichenko, flew to Kabul to supervise the operation, which was under the operational control of Krasovskii's deputy, A. I. Lazarenko. The assault group succeeded in killing Amin and a number of his relatives. A bomb blast knocked out the Kabul telephone system, and at 8:45 P.M., after the operation had been completed, a radio station in the USSR transmitting on the frequency of Radio Kabul broadcast a recording of Babrak Karmal announcing the overthrow of Amin and requesting Soviet assistance.<sup>17</sup>

3.8 The lack of formal bureaucratic or legal procedures makes it more difficult to attribute responsibilities for many of the killings and other abuses during this period. Some individuals named below had governmental responsibilities for various acts of repression, but the PDPA (after July 1978, the Khalq faction only) had a separate, though overlapping, party hierarchy, as in other Leninist states. Much of the repression in the countryside was carried out by teams of party activists who operated outside the framework of state authority.

3.9 As noted above, immediately after the April 27, 1978, coup, Taraki appointed Parchami Lieutenant General Abdul Qadir as Minister of Defense and Parchami Nur Ahmad Nur as Minister of the Interior. A new secret police agency reporting directly to Taraki, known as AGSA, was headed by Khalqi and Taraki loyalist Asadullah Sarwari. Sarwari remained at his post until the failed attempt to assassinate Amin in September 1979. Abdul Qadir and Nur were removed in July 1978. Taraki kept the defense portfolio for himself and named General Muhammad Aslam Watanjar to Interior. Watanjar became Minister of Defense from March to July 1979 and was replaced at Interior by another Taraki loyalist, General Sher Jan Mazdoor. Watanjar then became Minister of the Interior again. After Amin's coup in

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<sup>13</sup> Arnold, The Soviet Invasion in Perspective 83; Maley, The Afghanistan Wars 32.

<sup>14</sup> Maley, The Afghanistan Wars 90.

<sup>15</sup> Steve Coll, Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden: From the Soviet Invasion to September 10, 2001 (New York: The Penguin Press, 2004) 47.

<sup>16</sup> Gupta 83–84; Bradsher 126–88; Joseph J. Collins, The Soviet Invasion of Afghanistan: A Study of the Use of Force in Soviet Foreign Policy (Lexington, Mass.: Lexington Books, 1985); Maley, The Afghanistan Wars 34; Hershberg 165–166.

<sup>17</sup> Maley, The Afghanistan Wars 34, citing Soviet sources.

September 1979, Watanjar, Mazdooryar, and Sarwari, along with the future Minister of the Interior, General Sayyid Muhammad Gulabzoy, fled to the Soviet embassy. Amin kept the defense portfolio for himself. He renamed AGSA as KAM (Workers Intelligence Agency) and appointed first Aziz Ahmad Akbari and then Dr. Asadullah Amin as its head. Faqir Muhammad Faqir became Minister of the Interior.<sup>18</sup>

### **A. Patterns of Human Rights Violations<sup>19</sup>**

3.10 From the establishment of the DRA until his death, Amin was the strongman of the regime, and its actions bore the imprint of his brutality and radicalism, reminiscent of the attempt by the Khmer Rouge to establish a new society by exterminating all representatives of the old one.<sup>20</sup> Dr. Sima Samar, chairman of the Afghan Independent Human Rights Commission, summarizes the human rights practices of the regime very simply: “Any Khalqi could kill anybody.”<sup>21</sup> Dr. Abdullah Osman, a medical doctor who now lives in the US and witnessed the events as a prisoner, was one of several who reported that he heard “with my own ears” the commander of Pul-i Charkhi prison, Sayyid Abdullah, say, “It is enough for a million people to remain alive in Afghanistan. We need a million Khalqis, and we don’t need any others. Whoever they are, we will eliminate them.” He told the detainees in Pul-i Charkhi, “You are here because you are the enemies of the regime. You are here to be interrogated, to rot, and to be eliminated.”<sup>22</sup> The behavior of Sayyid Abdullah exemplifies the lack of even repressive legal regulation at that time.

3.11 Since the Afghan state still maintained its presence throughout the country when the PDPA came to power, the government was able to arrest tens of thousands of people in both urban and rural areas.<sup>23</sup> Many disappeared with no trace to this day. These arrests were not initially intended to suppress rebellion, because the arrests preceded the rebellion. As the reports cited below show, the regime tried proactively to wipe out leaders of social, political, or religious groups that it identified as enemies. Its agents tortured captives not solely as an interrogation tactic, but to humiliate, punish, and annihilate them, and many were executed in a variety of ways. The murder and disappearance of tens of thousands of educated professionals in a country with such a low level of education and training left a vacuum that haunts the country

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<sup>18</sup> On these personnel changes, see Arnold, Afghanistan’s Two-Party Communism.

<sup>19</sup> Reports of human rights violations in this chapter are generally based on fewer sources than reports in subsequent chapters. At the time, human rights reporting was not as developed as it became later, and Afghanistan was a country of marginal concern to global politics. The country received much more attention after the Soviet intervention, and the extremely traumatic but relatively short period (twenty months) between the coup and the intervention has never received as much attention as the following periods. This chapter reflects those gaps in the existing sources of information, which, it is hoped, will be filled in by future investigations.

<sup>20</sup> The comparison to the Khmer Rouge was first made by Olivier Roy, L’afghanistan: Islam et modernité politique (Paris: Editions du Seuil, 1985).

<sup>21</sup> Sima Samar, personal interview, 26 July, 2004, Geneva.

<sup>22</sup> The first quotation in Persian is, “Sirf yak miliun nafar kafist kih dar afghanistan zinda bashad. Ma az yak miliun Khalqi kar darim, wa digar az hich kas kar nadarim. Har kas kih bashad, az bayn mibarim.” Barry “Repression et guerre soviétiques,” 183.

<sup>23</sup> Roy, Islam and Resistance 96; Rubin, Fragmentation 137; Maley, The Afghanistan Wars 99–101.

today, though each succeeding regime's persecutions also contributed further to the destruction of Afghanistan's educated class.

3.12 The implementation of the reform decrees often sparked revolt, not only because of their content, but because they were imposed from above through violence. In his first report to the UN Human Rights Commission, the Special Rapporteur on Afghanistan, Professor Felix Ermacora of Austria, stated:

“According to the information received by the Special Rapporteur, both the content and the method of application of these decrees created opposition. Several eyewitnesses described to the Special Rapporteur the manner in which the military authorities and, in certain cases, civilian governors had attempted to enforce the application of the reforms contained in the decrees described above. In the main, this applied to the rural areas. According to information received by the Special Rapporteur, resistance to these reforms was met with harsh reprisals, including the eventual disappearances of hostages taken, in the traditional custom, whenever measures of a certain drastic nature were to be applied. This, in turn, led to action against the government and to violence between civilians in the village areas and the military. During this period, it is reported, several party members and soldiers were killed and wounded.”<sup>24</sup>

3.13 Under the “traditional custom” to which Professor Ermacora refers, the government would take hostages from influential families of an area where it intended to intervene. The hostages would be treated as honored guests, with the understanding that if the government met with resistance they would not be allowed to return. Harming such “guests” invariably created blood feuds and escalated a dispute into a revolt. Both sides therefore normally took care to avoid such a turn of events. When the Khalqis' policies met with resistance, however, they killed the hostages without returning the bodies or informing the families; hence they “disappeared,” and the areas staged uprisings.<sup>25</sup>

3.14 When army garrisons called upon to suppress such uprisings mutinied, the government lost control of the provinces, and the resistance movement began to organize and supply itself in Pakistan, where it also received some “non-lethal” equipment (radios and medical supplies) from the United States, beginning in July 1979.<sup>26</sup> As local rural revolts coalesced into a larger movement of jihad, refugees quoted below reported the first large-scale massacres of civilians in reprisal for alleged support of the mujahidin, a pattern that was to intensify in the subsequent period, as documented in the appropriate chapters.

3.15 During this time thousands of political prisoners were incarcerated in Pul-i Charkhi prison, the largest prison in Asia.<sup>27</sup> President Daud had started its construction. The late British journalist Anthony Hyman described the prison:

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<sup>24</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1985/215) para. 68.

<sup>25</sup> Roy, *Islam and Resistance* 99–100; Rubin, *Fragmentation* 184–187.

<sup>26</sup> Coll, *Ghost Wars* 42–43.

<sup>27</sup> Maley, *The Afghanistan Wars* 17.

“Pul-i Charkhi is a great wheel composed of eight multi-storied blocks, with watchtowers and high walls cutting off the prison from the main road south to Jalalabad and the border, just a mile away. The prison was not completed in the spring of 1978, when the new regime’s wave of arrests made it essential to use its ample accommodation for 5,000 prisoners, so as to relieve pressure on Kabul’s old Deh Mazang prison. Intended as a modern-style, progressive prison by its designers, Pul-i Charkhi failed from the first to satisfy elementary rules of hygiene, quite apart from its other defects; floors were unfinished concrete, water pipes had not been connected, and there was no water closet, and all other necessary works were suspended after occupation.”<sup>28</sup>

3.16 The tortures and executions in Pul-i Charkhi prison became part of the legends of this time, which form part of the Afghan national memory.

### **B. Arrests, Political Persecution, and Summary Execution**

3.17 The coup itself was accompanied by summary executions. At least one coup participant, Major Daud Tarun, was reported to have summarily executed thirty Air Force officers who had surrendered to him.<sup>29</sup> Daud Khan, his brother Muhammad Naim Khan, and most of their immediate family members were killed in the cabinet room after refusing to surrender, and the regime secretly buried them in a mass grave. Daud and Naim attempted to fight but were armed only with pistols.<sup>30</sup>

3.18 Those arrested and killed over the next twenty months included other members of the royal family; political leaders and officials of previous governments; religious scholars and spiritual leaders; high school teachers and students; university professors and students, including leading scholars; lawyers and judges; government and diplomatic officials; military officers; Parchamis, Maoists, Social Democrats, and members of Islamic political organizations; Hazaras and Nuristanis (ethnic groups whose homelands have been the last incorporated into the Afghan state and who were among the first to revolt); and local dignitaries in many parts of the countryside.<sup>31</sup> The US ambassador, Adolph Dubs, was also murdered after being kidnapped by apparent Maoists on February 14, 1979. He died during a bungled rescue attempt undertaken in defiance of a US request for delay. Hafizullah Amin also denied US requests for an investigation, leading to the termination of US official assistance to the country.<sup>32</sup>

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<sup>28</sup> Hyman 109.

<sup>29</sup> Hyman 76.

<sup>30</sup> Hyman 76–77; Abdul Ghani Umarzai, Shabha-yi Kabul: Khatirat-i Yak Afsar-i Nizami, Jurianat-i Pusht-i Pardah Du Daha-yi Akhir-i Afghanistan, Asrar-i Kih Nikhostin Bar Ifsha Migardad [Kabul Nights: Memories of an army officer, Behind the scene events of the last two decades in Afghanistan. The secrets that are revealed for the first time] (Peshawar: Sabah Kitab Khana, 1995 [1374]) 48. Reference supplied by Ahmed Gholam.

<sup>31</sup> Amnesty International, The Disappeared (London: 1979) 64–65, lists categories of the population that were arrested in Kabul, as does Roy, Islam and Resistance 95–97. Roy also gives a partial list of religious figures arrested and killed in the provinces. Dupree Red Flag, Part VI 9 distinguishes six purges in Kabul, but, as he notes, “The arrests and executions never stopped.”

<sup>32</sup> Arnold Afghanistan’s Two-Party Communism 82–83. Arnold reports that Soviet advisers directed the Afghan police who bungled the operation. He also reports that the kidnappers were summarily executed after being captured.

3.19 The day the PDPA took power, according to Amnesty International, all ministers, many officials of the last government, and members of the royal family were arrested. The royal family had been defined by the constitution of 1964 as the descendants in the male line of Nadir Shah and his four brothers. Zahir Shah and his immediate family were already largely in exile. The regime detained all other members of the royal family, and in a decree of June 12, 1978, it stripped twenty-three of them of their Afghan citizenship.<sup>33</sup> In October 1978, seventy-three women and children of the royal family were released from detention and allowed to emigrate.

3.20 The government told Amnesty International that three of the ministers were released, along with women and children of the royal family, but, as of September 1979, “All other men remain[ed] imprisoned without trial. Approximately 50 of them [were] members of the royal family, the majority of this group are professionals and artists who have not held official positions, at least two of them over 75 years old.”<sup>34</sup> Among those killed was Muhammad Musa Shafiq, who served as the last prime minister under New Democracy in 1972–73 and was a graduate of both al-Azhar Islamic University in Cairo and Columbia University Law School in New York. Prime Minister Nur Ahmad Etemadi also disappeared. Among those detained and later released was Abdul Ahad Karzai, the father of President Hamid Karzai and former deputy chair of the Wolesi Jirga (lower house of parliament). Box 3.1 provides a list of some of the more prominent figures arrested at that time, some of whom were summarily executed and some of whom were later released, most of them after the Soviet invasion and the assassination of Hafizullah Amin.

**Box 3.1 Prominent Afghan Officials Arrested Immediately After The PDPA Coup**

**DETAINED AND SUMMARILY EXECUTED OR DISAPPEARED:**

Nur Ahmad Etemadi, Prime Minister, 1967–1971.  
 Muhammad Musa Shafiq, Prime Minister, 1972–1973.  
 Wafiullah Samiye, Minister of Justice, 1977–1978.  
 Waheed Abdullah, Minister of Foreign Affairs, 1977–1978.  
 Ghulam Haidar Rasuli, Minister of Defense, 1975–1978.  
 Abdul Ali Wardak, Chief of Central Forces, Ministry of Defense.  
 Muhammad Akbar, Chef de cabinet of President Daud.  
 Salahuddin Ghazi, member of royal family.  
 Sahib Jan, Commander of President Daud’s bodyguard.  
 Baz Muhammad Mangal, Counselor to President Daud.  
 Muhammad Rahim Panjshiri, Counselor to Zahir Shah.  
 Abdulillah, Deputy Prime Minister and Minister of Finance, 1978.  
 Abdul Qadir Nuristani, Minister of the Interior, 1975–1978.

**DETAINED AND RELEASED, MOSTLY IN JANUARY 1980:**

Dr. Abdul Majid, Minister of State, 1977–1978.  
 Abdul Tawab Asefi, Minister of Mines and Industries, 1975–1978.  
 Dr. Abdul Qayoum Wardak, Minister of Education.

<sup>33</sup> E/CN.4/1985/21 para. 67(e).

<sup>34</sup> Amnesty International, Violations of Human Rights and Fundamental Freedoms in the Democratic Republic of Afghanistan ASA 11/04/79 (London: 1979) 6–7.

Dr. Mohammad Majid Seraj, Minister of Public Health.  
Dr. Abdul Rahim Nawin, Minister of Information and Culture, 1973–1978.  
Dr. Abdullah Omar, Minister of Public Health.  
Dr. Abdul Ghafar Rawan Farhadi, Deputy Minister of Foreign Affairs, ambassador to France; currently (2004) he is Afghanistan's Permanent Representative to the United Nations.  
Sabahuddin Kushkaki, Minister of Information and Culture, 1972–1973.  
Juma Muhammad Muhammadi, Minister of Water and Power, 1976–1978; became Minister of Mines and Industries in 2002 and died in an unexplained plane crash in the Arabian Sea off Karachi, February 24, 2003.  
Dr. Abdullah Omar, Minister of Public Health, 1975–1978.  
Azizullah Wasifi, Minister of Agriculture and Irrigation, 1975–1978; currently head of the National Unity Party of Afghanistan.  
Dr. Ibrahim Seraj, Minister of Education, 1977–1978.  
Dr. Abdul Karim Atai, Minister of Communications, 1975–1978.  
Ayub Aziz, Governor of Qandahar.  
Ghausuddin Faiq, Minister of Public Works, 1973–1978.  
Abdul Hakim, Minister of Agriculture and Irrigation, 1969–1971, Governor of Kabul, 1977–1978.  
Dr. Walid Hoquqi, Minister of Law, December 1972–1973.  
Dr. Abdul Samad Hamid, Minister of Planning, 1967–1969, Deputy Prime Minister.  
Eng. Muhammad Kabir, Minister of Public Works, 1955–1963.  
Abdul Ahad Karzai, Deputy Chair of the Wolesi Jirga (lower house of parliament); father of President Hamid Karzai, assassinated by presumed Taliban, 1999.  
Two sons of Ghulam Muhammad Sherzad, Minister of Mines and Commerce, 1957–1963.  
Abdul Qader Sulaiman, diplomat, member of royal family.  
Ali Shah Sulaiman, Army General (retired in 1950s), member of royal family.  
Ghulam Muhammad Sulaiman, Deputy Minister of Foreign Affairs, 1956–1963, member of royal family.  
Sultan Aziz Zikria, Governor of Qandahar.  
Mahmud Farani, writer.

Sources: Amnesty International, Violations of Human Rights and Fundamental Freedoms ASA:11/04/79 (London: Amnesty Publication 1979); Louis Dupree, “Red Flag over the Hindu Kush, Part V: Repressions, or Security through Terror Purges I–IV,” American Universities Field Staff Reports (1980), Asia, no. 28; Abdul Ghafoor Wassil Wardak, personal communication, July 5, 2005

Note: This list is not exhaustive. Abdul Ghafoor Wassil Wardak, chief of Kabul gendarmerie under President Daud, estimates that several thousand people were killed in the first week after the coup, when he was also arrested.



3.21 Those listed in the box are only the better known and most prominent of those swept up in the initial arrests and executions. The American scholar Louis Dupree, who was then living in Kabul, spoke of “thousands” being arrested at the time.<sup>35</sup> These were added to political prisoners held by President Daud’s and previous regimes. These included former Finance Minister Abdul Malek Abdul Rahimzai, who had been held without trial since 1957. He later died in prison. Islamists and leftists (other than Khalqis and Parchamis) arrested by Daud also remained in prison. Amin told Amnesty International in October 1978 that none would be tried or released except those “who were not against the revolution.”<sup>36</sup> Many of these, including nearly all the Islamists, were later executed, as documented below.<sup>37</sup>

3.22 For the first few months of the “revolution,” Khalq and Parcham shared power. Indeed, during the mass killings immediately after the coup, Parchamis controlled the ministries of both defense and interior, including control over the prisons. In the summer of 1978, however, Khalq and Parcham split again. The major Parchami leaders were sent abroad as ambassadors, but many more were arrested. In August the regime charged (rightly) that Parchamis and some of their sympathizers were planning a coup, which led to more arrests (including an estimated 800 military officers), torture, and executions.<sup>38</sup> Box 3.2 provides a partial list of those Parchami leaders arrested.

**Box 3.2:** Members of Parchami faction and allies arrested by Taraki-Amin regime, 1978

Lt.-Gen. Shahpoor Ahmadzai  
Dr. Mir Ali Akbar, Head of Jamhuriyyat Hospital  
Sultan Ali Kishmand, former Minister of Planning, later Prime Minister  
Sulaiman Laeq, poet and author of DRA anthem, head of Radio-Television Afghanistan  
Nezamuddin Tahzib, Minister of Border Affairs  
Maj.-Gen. Abdul Qadir  
Lt.-Col. Muhammad Rafi, Minister of Public Works

3.23 From mid-August through November, “a massive dragnet swept up many in the urban middle class suspected of harboring ‘neutralist’ ideas toward the regime.”<sup>39</sup> Many “confessed” to plotting against the revolution in collusion with various enemies. The methods of torture used to obtain confessions are described below. In

<sup>35</sup> Dupree, Red Flag, Part V 3. Dupree was arrested on November 25, 1978, during a purge of the universities. For an account of his arrest, interrogation, and expulsion from Afghanistan, including his observations of the torture of prisoners with electric shocks, beatings, and other measures, see Dupree, Red Flag, Part VI.

<sup>36</sup> Amnesty International, Violations of Human Rights and Fundamental Freedoms 6–7.

<sup>37</sup> The only Islamist prisoner not executed was Abdul Rabb al-Rasul Sayyaf, whose later activities are described below. When all the Islamist prisoners were moved from the old Deh Mazang prison to Pul-i Charkhi, Hafizullah Amin personally intervened to make an exception for Sayyaf, who was related to his mother’s family. Hence, when orders were given to execute all the Islamists in Pul-i Charkhi, Sayyaf was not among them. He was released in the amnesty after the Soviet invasion and escaped to Pakistan. (Roy, Islam et modernité politique.)

<sup>38</sup> Dupree, Red Flag, Part V 5.

<sup>39</sup> Dupree, Red Flag, Part V 5.

late 1978 a purge of the universities began, with mass arrests of faculty and students at Kabul University and the University of Nangarhar in Jalalabad.<sup>40</sup>

3.24 Numerous testimonies describe these mass arrests. To pick one example at random, here is what one woman from Herat told the Afghan Independent Human Rights Commission (AIHRC) in 2003:

(a) “About thirteen days after the beginning of Hafizullah Amin’s regime [presumably in September 1979], my brother, who was a student in Kabul University’s Faculty of Literature and Journalism, was taken out of the class by a university teacher named Dilara Mihak. She handed over my brother, named Sayed Ahmed Zia, to her husband Ubaidullah Mihak, who was a commentator on German Radio [Radio Alman]. According to the eyewitness Ubaidullah Mihak put a black mask on my brother’s face and took him to an unknown place. Since then we don’t know anything about his whereabouts.

(b) “Two days later my father who was a medical doctor was taken from our residence in the Wazir Akbar Khan neighborhood of Kabul [a relatively wealthy area where many embassies are located]. He was taken out by Amin’s government intelligence services called AGSA.”<sup>41</sup>

3.25 The father also disappeared.

3.26 In early 1979 the regime began to focus on the religious establishment and religious opposition. It was already battling small revolts led by religious leaders in parts of the country. On January 18, 1979, the government arrested Muhammad Ibrahim Mujaddidi, known as Hazrat Sahib of Shor Bazaar, probably the single most prominent Muslim figure in Afghanistan, along with 138 members of his family. He headed the leading private madrasa in Afghanistan, in the Shor Bazaar neighborhood of Kabul. The vast Mujaddidi family, descended from a prominent Islamic scholar in seventeenth-century India, were the spiritual leaders of the Naqshbandi Sufi order in Afghanistan, Central Asia, and South Asia. They headed a network of madrasas all over Afghanistan and traditionally ratified the Islamic legitimacy of the rulers of Afghanistan. All ninety-six of the males were apparently executed the night of their arrest, while forty-two women and children were detained.<sup>42</sup> According to Dupree, over 200 other relatives and followers of the Mujaddidis were also arrested in Herat, Qandahar, Paghman, and Logar, the major centers of their religious influence.<sup>43</sup> Other religious figures killed included the Pir-i Naqshbandi (spiritual leader) of Purchaman, Farah, named Haji Bahauddin Jan, along with his two sons; the main Islamic teacher (mudarris) of Maymana, Mawlawi Alauddin, who was killed with a number of his students and several dozen high-school students; a dozen influential religious leaders from Lawlash, Faryab; two religious leaders in Ghalmin, Ghor; and at least two Mawlawis in Qandahar.<sup>44</sup>

<sup>40</sup> Dupree, *Red Flag*, Part V 5.

<sup>41</sup> Afghan Independent Human Rights Commission, Herat Zone (Kabul: Transitional Justice Section, 2003).

<sup>42</sup> Dorronsoro, *La révolution afghane*.

<sup>43</sup> Dupree, *Red Flag*, Part VI 6

<sup>44</sup> Roy, *Islam and Resistance* 96.

3.27 These are only a few of the more prominent people arrested during this time. But, as the reports cited below show, tens of thousands of unknown people were also caught up in the purges and persecutions throughout the country.

3.28 In 1986, Special Rapporteur Felix Ermacora wrote:

“A witness belonging to the government medical service in Herat informed the Special Rapporteur that, in the course of the construction of a military compound near the fish market, the bodies of 154 men had been discovered, chained in groups of seven. The witness stated that the stage of decomposition of the bodies indicated that the persons had been killed before the foreign intervention in December 1979. It may therefore be concluded that these persons were among those who disappeared between 1978 and 1979.”<sup>45</sup>

3.29 In 1989, he again reported:

“The question of disappeared persons has again been brought to the attention of the Special Rapporteur, including some specific cases which the Special Rapporteur has not been able to verify. The Special Rapporteur received in particular in the Naser Bagh camp [in Peshawar, Pakistan] a list of 30 persons who allegedly disappeared on 22 May 1979, during the Taraki-Amin government, in the sub-district of Shighal, district of Asmar, Kunar province. A list of the names of these persons is reproduced in annex I to the present report. The Special Rapporteur is of the view that an in-depth investigation of the reported disappearances would be warranted.”<sup>46</sup>

3.30 The list of the disappeared given to Professor Ermacora is reproduced in Box 3.3.

**Box 3.3:** List of Persons who Disappeared on 22 May 1979, Shighal, Kunar

Wakil, s/o Muhammad Akbar	Nimatullah Khan, s/o Nur Muhammad
Faghir, s/o Muhammad Akbar	Gulab Shir, s/o Gul Wali
Darim Khan, s/o Mir Akbar	Muhammad Zarin, s/o Muhammad Rahim
Pardel Khal, s/o Muhammad Khan	Habibullah, s/o Amir Jamal
Ilm Khan, s/o Muhammad Khan	Shabghadr, s/o Nimatullah Khan
Musa Khan, s/o Abdullah Khan	‘Ayn Gul, s/o Hazratuddin
Abdul Rahman, s/o Mu’min	Hazrat Muhammaduddin, s/o Tuti
Rahmatullah Khan, s/o Abdullah	Nadir, s/o Ghazi
Jan Muhammad, s/o Rahmatullah	Mujahid, s/o Sadbar
Rason Mullah	Amir Sultan, s/o Islam Khan
Abdul Wali, s/o Abdul Ghana	Tur Khan, s/o Mubariz Khan
Hazratullah, s/o Abdul Ghana	Muhammad Husain, s/o Tur Khan
Hazrat Wali, s/o Abdul Wali	Nur Muhammad Khan, s/o Nur Rahim
Najmuddin, s/o Muhammad Mir	Khan, s/o Nur Rahim

<sup>45</sup> [United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” \(E/CN.4/1986/24.\)](#) para. 47.

<sup>46</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1989/24) para. 16.

Source: E/CN. 4/1989/24 para. 16.

3.31 Today, as the Afghan Independent Human Rights Commission's regional offices collect information about past human rights violations, people press upon them the memories of those who disappeared at that time. Witnesses in Herat stated that, after the anti-government uprising in Herat in March 1979, one official "arrested about 72 people and killed them and threw them in a lake." Another reportedly arrested at least four others who disappeared. Two other party officials named by the witness killed about 27 people.<sup>47</sup> Box 3.4 lists those victims whose names were given. They may be among the approximately 2,000 bodies found in a mass grave northeast of Herat in 1992.<sup>48</sup> The total number killed in the suppression of the Herat uprising is often estimated at 25,000, including the victims of bombing, reportedly by Soviet planes coming from Central Asia, but no systematic study has been done.

**Box 3.4:** Some people who disappeared after the Herat uprising in March 1979

Haji Abdul Ahad  
 Haji Dad Muhammad  
 Haji Aminullah  
 Wakil Ahmad s/o Murtaza  
 Haji Muhammad Jan s/o Mullah Barat  
 Haji Hafizullah s/o Haji Nuruddin  
 Haji Siddiq  
 Nadiullah s/o Habibullah  
 Amrullah s/o Abdullah  
 Akbar Jan s/o Habib Khan Shikiba  
 Zabihullah s/o Haji Nasruddin  
 Gausuddin s/o Gulistan  
 Haji Yar Muhammad s/o Sayyid Muhammad  
 Abdul Hakim s/o Habibullah  
 Arbab (village head) Aziz Shakiban Marwi  
 Nuruddin Shakiban Marwi  
 Muhammad Amin Shakiban Marwi  
 Saduddin Shakiban Marwi  
 Akbar Khan Shakiban Tajiki  
 Abdul Shukur, teacher of the Shakiban  
 Ghulam Sakhi  
 Muhammad Hashim  
 Haji Bismillah, brother of Muhammad Hashim  
 Abdullah Naseh  
 Abdul Majeed, shopkeeper  
 Ghulam Ghaus, teacher

Source: Afghan Independent Human Rights Commission, Herat Zone.

3.32 Testimonies of former prisoners collected by Michael Barry and later translated and published in Jean-Paul Sartre's journal, Temps Modernes, make it clear what happened to the disappeared. Former prisoners told of frequent nightly executions in Pul-i Charkhi prison. Among many examples, Dr. Abdullah Osman recounted how approximately 120 Islamists who had been arrested by Daud for plotting an uprising were executed in one night, June 4, 1979, according to

<sup>47</sup> Afghan Independent Human Rights Commission, Herat Zone.

<sup>48</sup> Dorronsoro, La révolution afghane.

Dorronsoro.<sup>49</sup> The prisoners attempted to stage an insurrection on the way to the execution ground and were reported to have resisted from 10 P.M. to 4 A.M.. All were eventually shot in Pul-i Charkhi, except for five or six wounded survivors, who, witnesses said, were beaten to death by an officer named Basir, who said he would not waste bullets on such dogs.<sup>50</sup> This may have been an incident that supposedly occurred during the night of May 31–June 1, 1979, reported to Professor Ermacora by Azizullah Ludin, a former prisoner who today is the head of the anti-corruption unit in the office of the president of Afghanistan:

“Shots fired in the prison courtyard had been heard by the witness, who was told by the prison guards that about 118 prisoners were being executed. The shooting was followed by the departure of buses carrying the bodies, some of them still showing signs of life.”<sup>51</sup>

3.33 This was not a very unusual night. Professor Ermacora continued:

“The testimony of a former female detainee of Poli Charki likewise revealed that during her detention between May and November 1978 she had several times heard shooting in the prison courtyard along with the departure of the corpses of prisoners in buses [note the plural].”<sup>52</sup>

3.34 Officials would appear many nights in Pul-i Charkhi prison with lists of people to be executed. The victims would be taken from their cells and never seen again. During the first week after the murder of Taraki by Amin, the jailers hurried to kill as many people as possible in order to pin the responsibility on Taraki.<sup>53</sup>

3.35 The prisoners were bound and taken to the execution ground. Those in Pul-i Charkhi were taken to the Polygon Field, a military parade ground about 1,500 meters from the prison. They were thrown in ditches and machine-gunned. Then bulldozers filled the mass graves with earth, covering the dead and the dying alike.<sup>54</sup>

3.36 Various former prisoners described the execution ground, but the most graphic description comes from the peasants of Deh Sabz, a village next to the Polygon, interviewed by Michael Barry in Pakistan in March 1980. The villagers were able to observe activities in the field from an unpaved path running parallel to but above the paved road leading to the Polygon, which ran by their village. Khwaja Sa'id Rahmat,

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<sup>49</sup> Dorronsoro, *La révolution afghane*.

<sup>50</sup> Barry, “Repression et guerre soviétiques,” 184–185.

<sup>51</sup> E/CN.4/1985/21 para. 74. Azizullah Ludin confirmed (interview Kabul, July 5, 2004) that he was the “Mr. Ludin” interviewed by Professor Ermacora. He said that he, Professor Sayid Abdullah Kazim (former Dean of the Faculty of Economics at Kabul University), Dr. Abdullah Osman, Muhammad Amin Farhang (minister of reconstruction, 2001–2004), and some others were trying to organize a coup against the PDPA government, when they were betrayed by a military officer whom they had contacted. Ludin was a delegate of the Cyprus Group to the UN Talks on Afghanistan that approved the Bonn Agreement in November–December 2001.

<sup>52</sup> E/CN.4/1985/21 para 74.

<sup>53</sup> Barry, “Repression et guerre soviétiques” 190.

<sup>54</sup> Barry, “Repression et guerre soviétiques” 194. Testimony of a university professor.

a 60-year-old villager, stated that in the immediate aftermath of the 1978 coup many of the soliders killed were buried in Polygon Field. Subsequently, during nightly executions, prisoners were transported to Polygon tied together in trucks, machine-gunned over ditches that became mass graves, and buried by bulldozers. According to the witness:

(a) “All the good officers who were Muslims, the mullahs, they picked them up and threw them in Pul-i Charkhi prison. And then at night they blindfolded them, at 11 o’clock at night. And every night, two trucks, three trucks arrived, completely full. Let the UN come and see! Let the UN come and verify it! They will see the dead piled up on each other. It was the time of Taraki. Hafizullah Amin was giving the orders. They dug the ditches. Then they threw them in there while firing on them with machine guns. . . .

(b) “Starting at 11 o’clock, they slaughtered them, then they buried them in the earth. Let the UN come and see, if they are just, let them come see! They came by the road of Tarakhel, from Bala Hissar! Just by the village of Deh Sabz, you will see, it is full, full of the dead. With the eyes of my own head, I saw them buried alive! For the sake of God! . . .

(c) “They covered them with earth, but the feet would stick out. We saw legs in [European-style] pants, we saw legs in kala [Afghan baggy trousers], soldiers’ boots. They tore off the boots of these Muslims. The trucks arrived, full, just like the trucks that carry wood to the factory in Jangalak.”<sup>55</sup>

3.37 According to former prisoners, prison commander Sayyid Abdullah also ordered prisoners buried alive or drowned in the excrement of the prison’s open cesspools. A professor who had been imprisoned in Pul-i Charkhi told Michael Barry:

“Someone’s cell was searched, and they found a ballpoint pen. That was the most dangerous weapon there. The prisoner was brought before the line of inmates. The commander [Sayyid Abdullah] told them: ‘He has done something very serious. He has had a pen reach him inside the prison. We are going to teach you a lesson. If any one of you does the same thing, he will be punished the same way.’ The prisoner was thrown into the pool of filth [excrement—the professor had drawn a map showing the location of the cesspool]. He tried to get out, but it was soft, he sank, the soldiers around pushed him with sticks, and drowned him.”<sup>56</sup>

3.38 The witness said he had seen three such burials alive himself and heard of others from other prisoners.

3.39 A witness described Sayyid Abdullah as follows:

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<sup>55</sup> Barry, “Repression et guerre soviétiques” 202–205.

<sup>56</sup> Michael Barry, “Afghanistan—Another Cambodia?” *Commentary* August 1982: 33–34. Some of the testimonies on which this article was based were first published in *Libération*, April 19–20, 1980, and all were later assembled in Barry, “Repression et guerre soviétiques.”

“I don’t think I’m exaggerating when I say Sayyid Abdullah was not a normal man. He was a beast. At night he drank, and, once he was drunk, he would show people how powerful he was. If a prisoner made the least mistake . . . or even, he took them randomly, innocent people, and he killed them just like that. No trial. No reason. No logic. He had power, and the government had given him full authority to do whatever he wanted. He exercised his power every night. He made speeches, the speeches of a drunkard. He noticed for example that someone wasn’t applauding. ‘Why aren’t you [using the familiar form tu, used with family members and children and to show disrespect] applauding?’ He had him beaten to death. He beat him, fifteen or so other soldiers beat him, he beat him again, till he got tired of beating him.”

3.40 In 1979 a prisoner named Sayyid Akbar killed Sayyid Abdullah while on the way to his own execution. Sayyid Akbar’s brother, Sayyid Umar, had been executed the previous day, and he had smuggled a knife into the prison with the help of a guard.<sup>57</sup>

3.41 When the prison was opened after the Soviet invasion, according to witnesses:

“So many women came to find their husbands! Their family members! They couldn’t find them in the cells. Then the soldiers told them, ‘Lots of people are buried . . . there.’ The women surrounded the open latrines, they looked for corpses with sticks, the corpses of their family members. They were crying at the same time. They cried. They shrieked. (The witness gestured like a woman holding back her veil with one hand and digging with a stick with the other.) They had their children with them. It was their last hope to find those who disappeared.”<sup>58</sup>

3.42 The total number of those who disappeared has never been established. When Hafizullah Amin took full power after killing Taraki in September 1979, the Ministry of the Interior announced that it would publish the names of twelve thousand people who had died in Kabul jails since April 1978. The list was never published, however.<sup>59</sup> According to Dupree, “The Amin regime attempted to place blame for the repressions on Taraki by announcing a list of 12,000 persons executed prior to September 15. . . . The announcements stopped abruptly after about half the names had been released, because 10,000 demonstrators in front of the Ministry of the Interior demanded more details, and the government feared an outbreak of violence.”<sup>60</sup>

3.43 After the Soviet invasion the new government and other sources gave various numbers for those killed by the former regime in Pul-i Charkhi. Special Rapporteur Ermacora summarized the evidence in 1986:

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<sup>57</sup> Barry, “Repression et guerre soviétiques” 196–197.

<sup>58</sup> Barry, “Repression et guerre soviétiques” 201.

<sup>59</sup> Jeri Laber and Barnett R. Rubin, A Nation is Dying: Afghanistan Under the Soviets 1979–87 (Evanston, Ill.: Northwestern University Press, 1988) 177.

<sup>60</sup> Dupree, Red Flag, Part VI 9.

“[The Special Rapporteur] received information concerning the disappearance of persons prior to 27 December 1978. It was alleged that some 9,000 persons had been killed, although Amnesty International refers to a list of 4,845 [actually 4,854] killed. As stated in his report to the General Assembly (A/40/843, para. 50), the Special Rapporteur was informed that the number of persons considered to have disappeared before the amnesty in 1980 is, in fact, much higher than that previously announced. Recently the Special Rapporteur heard the testimony of a former member of the Ministry of Planning in Afghanistan, who was authorized in February 1980 to register all missing persons on the basis of information received from their relatives and friends. In three weeks over 25,000 persons between the ages of 18 and 60 had been registered. The missing persons were well educated and included medical doctors, government officials, military or religious people. An analysis was ordered by the minister in charge. In the view of the witness, well over 27,000 persons would have been registered missing if the registration procedure had not been stopped when it was discovered that the number of missing persons was much higher than foreseen.”<sup>61</sup>

3.44 These numbers concern almost exclusively those who disappeared in the jails in Kabul. Including all those who disappeared throughout the country during those twenty months would multiply this number by an as yet undetermined factor. Olivier Roy, a scholar, suggested that, including those outside of Kabul, “in all, between 50,000 and 100,000 people disappeared. . . . Partial inquiries have been made but the story of this wave of repression has yet to be written.”<sup>62</sup>

### **C. Torture and Degrading Treatment or Punishment**

3.45 Reports on this period have tended understandably to focus on the mass killings and enforced disappearances of tens of thousands of people rather than on the treatment of detainees. Testimonies, including those cited below, are unanimous, however, that prisoners were tortured during their interrogation and as punishment, that punishments included the use of torture as a particularly painful form of execution, and that the conditions under which the government held detainees, especially in Pul-i Charkhi prison, were uniquely painful, life-threatening, degrading, and humiliating. According to Special Rapporteur Ermacora, “None of the political prisoners arrested between April 1978 and December 1979 had been brought to justice [tried by a court].”<sup>63</sup>

3.46 Though this period was not part of his terms of reference, which dealt with the situation starting with his appointment in 1984, the first special rapporteur on Afghanistan observed of this period:

“Several individuals gave the Special Rapporteur an account of ill-treatment suffered during their detention, including, deprivation of sleep, tearing out of

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<sup>61</sup> E/CN.4/1986/24 para. 18.

<sup>62</sup> Roy, *Islam and Resistance* 95, 97.

<sup>63</sup> E/CN.4/1985/21 para. 75.



fingernails, burns of various types, electric charges, in some cases involving the use of electric generators.”<sup>64</sup>

3.47 Azizullah Ludin, mentioned above as the current head of the anti-corruption unit in the Afghan presidency, told Professor Ermacora that he had personally been tortured by some of these methods. He also recounted the torture of Sayed Abdullah Kazim, a former Dean of the Faculty of Economics, who was arrested with Ludin for the same anti-government plot:

“Mr. Ludin, himself arrested in June 1978 and detained until 11 January 1980 in the Poli Charki prison, reveals that he himself was present during the torturing of Mr. Kazim, who had the fingers of both hands crushed under the legs of a chair on which two of his torturers sat.”<sup>65</sup>

3.48 Amnesty International also reported at the time that it had “received a substantial number of allegations that political prisoners are being subjected to torture. Fears have been expressed that some prisoners are now paralysed and that others died as a result of torture.” Witnesses told Amnesty International of a former minister languishing in Pul-i Charkhi with “blood coming out of his mouth.” Amnesty International also “received several specific allegations that political prisoners have died as a result of torture.” Methods of torture included “severe beatings, whipping, pulling out of prisoners’ nails, burning of the hair and sleep deprivation. Some reports also allege that political prisoners are given electric shocks.”<sup>66</sup>

3.49 Louis Dupree, the American scholar, repeatedly heard screams from prisoners being tortured while he was detained. He personally witnessed a Hazara student being tortured with shocks from a crude electrical device, a crank-operated generator.<sup>67</sup>

3.50 The testimonies collected by Michael Barry in early 1980, when the memories of newly released prisoners were fresh, recounted regular sessions of torture of many types. One former prisoner, a professor at Kabul University, described his interrogation in the Ministry of the Interior by AGSA:

“The torture started at 10 o’clock at night and lasted till four in the morning. It was electric shocks and also a sort of electric chair. They passed electricity into the chair and the chair moved, shook. It was sometimes unbearable. And then as I said they beat us with cables and also with sticks. Then they also hung us like this: they attached some kind of ropes to our hands, and then hung the man from the ceiling, but his toes touched the ground. The toes were touching the floor, but he was like half-hanging there. It was a hard torture, because it lasted eight hours, or ten hours. They hung me like that for about fifty-two hours.”<sup>68</sup>

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<sup>64</sup> E/CN/4/1985/21 para. 76.

<sup>65</sup> E/CN/4/1985/21 para 75.

<sup>66</sup> Amnesty International, Violations of Human Rights and Fundamental Freedoms 15–16.

<sup>67</sup> Dupree, Red Flag, Part VI 5.

<sup>68</sup> Barry, “Repression et guerre soviétiques” 192.

3.51 It would not be difficult, but perhaps would be superfluous, to add numerous other examples.

3.52 In addition to torture during interrogation, extreme humiliation of prisoners—and even their visitors—was standard procedure. Amnesty International reported:

“Many political prisoners are reportedly being denied all family visits and are not allowed to write or receive letters. Amnesty International knows of many cases in which political prisoners have been denied any contact with their relatives and friends ever since their arrest, in some cases for more than one year. In such cases relatives are only allowed to hand in clean clothes for the prisoners at the jail gate. On 4 May 1979 an incident was reported in the international press to have taken place in front of Pule Charkhi prison, Kabul. Women and children, relatives of political prisoners, had gathered at the jail gate and protested to the prison authorities about being denied visits to their imprisoned relatives and about not receiving any news from the prisoners since their arrest. (*Frankfurter Allgemeine Zeitung*, 23 May 1979.) According to reports which remain unconfirmed, several women died in the incident. . . . Amnesty International knows of several cases where relatives have been told at the jail gate, when bringing clean clothes for a prisoner, that ‘this was no longer necessary.’ This has naturally greatly increased the families’ concern for the prisoners’ safety, and led to fears that the prisoner is no longer alive.”<sup>69</sup>

3.53 In September 1979 Amnesty International estimated that the prison held 12,000 prisoners.<sup>70</sup> As a result, prisoners were crowded, often to the point where there was no room to lie down to sleep. Disease was rampant, respiratory diseases in the winter and gastrointestinal ones in the summer. Food was scarce and rancid. But the biggest source of humiliation was control by the guards over access to the prison’s toilets, located in latrines outside the main prison blocks.

3.54 Prisoners were kept in crowded, filthy cells and forbidden to visit the latrines in the courtyard more than once or twice a day. Any infraction, such as soiling the cell or communicating with other prisoners through the walls, was punished by beating or worse. Two months after his release, Dr. Abdullah Osman described prison conditions as follows:

(a) “They threw me in a cell and locked me in. It was a filthy cell. It was already winter, and there was no heat. The ceiling was dripping. On the floor was nothing but a thin mattress and two covers. They told me, ‘Stay there!’ [using the familiar form *tu*] After a few minutes in my cell, I felt a natural need, and I asked to be let out. They told me it was against the rules except at certain times, that I had to shut up, or I would be beaten. It happened that the cell next to mine was occupied, and we could communicate by calling through the wall. We were found out and beaten. Many people were beaten for having spoken through the walls.

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<sup>69</sup> Amnesty International, *Violations of Human Rights and Fundamental Freedoms* 16–17.

<sup>70</sup> Amnesty International, *Violations of Human Rights and Fundamental Freedoms* 9.

(b) “In addition, any writing implement or any reading material was forbidden: book, pen, or paper. So we could not communicate with anyone or write anything, or even read a book. All that was forbidden.

(c) “They took us outside to the toilets. Actually, they weren’t toilets properly speaking, but open latrines, as in the countryside. We had to wait in line, and we did not have the right to spend more than three to five minutes. Someone who took longer was insulted, pulled outside before being able to pull his clothes back on, and beaten. They told them, ‘Go back the way you came.’ I saw people try to get back in line, and they were beaten. Then we were locked up again, and twenty-four, sometimes forty-eight hours would pass before we were taken back to the toilets.”<sup>71</sup>

3.55 Dr. Osman was not allowed to wash for two months and was then given some icy water in the middle of winter. He observed many who contracted pneumonia that winter, and many died from treatable diseases for lack of care.

3.56 Another professor described the humiliation of prisoners in this manner:

(a) “During the time we went to the toilets, they took detainees out by force, half-naked, saying their time was finished. I once saw a general pulled out by a simple soldier, who said to him, ‘You’re [tu] no general any more! I am!’ The general could not pull his pants up. . . .

(b) “You had to wait in line. The time allowed was only three minutes, and then you had to come out again. The line was so long that some prisoners never got their turn. Recreation period was over; they had to go back to the cells and then wait another twenty-four hours. Some were begging to have the right to go. They were sick with dysentery. The soldiers answered that they should do it in their cells, in their pants. After twenty-four hours, one prisoner couldn’t hold himself back any longer. But then he had committed a crime. He had soiled his cell. Then the soldiers and an officer took him out of his cell, showed him off to the other prisoners, saying he had dirtied his cell. Then at every step in the corridor, before the prisoners, they beat him, telling the others, ‘If you commit the same crime, if you soil your cells, you will be beaten in the same way.’

(c) “That was the condition of the toilets. There was a joke among the prisoners. Let’s revolt together! Our slogan will be, ‘Toilets! Toilets! Toilets!’ Because in France, in the Bastille, the people cried out for bread. For us it was this.”<sup>72</sup>

3.57 Currently available documentation, unfortunately, does not tell much about the treatment of women prisoners during this period. One story of a woman who was trying to visit her brother, an imprisoned Parchami, in the men’s block suggests that there may have been some mistreatment. Though she was not even a prisoner, she was humiliated by the guards by being forced to stand naked before the prisoners.

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<sup>71</sup> Barry, “Repression et guerre soviétiques” 182.

<sup>72</sup> Barry, “Repression et guerre soviétiques” 200–201.

The professor interviewed by Michael Barry witnessed this event while being led to the toilets. The woman went the wrong way and was stopped by a soldier in the courtyard:

(a) “The woman said something against them, and Sayyid Abdullah was standing there. He ordered them to whip the woman, and five soldiers attacked the woman, an innocent, defenseless woman. Then he shouted, ‘Undress her!’ That happened in front of a thousand prisoners who were standing there. They might be good witnesses if you meet them. They undressed her. The man threw himself over his sister to cover her. Then Sayyid Abdullah shouted, ‘Undress him too!’ It was also a sort of torture to undress them and leave them naked in front of everyone. . . .

(b) “A man, a mullah started shouting from his cell, insulting Sayyid Abdullah: ‘She is a woman! A woman must be respected in Islam! A woman must be respected by Afghans!’ That’s what he was shouting. Then Sayyid Abdullah had four soldiers get the mullah. They undressed him too. They stuck a bayonet in his rear, yes, there, between the buttocks, and they pushed, and he shouted, ‘God is Great! Allahu Akbar!’ Then afterwards they took him on the other side of the wall and killed him. In the courtyard the woman was naked, and the man was naked. They stayed standing there like that ten, eleven minutes, and then the show was over.”<sup>73</sup>

#### **D. Mass Reprisal Killings**

3.58 As parts of the country passed into resistance, the regime started to respond with massive reprisals against civilians, such as those documented below. Such reprisals occurred after urban uprisings in Herat and Kabul, where the regime arrested and executed hundreds of people, and in several other regions to which armed resistance spread.

3.59 In March 1979 there were mutinies in important military bases on the borders of both Iran and Pakistan. According to the UN Special Rapporteur, Felix Ermacora, the government carried out reprisals in Herat:

“The gist of the information given the Special Rapporteur indicates that about 1,000 persons, if not more, were arrested during the period up to April 1979 following an uprising in the town of Herat. In some instances the arrests of political prisoners was followed by detention of their wives and children. The range of persons arrested extends from members of the fundamentalist religious groups to members of extreme left groups and embraces members of the Government, students, businessmen, diplomats, academics and party dignitaries.”<sup>74</sup>

3.60 Earlier that month, in the east, Brigadier Abdul Rauf had led a mutiny in the Asmar garrison, Kunar province, and joined the mujahidin with his weapons. The regime responded to the new round of fighting with a massacre of about 1,200

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<sup>73</sup> Barry, “Repression et guerre soviétiques” 193.

<sup>74</sup> E/CN.4/1985/21 para. 72.

civilians. Several independent accounts entirely agree on important details, including the number of those killed. The number killed is also consistent with the mass burial mounds on the site, which have been viewed by investigators of the Afghanistan Justice Project. The reports differ on the date, the identity of the commanding officers who ordered the killing, and whether Soviet advisers were present, all of which should be the subject of further investigation.

3.61 On either Hut 16, 1357 (March 7, 1979) or Hamal 31, 1358 (April 20, 1979), a detachment of the Afghan army arrived in the village of Kilara, near the entrance to the valley, about 12 kilometers from the Pakistan border.<sup>75</sup> According to some accounts, they were accompanied by about four Soviet advisers. The commander called 1,200 men in the village to a jirga (tribal assembly). According to the account collected by the AIHRC, he held up a picture of King Amanullah and said that this great man had been forced to flee the country because of people like them. He asked them why they were helping the resistance. According to witnesses interviewed by Michael Barry, when he received no answer:

“The Godless Commander Nezamuddin said, ‘Prod!’ [Pashto pronunciation of the Persian *farud*, “Lie down!”] There were perhaps twelve hundred people who lay down. Then he gave the order: ‘Fire!’ Twelve hundred people, all the Muslims, were killed in this firing. And then there was a tank, what you call a bulldozer. This tank drove over the Muslims and lifted them up in the air and threw them in the ground. Some were still alive, but they were buried in the earth. The others were dead. They were buried in the earth.”<sup>76</sup>

3.62 In Hazarajat the revolt had started earlier, in October 1978. By June the government controlled only two bazaars in major towns. At that time the government was busy with its reforms, but the following spring, when the Hazaras launched new

<sup>75</sup> Earlier Western accounts gave the name of the village as Kerala. The consonants transliterated as “r” and “l” have no precise English equivalent and are close to a sound often transliterated as “d.” The AIHRC has identified the village as Kilara, called Kidari in the local dialect. This incident was first reported in Edward Girardet, “A Grim Chapter in Afghanistan War,” Christian Science Monitor, February 4, 1980. His account is reprinted in greater detail in Edward Girardet, Afghanistan: The Soviet War, (New York: St. Martin’s Press, 1985) 107–109. The Afghanistan Justice Project has visited the village, where two mounds still mark the site where the local people reburied the dead. (Afghanistan Justice Project, Candidates and the Past: The Legacy of War Crimes and the Political Transition in Afghanistan, October 2004: 16-17.) According to Girardet’s witnesses, as well as an Afghan soldier who witnessed the killings and testified in Oslo in March 1983, a group of Soviet advisers accompanied the Afghan unit and approved the order to shoot. The preliminary investigation by the AJP does not mention any Soviet involvement. All accounts agree that about 1,200 unarmed villagers were killed while assembled without arms in a peaceful jirga. Girardet and the investigations conducted by the AIHRC give the date as April 20, while Barry, “Repression et guerre soviétiques” 227, and the AJP give the date as March 7. It is possible that the earlier date is actually the date of the Asmar mutiny and the later date that of the massacre, but investigations are ongoing.

<sup>76</sup> Quoted in Barry, “Repression et guerre soviétiques.” The AIHRC investigation also places “Nizamuddin the Godless” on the scene, but as a civilian official. It identifies Sadiq Alimyar as the military commander. This may be Muhammad Siddiq Alimyar, a close associate of Hafizullah Amin, accused by Politburo member Anahita Ratibzad along with his brother Muhammad Arif of having carried out “terrorist” acts on behalf of Amin (Kabul Times, January 2, 1980.) The Afghanistan Justice Project’s research gives the name of the commander as Major General (Turan Jinral) Gul Rang, of Hisarak, Nangarhar, who later became commander of the Afghanistan Eastern Operational Group at Sarobi. It also places Siddiq Alimyar at the scene.

uprisings, the government launched reprisals. In April–May 1979, a group of Hazaras had overrun government posts near the northern provincial center of Samangan. According to a number of testimonies reported by Michael Barry, soon after that resistance offensive, Afghan troops with Soviet advisers rounded up all the males from one village in a nearby Valley, Darra-yi Suf, and drowned them in the Amu Darya (Oxus River). Several testimonies give the number of dead as 1,500. Other Hazara elders were thrown into a nearby ravine and machine-gunned.<sup>77</sup> A mass grave dating from this period was also later found in Bamyan, though accounts of how the victims were killed have not been found.<sup>78</sup> This same area, as noted below, was later the scene of repeated Taliban atrocities.

3.63 There were several reported incidents of mass reprisals in Kabul. According to the AIHRC, arrests of scholars and intellectuals from the Shi'a (Hazara and Qizilbash) communities in Kabul provoked demonstrations on July 3, 1979, (Saratan 2, 1358) in the largely Hazara area of Chindawul. According to research carried out by the AIHRC:

(a) “Around 200 Hazaras with [Afghan national] tri-colored (Black, Red and Green) and [Islamic] green colored flags had poured out in the streets and were shouting against the Kabul regime. Thousands of other people had also joined them and they were armed with the very basic things such as wooden sticks, knives, and old swords.

(b) “Around 11:00 to 12:00 noon same day, the protesters came under attacks from armed-to-the-teeth regime soldiers. They [the soldiers] were shooting at them and some people were killed. A small number of people who survived this rampage were later arrested and taken into custody and never reappeared.”<sup>79</sup>

3.64 The number of those arrested in the subsequent reprisals is not known with certainty. According to both the refugees and *Le Monde*, the police arrested about three hundred Hazaras living in Kabul, half of whom were burned with gasoline and half buried alive.<sup>80</sup> Villagers from Deh Sabz, ethnic Pashtuns who were not involved in the incident but who lived near the execution ground, witnessed the burnings:

“I saw with my own eyes, I went to cut wood at eleven in the morning. They were soaking people with gasoline, alive. There was one all covered with gasoline who started to run away. The others were too well tied up, feet and hands, and they soaked them with gasoline. But that man ran away, and they killed him. The others, they set on fire! For twenty-four hours for a whole day and night, their fire gave off such an odor of cooked fat! . . . The smell of the fat flowed from their tombs. The smell was blown over our village for twenty-four hours.”

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<sup>77</sup> Barry, “Repression et guerre soviétiques” 211–13, gives several independent accounts.

<sup>78</sup> Dorronsoro, *La révolution afghane*.

<sup>79</sup> Electronic mail from AIHRC, August 4, 2004.

<sup>80</sup> Testimonies in Barry, “Repression et guerre soviétiques” 204; also reported in *Le Monde*, August 17, 1979.

3.65 Other refugees from Deh Sabz testified that they had seen—and smelled—the same thing.<sup>81</sup>

3.66 On August 5, 1979, a group of army officers affiliated with “Maoist” and other leftist groups launched a mutiny in the Bala Hissar of Kabul, one of the main fortresses in the city, and the former headquarters of Babur, who founded the Mughal empire. The plot was discovered and crushed. According to AIHRC, “Some of the rebellious military officers were killed during the unrest and the rest were arrested and killed afterward. They were around 1200 people.”<sup>82</sup>

3.67 Roy also mentions a large-scale reprisal killing in Farah province, in the southwest.<sup>83</sup> Barry relayed reports of the burial alive of 650 prisoners in Laghman,<sup>84</sup> which might be the same incident reported several years later by UN Special Rapporteur Felix Ermacora:

“The Special Rapporteur was informed by an eyewitness that, in September 1978, in Laghman Province, 360 people, mostly civilians, had been taken away blindfolded and handcuffed and it was stated that they had subsequently been burnt alive.”<sup>85</sup>

3.68 Details of these and many other killings are still lacking in the documentary record.

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<sup>81</sup> Barry, “Repression et guerre soviétiques” 202–205.

<sup>82</sup> Electronic mail from AIHRC, August 4, 2004.

<sup>83</sup> Roy, Islam and Resistance 97.

<sup>84</sup> Barry, “Repressions et guerre soviétiques” 213–15.

<sup>85</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/41/778, 1986) para. 37.

#### **IV. FROM THE SOVIET OCCUPATION TO THE FALL OF NAJIBULLAH (December 27, 1979–April 15, 1992 / Qaws 10, 1358–Hamal 26, 1371): MASS KILLING IN THE COUNTRYSIDE**

4.1 Once the Soviet commandos had eliminated Amin, the USSR established a new government dominated by Parcham, though Khalqis retained important positions in the officer corps and the ministry of the interior. Because of the pervasive presence of Soviet advisers and troops, who outnumbered regular Afghan military forces, it is difficult to establish who bore responsibility for the violations committed during this time. On the Afghan side, Babrak Karmal was head of both the party and state until his successive removal from both of those positions in 1986. Najibullah replaced him immediately as head of the party and, after a brief interregnum, as head of state.<sup>1</sup> Najibullah served from 1980 to 1986 as head of the new intelligence agency, KhAD (see below), and was replaced by his deputy, Ghulam Faruq Ya'qubi, in 1986. Sultan Ali Kistmand, who was prime minister until 1990 (with a brief break), did not control or supervise the security organs. His non-party successors, Hasan Sharq and Fazl Haq Khaliqyar, had even less authority. The position of Minister of Defense was a factional issue between Parcham and Khalq throughout most of this time, and it went back and forth between Khalqi generals Nazar Muhammad and Shahnawaz Tanai on the one hand and Parchami generals Abdul Qadir and Muhammad Rafi on the other. Parchamis Baba Jan and Asif Dilawar also served as chiefs of staff to balance the Khalqi presence in the ministry. The position of minister of the interior, however, was reserved for Khalq, and this position was held by Sayyid Muhammad Gulabzoy during 1980–1988. His power was balanced by a confidant of Najibullah, Manokai Mangal, who served as political director. After 1988, when Gulabzoi was banished as ambassador to Moscow, Khalqi Aslam Watanjar became Minister of the Interior.

4.2 At least until 1989, of course, these entities worked closely with, and sometimes in de facto subordination to, their counterparts in the Soviet ministry of defense, ministry of the interior, and KGB. In addition, until almost the end of this period, both countries had a system under which the political bureau of the central committee (politburo) of the ruling party (Communist Party of the USSR and PDPA/Watan Party) played the leading role in policy making. The members of the politburos of the two parties could therefore also be held accountable for the decisions and policies during this period.<sup>2</sup> Box 4.1 contains a list of Soviet Politburo members during that time.

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<sup>1</sup> The formal institutional structure of the government changed during this time. From 1980 to 1987 the head of state was the chairman of the Revolutionary Council of the DRA. After the adoption of the constitution in 1987, the position was renamed president. Under the 1990 constitution, the country reverted to its name during Daud's presidency, the Republic of Afghanistan. At a party congress at about the same time, the PDPA renamed itself the Watan (Homeland) Party.

<sup>2</sup> For detailed studies of these power structures, leadership changes, and institutional functioning, see Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 2002, first edition 1995); and Antonio Giustozzi, *War, Politics and Society in Afghanistan, 1978–1992* (Washington, D.C.: Georgetown University Press, 2000).



4.3 Soon after taking power, the new government of the DRA declared an amnesty and threw open the gates of Pul-i Charkhi prison. Between January 8 and 11, 1980, thousands of relatives of the disappeared besieged the prison looking for their lost family members, giving rise to some of the scenes described in the previous chapter. Many of the thousands of survivors soon fled the country, often finding refuge in the Western countries where they had been educated.

**Box 4.1. Soviet Authorities with Responsibilities Relating to Afghanistan, 1979–1991**

**General Secretaries of the Central Committee**

Leonid Ilyich Brezhnev	April 8, 1966–November 10, 1982
Yuriy Vladimirovich Andropov	November 12, 1982–February 9, 1984
Konstantin Ustinovich Chernenko	February 13, 1984–March 10, 1985
Mikhail Sergeyevich Gorbachev	March 11, 1985–August 24, 1991

**Ministers of Foreign Affairs**

Andrey Andreyevich Gromyko	February 15, 1957–July 2, 1985
Eduard Amvrosiyevich Shevardnadze	July 2, 1985–January 15, 1991
Aleksandr Aleksandrovich Bessmertnykh	January 15, 1991–August 23, 1991
Boris Dmitriyevich Pankin	August 28, 1991–November 14, 1991

**Ministers of Defense**

Dmitriy Fyodorovich Ustinov	April 29, 1976–December 20, 1984
Sergey Leonidovich Sokolov	December 22, 1984–May 30, 1987
Dmitriy Timofeyevich Yazov	May 30, 1987–August 22, 1991
Mikhail Akekseyevich Moiseyev	August 22, 1991–August 23, 1991 (acting)
Yevgeniy Ivanovich Shaposhnikov	August 23, 1991–December 26, 1991

**Director of Committee for State Security (KGB)**

Yuriy Vladimirovich Andropov	May 18, 1967–May 26, 1982
Vitaliy Vasilyevich Fedorchuk	May 18, 1982–December 17, 1982
Viktor Mikhaylovich Chebrikov	December 17, 1982–October 1, 1988
Vladimir Aleksandrovich Kryuchkov	October 1, 1988–August 22, 1991
Leonid Nikolayevich Shebarshin	August 22, 1991–August 23, 1991 (acting)
Vadim Viktorovich Bakatin	August 23, 1991–October 22, 1991

**Ministry of Internal Affairs (MVD)**

Nikolai Anisimovich Shcholokov	November 25, 1968–December 17, 1982
Vitaliy Vasilyevich Fedorchuk	December 17, 1982–January 24, 1986
Aleksandr Vladimirovich Vlasov	January 24, 1986–October 10, 1988
Vadim Viktorovich Bakatin	October 20, 1988–December 1, 1990
Boris Karlovich Pugo	December 1, 1990–August 22, 1991
Vasiliy Petrovich Trushin	August 22, 1991–August 23, 1991 (acting)
Viktor Pavlovich Barannikov	August 23, 1991–December 26, 1991

**Politburo Members of the CPSU Central Committee—Full Members**

Mikhail Andreyevich Suslov (2nd time)	July 12, 1955–January 25, 1982
Leonid Ilyich Brezhnev	June 29, 1957–November 10, 1982
Aleksey Nikolayevich Kosygin (2nd time)	May 4, 1960–October 21, 1980
Andrey Pavlovich Kirilenko	April 25, 1962–November 22, 1982
Arvid Yanovich Pelshe	April 8, 1966–May 27, 1983
Viktor Vasilyevich Grishin	April 9, 1971–February 18, 1986
Dinmukhamed Akhmedovich Kunayev	April 9, 1971–January 28, 1987
Vladimir Vasilyevich Shcherbitskiy	April 9, 1971–September 20, 1989
Yuriy Vladimirovich Andropov	April 27, 1973–February 9, 1984
Andrey Andreyevich Gromyko	April 27, 1973–September 30, 1988
Grigoriy Vasilyevich Romanov	March 4, 1976–July 1, 1985
Dmitriy Fyodorovich Ustinov	March 4, 1976–December 20, 1984
Nikolay Aleksandrovich Tikhonov	November 27, 1978–October 15, 1985

Konstantin Ustinovich Chernenko	November 27, 1978–March 10, 1985
Mikhail Sergeyevich Gorbachev	October 21, 1980–August 24, 1991
Heydar Ali Rzaogly Aliev	November 22, 1982–October 21, 1987
Mikhail Sergeyevich Solomentsev	December 26, 1983–September 30, 1988
Vitaliy Ivanovich Vorotnikov	December 26, 1983–July 14, 1990
Viktor Mikhaylovich Chebrikov	April 23, 1985–September 20, 1989
Yegor Kuzmich Ligachev	April 23, 1985–July 14, 1990
Nikolay Ivanovich Ryzhkov	April 23, 1985–July 14, 1990
Eduard Amvrosiyevich Shevardnadze	July 1, 1985–July 14, 1990
Lev Nikolayevich Zaykov	March 6, 1986–July 14, 1990
Viktor Petrovich Nikonov	July 26, 1987–September 20, 1989
Nikolay Nikitovich Slyunkov	July 26, 1987–July 14, 1990
Aleksandr Sergeyevich Yakovlev	July 26, 1987–July 14, 1990
Vadim Andreyevich Medvedev	September 30, 1988–July 14, 1990
Vladimir Aleksandrovich Kryuchkov	September 30, 1989–July 14, 1990
Yuriy Dmitriyevich Maslyukov	September 20, 1989–July 14, 1990
Vladimir Antonovich Ivashko	December 9, 1989–August 24, 1991

4.4 The new government, unlike the previous one, was firmly under the control of the Soviet Union, whose troops soon approached the 100,000 mark, and which had advisers in every ministry.<sup>3</sup> In addition, the KGB established a new Afghan organization, modeled on itself, combining domestic and international intelligence functions with those of a secret police and covert action organization.<sup>4</sup> The new organization was called Khidamat-i Ittila'at-i Dawlati, the State Information Services, known by its acronym, KhAD. Its founding leader was Dr. Najibullah, a young Parchami activist from the Medical Faculty, whom Taraki and Amin had banished abroad. According to John Fullerton of the Far Eastern Economic Review, during his period in exile, Najibullah received intelligence training in Bulgaria.<sup>5</sup>

4.5 This organization was renamed several times. In 1986 Najibullah made it a ministry called “WAD” (Ministry of State Security), and the mujahidin, Taliban, and current governments renamed it the “National Security Directorate” (NSD), commonly called Amaniyyat (security).

4.6 During the more than twelve years covered by this chapter and the three that follow, the political situation, the leadership of both the Afghan government and the USSR, and the pattern of human rights violations changed. The end of this period coincided with the breakup of the Soviet Union itself. The United States and its

<sup>3</sup> William Maley, The Afghanistan Wars (London: Palgrave Macmillan, 2003); Giustozzi.

<sup>4</sup> Giustozzi 98 and 116; Rubin, Fragmentation 122; Maley, The Afghanistan Wars 97-99.

<sup>5</sup> John Fullerton, The Soviet Occupation of Afghanistan (Hong Kong: Far Eastern Economic Review Ltd., 1983).

partners, Pakistan, Saudi Arabia, and China, were reported to have armed and trained Afghan Sunni resistance groups during this period, while Iran did likewise with Shi'a ones, according to a number of reports cited below.

4.7 During the early to mid-1980s, the USSR established a highly repressive regime in Kabul and other cities, while pursuing a brutal counterinsurgency in strategically located portions of the countryside.<sup>6</sup> Helsinki Watch commented in 1984, "Just about every conceivable human rights violation is occurring in Afghanistan, and on an enormous scale."<sup>7</sup> The counterinsurgency and repression drove five to six million Afghans (about a third of the population) into exile as refugees, mostly in the neighboring countries of Pakistan and Iran. Since that time, Afghans have represented the world's largest refugee caseload. During this period government institutions essentially disappeared in parts of the country that had no strategic importance or that were depopulated by the counterinsurgency strategy.

4.8 After coming to power in 1985, Mikhail Gorbachev, together with his Foreign Minister, Eduard Shevardnadze, soon sought to withdraw Soviet troops from Afghanistan and find a political solution. They removed Babrak Karmal and replaced him with the much more flexible and politically skilled Najibullah, though the latter's background as chief of KhAD seemed an insuperable obstacle to his acceptability. The regime declared a policy of "national reconciliation," under which it stopped trying to impose any revolutionary reforms, swore adherence to Islam, and offered massive subsidies to any commanders who would join it, or at least quit the mujahidin. The regime also created new paramilitary units or militias in Kabul and other strategic areas. In many areas, it essentially ceded control to these militias, another milestone in the dissolution of the state in Afghanistan. For the first time, it cooperated with human rights investigators and, as the human rights reports below attested, decreased violations of many rights.<sup>8</sup>

4.9 The USSR withdrew its troops from Afghanistan under the UN-mediated Geneva Accords, which were signed on April 14, 1988, and whose implementation schedule ended on February 15, 1989, when General Boris Gromov, the Soviet commander, followed his last troops across the Friendship Bridge. The Geneva Accords also appeared to require a cessation of external assistance by Pakistan and the US to armed groups in Afghanistan. These accords, negotiated through the good offices of the UN Secretary-General through his personal representative, Diego Cordovez, consisted of four instruments. The first instrument, signed by the governments of Afghanistan and Pakistan, required the two states to refrain from interference in each other's affairs, including training, supplying, or dispatching of armed men from one country to the other. A second instrument, on "inter-relationships," established that the first instrument would enter into effect thirty days after the signing of the Accords, at which time "foreign [i.e. Soviet] troops" would commence their withdrawal from Afghanistan. Half of the troops would be withdrawn within three months and all by February 15, 1989. Hence, aid to the

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<sup>6</sup> Helsinki Watch, Tears, Blood, and Cries: Human Rights in Afghanistan Since the Invasion 1979–1984 (New York: Helsinki Watch Committee, 1984).

<sup>7</sup> Helsinki Watch, Tears, Blood, and Cries 4.

<sup>8</sup> On these policies and processes of change, see Rubin, Fragmentation; Doronsorro, La révolution afghane; Giustozzi 154–185 and 213–231; Maley, The Afghanistan Wars.

mujahidin would cease as the withdrawal began, and the withdrawal would be “front-loaded.” A third instrument was signed by the US and USSR, who promised to “guarantee” the observance of the Accords. A fourth instrument concerned the return of refugees.<sup>9</sup>

4.10 Despite Cordovez’s efforts to negotiate a transitional government of technocrats involving the former king, Zahir Shah, the Accords did not provide for a change of government in Kabul or any transition process to stabilize the country. In 1986, after the Reykjavik summit between Reagan and Gorbachev, the US government had committed itself to guarantee an accord that would end aid to the mujahidin, but President Ronald Reagan refused to cut off the mujahidin while the USSR continued to support the Najibullah government. Hence the US deposited a statement with the UN Secretary-General saying that in its view the responsibilities of the guarantors were “symmetrical,” and that the US reserved to itself the right to aid parties in Afghanistan as long as the USSR did so. The US and USSR could not reach agreement on “negative symmetry” (ending aid to both sides) at that time, though they finally did so in September 1991, when relations between the two countries—one of which was about to break up—had changed radically. Hence, from the Soviet withdrawal to the breakup of the USSR, “positive symmetry”—aid to both the mujahidin and the Kabul government—continued, despite the Geneva Accords.<sup>10</sup> From 1989 to 1991, the two superpowers (as they then were) did try to negotiate a political settlement in Afghanistan, including implementation of “negative symmetry.” The talks always stumbled over Moscow’s insistence that Najibullah must oversee a transition at the end of which he could leave, and the US’s insistence that the transition must begin with his departure.<sup>11</sup>

4.11 After the end of the Soviet withdrawal, the regime withstood a March 1989 offensive at Jalalabad sponsored by Pakistan and the US against the advice of local mujahidin commanders. Arab fighters from the newly founded al-Qaida organization participated, including Usama bin Laden himself.<sup>12</sup> Najibullah confronted increased factional pressure and resistance as he initiated a process of reform modeled on that in Moscow. The government adopted a new constitution in 1987, restoring the name of Daud’s Republic of Afghanistan, and amended it extensively in 1990. Though implementation of these reforms was slow, the regime’s abandonment of revolutionary policy and rhetoric succeeded in neutralizing if not winning over much of the opposition. Various regime figures also began secret negotiations and power-sharing deals with mujahidin leaders that became open in 1992.<sup>13</sup>

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<sup>9</sup> Diego Cordovez and Selig S. Harrison, Out of Afghanistan: The Inside Story of the Soviet Withdrawal (New York: Oxford University Press, 1995); Riaz Muhammad Khan, Untying the Afghan Knot: Negotiating Soviet Withdrawal (Durham, N.C.: Duke University Press, 1991); Barnett R. Rubin, The Search for Peace in Afghanistan: From Buffer State to Failed State (New Haven: Yale University Press, 1995).

<sup>10</sup> Cordovez and Harrison; Khan; Rubin, The Search for Peace.

<sup>11</sup> Rubin, The Search for Peace.

<sup>12</sup> Rubin, Fragmentation; Steve Coll, Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden: From the Soviet Invasion to September 10, 2001 (New York: The Penguin Press, 2004). More information on this battle is presented in Chapter Seven of this report.

<sup>13</sup> Rubin, Fragmentation; Olivier Roy, Afghanistan: From Holy War to Civil War (Princeton, N.J.:

4.12 In March 1990, a little more than a year after the end of the Soviet withdrawal, some Khalqi officers led by Defense Minister Shahnawaz Tanai launched a coup with the support of hardline Pakistani-supported Islamist Gulbuddin Hikmatyar.<sup>14</sup> The coup failed, and after mass arrests and some executions (described below), Najibullah rebalanced the regime, giving remaining Khalqis a reduced share, and gradually opening the government to non-party technocrats. The revolution had been over for some time. Now the alliance between hardline communists and hardline Islamists announced to any remaining doubters that jihad was also over, and the naked power struggle had begun.<sup>15</sup>

4.13 After the collapse of the USSR at the end of 1991, Russia abandoned the regime the USSR had supported, and the UN formulated a transition plan supported by the US and, ostensibly, by Pakistan. Under heavy pressure, Najibullah announced his resignation on national television. He was to fly to refuge in India and be replaced by a technocratic transitional government. The power vacuum this plan created, however, led to the collapse of the armed forces, the defection of regime militias, and a competitive dash for Kabul by armed groups. Najibullah's exit was blocked by his own former militias, who felt he had betrayed them, and he took refuge in the UN office, where he lived until his capture, torture, mutilation, and execution by the Taliban in September 1996. The forces of the newly formed "Northern Alliance," including non-Pashtun mujahidin and former regime militias, gained control of the capital after battles with forces of Gulbuddin Hikmatyar and Pashtun parts of the former regime forces. The Northern Alliance constituted the military power base of the newly established Islamic State of Afghanistan under President Burhanuddin Rabbani and Minister of Defense Ahmad Shah Massoud.<sup>16</sup>

#### **A. Patterns of Human Rights Violations against the Rural Population**

4.14 In his 1985 report to the UN General Assembly, Special Rapporteur Ermacora observed:

"Concordant depositions indicate that four types of action have been directed against the civilian population:

- "(i) Acts of brutality committed by armed forces;
- "(ii) Bombardment and massacre following reprisals;
- "(iii) Use of anti-personnel mines and booby-trap toys;
- "(iv) Other consequences resulting from bombardments."<sup>17</sup>

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Darwin Press, 1995); Maley, The Afghanistan Wars; Giustozzi 249–250.

<sup>14</sup> Rubin, Fragmentation; Roy, Islam and Resistance; Maley, The Afghanistan Wars ; Giustozzi.

<sup>15</sup> Rubin, Fragmentation; Roy, Islam and Resistance; Maley, The Afghanistan Wars ; Giustozzi.

<sup>16</sup> Rubin, The Search for Peace; Maley, The Afghanistan Wars ; Dorronsoro; Coll, Ghost Wars.

<sup>17</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" (A/40/843, 1985) para. 77.

4.15 Ermacora noted that “witnesses stressed that foreign [i.e. Soviet] troops were responsible for the brutality, which is widespread in military activities in different provinces.”<sup>18</sup> Amnesty International likewise reported “the deliberate killing of unarmed civilians in reprisal for attacks by armed opposition groups” as well as “deliberate killings by Soviet and Afghan government forces during 1987 of Afghan refugees moving toward Pakistan.”<sup>19</sup>

4.16 Ermacora reported statistics compiled by a Swiss research institution, the Bibliotheca Afghanistanica Foundation in Liestal, according to which “32,755 civilians were reported to have been killed in nine months in 1985, 1,834 houses and 74 villages destroyed, and 3,308 animals killed.” Professor Ermacora mentioned that in November and December 1985 alone 350 civilians were killed in bomb attacks and massacres. He mentioned one case in Parwan, north of Kabul, where forty civilians were killed in December 1985.<sup>20</sup>

4.17 Soviet soldiers described the orders, situations, and training that led them to commit such acts. Pvt. Oleg Khlan, a deserter from the Soviet Army, told The Christian Science Monitor on August 10, 1984:

“We were ordered by our officers that when we attack a village, not one person must be left alive to tell the tale. If we refuse to carry out these orders, we get it in the neck ourselves.”

4.18 Sgt. Igor Rykov, a defector from the Soviet Army, described the searches conducted by his unit in Qandahar Province:

“The officer would decide to have the village searched, and if it was found it contained a single bullet, the officer would say: ‘This is a bandit village; it must be destroyed.’ The men and young boys would be shot, and the women and children would be put in a separate room and killed with grenades.”<sup>21</sup>

4.19 Sometimes soldiers killed simply out of fear, as in this memory of a Soviet private in the intelligence corps:

(a) “Only once something snapped inside me and I was struck by the horror of what we were doing. We were combing through a village. You fling open the door and throw in a grenade in case there’s a machine-gun waiting for you. Why take a risk if a grenade can sort it out for you? I threw the grenade, went in and saw women, two little boys and a baby in some kind of box making do for a cot.

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<sup>18</sup> A/40/843 (1985) para. 92.

<sup>19</sup> Amnesty International, Afghanistan: Unlawful Killings and Torture, ASA 11/02/88 (London: 1988).

<sup>20</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1986/24) para. 72.

<sup>21</sup> The Times, London, June 28, 1984. The Times added that Rykov said he had seen five villages of one hundred to two hundred people destroyed in this way.

(b) “You have to find some kind of justification to stop yourself going mad. Suppose it’s true that the souls of the dead look down on us from above?”<sup>22</sup>

4.20 A number of the accounts by Afghan witnesses cited below include examples of precisely the tactics described by these Soviet soldiers.

4.21 The combined effect of these actions on one area, between Herat and the Iranian border, can be seen in a verbal snapshot provided to Human Rights Watch in September 1984 by British author Nicholas Danziger, recently arrived in Peshawar, Pakistan, from a trip through Afghanistan:

“We went along the asphalt road from Iran to Herat. The desert on the Iranian side was absolutely covered in track marks, the hooves of horses, of donkeys, of camels, footmarks, bicycle marks, you name it. By the time it was about nine o’clock in the morning, there were people in droves; a man with a camel: he’d lost all his family, and all his possessions were on top of the camel. There were some young boys who’d been orphaned. Then there were numerous donkeys with women riding on them with their husbands next to them. All of these people were on their way to Iran. I stayed in a village where they claimed there had been five thousand inhabitants. There remained one building intact in the whole village. I didn’t see more than ten inhabitants there. To destroy this place the bombers came from Russia [the USSR]. And there were craters everywhere, even where there were no buildings, so there was no pretense about ‘we’re trying to hit the mujahidin.’ It was a complete blitz. All the way from there on into Herat there was no one living there, absolutely no one. The town that I stayed in, Hauz-i Karbas, looks like Hiroshima. And there had been tremendous amounts of vineyards there, and they were just reduced to gray dust.”<sup>23</sup>

4.22 Danziger was only one of many who described such scenes of devastation in the Afghan countryside during the early to mid-1980s. People coming from almost every area of Afghanistan—Western scholars, journalists, doctors, and nurses, as well as the Afghan refugees and resistance fighters themselves—told of vast destruction: carefully constructed homes reduced to rubble, deserted towns, the charred remains of wheat fields, and trees cut down by immense firepower or dropping their ripe fruit in silence, with no one to gather the harvest.<sup>24</sup>

4.23 A Soviet first lieutenant mused on why the Afghans hated the Soviets so much:

“To them you’re just a Russky, not a human being. Our artillery wipes his village off the face of the earth so thoroughly that when he goes back he literally can’t find a trace of his mother, wife or children. Modern weaponry

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<sup>22</sup> Svetlana Aleksievich, *Zinky Boys: Soviet Voices from the Afghanistan War* (London: Chatto and Windus, 1992) 171–172.

<sup>23</sup> Helsinki Watch, *Tears, Blood, and Cries* 23.

<sup>24</sup> Helsinki Watch, *Tears, Blood, and Cries* 23–24.



makes our crime even greater. I can kill one man with a knife, two with a mine . . . dozens with a missile.”<sup>25</sup>

4.24 According to an analysis published by the authors of Human Rights Watch’s first report on Afghanistan:

“This mass destruction was dictated by the political and military strategy of the Soviet Union and its Afghan allies. Unable to win the support or neutrality of the rural population that sheltered and fed the guerrillas, Soviet and DRA soldiers turned their firepower on civilians. When the resistance attacked a military convoy, Soviet and Afghan forces attacked the nearest village. If a region was a base area for the resistance, they bombed the villages repeatedly. If a strategic region became too much of a threat, they bombed it intensively and then swept through with ground troops, terrorizing the people and systematically destroying the delicately interrelated elements of the agricultural system. The aim was to force the people to abandon the resistance or, failing that, to drive them into exile.”<sup>26</sup>

4.25 One elderly Qandahari told Human Rights Watch in 1984:

“So many things have happened in the past five years that we are confused. All of our innocent people have been killed in different ways. They took many people from their houses and killed them. They were bombed by jet fighters or thrown alive in wells and buried under the mud. They were thrown down from airplanes, and some were put under tanks alive, and the tanks crushed them. They were all unarmed people. Some of them were given electricity and killed that way. Some were cut into pieces alive. These are things we could not remember even from the reign of Genghis Khan.”<sup>27</sup>

4.26 This strategy came to an end after the Soviet politburo’s decision, taken at a meeting in November 1986, to withdraw from Afghanistan. Hence most (though not all) of the reports of mass killing in the countryside date from the period through 1986.<sup>28</sup>

## **B. Indiscriminate Bombing**

4.27 Bombardment of rural villages was a constant for much of the war.<sup>29</sup> This section deals with bombing of civilian targets without the use of ground troops. Combined operations involving both ground troops and bombardment are dealt with in the section on “massacres.”

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<sup>25</sup> Aleksievich 112.

<sup>26</sup> Laber and Rubin, *A Nation is Dying* 10.

<sup>27</sup> Helsinki Watch, *Tears, Blood, and Cries* 39. Haji Muhammad Naim Ayubi, sixty, former merchant, personal interview, Quetta, October 3, 1984.

<sup>28</sup> Rubin, *Fragmentation*; Maley, *The Afghanistan Wars* .

<sup>29</sup> Helsinki Watch, *Tears, Blood, and Cries* 24.

4.28 Special Rapporteur Ermacora noted the highly destructive aerial weapons used in the bombardments, presumably by the Soviet military:

“High-altitude bombardments were recorded. People spoke about bombs containing 40 individual rockets which explode 24 hours after deployment. Other weapons are reported to have been used during shelling. BM 54s with 87 barrels have been fired against villages. BM 41s and BM 31s are still in use.”<sup>30</sup>

4.29 The MiG-25 jet fighter bomber, the Mi-24 Hind armored helicopter, and the Grad BM-13 mortar were reported to have become as familiar to the Afghan villager as the bullocks that pull his plow. The Tu-16 Badger high-altitude bomber, flying directly from bases in the Soviet Union, was well known in the Panjshir Valley, according to reports. In November 1988 the USSR also introduced SCUD-B missiles to Afghanistan, which, according to Human Rights Watch, “carry warheads of 1,000 kilograms and are highly inaccurate.”<sup>31</sup> Professor Ermacora reported that these missiles were used in “continuous bombing” of Laghman, Nangarhar, Paktia, and Zabul provinces, and along the Pakistan border and the infiltration routes toward Kabul.

4.30 In 1985, Professor Ermacora stated that the witnesses considered the bombings to “constitute a deliberate policy designed to drive out the populations.”<sup>32</sup> The following year he noted:

“The way in which the bombardments were carried out indicates a strategy that reflects an intention to clear up the provinces bordering on Pakistan and the Islamic Republic of Iran and to establish a cordon along the frontiers.”<sup>33</sup>

4.31 Ermacora mentioned, for instance, that “on 12 April 1986, between 800 and 1,000 civilians were killed by soldiers in the Andkhvoy District of Faryab Province during a bombing raid. . . . There have also been reports in the same province of 100 civilians killed during encounters on 5 June 1986 between Afghan troops and opposition fighters.”<sup>34</sup> Writing in 1990, he commented that the missiles used by Afghan forces at that time “are mainly concentrated on military targets, but inaccuracy of aim often appears to lead to destruction of civilian targets, causing much fear among the population.”<sup>35</sup>

4.32 According to Human Rights Watch in 1984, when its researchers asked an Afghan villager why he or she came to Pakistan, the answer nearly always began with the words shurawi bombard mikardand (the Soviets were bombing). In Afghanistan

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<sup>30</sup> E/CN.4/1986/24 para. 86.

<sup>31</sup> Asia Watch, Afghanistan: The Forgotten War -- Human Rights Abuses and Violations of the Laws of War since the Soviet Withdrawal (New York: 1991) 29.

<sup>32</sup> A/40/843 (1985) para. 81.

<sup>33</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/41/778, 1986) para. 29.

<sup>34</sup> A/41/778 (1986) para. 63.

<sup>35</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1990/25) para. 68.

the most common target was the peasant village: the homes, fields, orchards, and mosques. In provincial towns the marketplace and residential areas became targets. These attacks were responsible for the vast majority of the estimated hundreds of thousands of civilian deaths.<sup>36</sup>

4.33 An account furnished to Human Rights Watch by Abdul Karim Muheb of Peshawar University was typical. At 9 A.M. on January 11, 1985, a squadron of helicopter gunships flew extremely high over the village of Wonkhi, Sayedabad district, Wardak province, seventy-five kilometers southwest of Kabul city. The people concluded from the height and high speed of the aircraft that the village would not be bombarded that day and therefore started their routine occupations. Soon, however, the helicopters returned from the east, this time at a low height over the village, accompanied by MiG fighters. The villagers guessed that the planes were passing over the village to return to Kabul, but the planes instead started bombing the villages of Wonkhi and Hassan Bake. According to the witness, the two types of planes had different tasks. The MiGs first destroyed larger targets, such as mosques, shops, and houses, including a mosque where thirty children of one of the villages were studying. Most of the villagers had rushed to that mosque, thinking they would be safe there, “but met,” the witness said, “the destinies of death and destruction.” The helicopters then circled very low over the villages, hunting survivors as well as livestock. When the planes left, people from neighboring villages rushed to the scene. “They started to dig out bodies from the ruined houses, shops, and buildings. The work of removing the piles continued for three days, and the dead bodies of thirty-six men and three ladies were unearthed. They also found thirty seriously wounded people.” The witness gave the total destruction as eighty houses and two mosques in the two villages of Wonkhi and Hassan Bake.<sup>37</sup>

4.34 Sayed Azim, a former government official and graduate of the Faculty of Agriculture of Kabul University, told Human Rights Watch that his home region in Wardak Province, southwest of Kabul, had been bombed for years, even in the time of Taraki. According to his report, not long before the interview twelve helicopters had bombed the town of Maidan on September 9, 1984. They destroyed eight houses, killed nine people, and injured twenty-three others.<sup>38</sup>

4.35 Dr. Ghazi Alam, an orthopedic surgeon trained in Afghanistan, India, and the United States, was interviewed by Human Rights Watch in New York City on March 30, 1984. He described the following pattern in Logar Province during the winter of 1983–1984:

“First of all the Russians terrorize civilians by bombarding the villages indiscriminately. They are killing civilians, especially the children and the women who cannot run away from their houses. There was not any firing, but

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<sup>36</sup> Description of targets from Helsinki Watch, Tears, Blood, and Cries. Statistics on the sources of mortality from Marek Sliwinski, “The Decimation of Afghanistan,” Orbis 33 (Winter 1988–89): 39–56.

<sup>37</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan (New York: 1985) 11. Testimony of Najibullah, resident of Sayed Abad District; furnished by Abdul Karim Muheb, Central Asian Studies Center, Peshawar University.

<sup>38</sup> Helsinki Watch, Tears, Blood, and Cries 29.

they have bombarded regularly, each day or three times a week or twice a week, this region of Baraki Barak District in Logar [south of Kabul]. They have sent helicopters and MiGs. I have seen one case in Baraki Barak District that nine members of one family were killed by bombing. Only one was left alive. And this operation was just for psychological effect on people, that they should not feel security in their homes.”<sup>39</sup>

4.36 Patrick David and François Frey, French doctors working with Aide Médicale Internationale, were reported to have witnessed a Soviet-Afghan offensive in the same area, Baraki Barak District of Logar Province, just south of Kabul, in September 1984. “They were bombing the houses and the people doing the harvest in the fields. They shot rockets at them and killed them.” They reported that two boys, the five- and seven-year-old sons of Gul Jan, were playing in a melon field in Chalozai when they were wounded by rockets from a helicopter. Russian soldiers had come into the area and killed and looted. On September 15 the doctors saw a helicopter fly low over the village of Chehltan:

“Our translator said, ‘Watch, this helicopter is dangerous.’ It dropped something that left some smoke. A few minutes later four jets came and bombed where the helicopter showed. The targets were the people’s houses. We saw the people running into the fields. The next day there were ten boys from Baraki Barak in the river, and a big shell exploded, a shell that had fallen in the river before. One boy died, and four were wounded.”<sup>40</sup>

4.37 These bombings occurred in the area of the country near Kabul. Rudy Seynaeve, a Belgian nurse working for Médecins Sans Frontières (MSF), kept a detailed record of the victims he treated while working at a clinic in the southern part of Balkh Province, in the far north of the country, during the first six months of 1985. The area where he worked was largely under the control of the Jamiat-i Islami resistance party. Seynaeve noted that at midday on April 11, 1985, jets and helicopters bombed a village named Mirzai in the valley of Zari with fragmentation weapons:

“There were four bombs that fell in the proximity of a mill, where they mill the wheat, and four people were wounded by stones. It seems almost every time the bombs are fragmentation bombs, bombs that fall down, and they are razing the whole area with little or even big pieces, big as a hand or big as half of a tongue, pieces of iron. I have one with me that I extracted from a wounded man. There were two of them that had almost all the back and the legs full of pieces of wheat that had crossed the tissue [pierced the cloth]. The wounds were not too deep in general, but they were very dirty, because on the bottom of the wound you had the fabric of the clothes they were wearing, and then the wheat. They infected very quickly. In this area there was no military target.”<sup>41</sup>

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<sup>39</sup> Helsinki Watch, Tears, Blood, and Cries 27.

<sup>40</sup> Helsinki Watch, Tears, Blood, and Cries 31.

<sup>41</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 15.

4.38 The jets and helicopters were reported to have returned on April 20, 1985, when they indiscriminately (“blindly”) bombed the village of Amrakh, south of Zari. This bombardment reportedly used both fragmentation devices and rockets:

“One rocket pierced a house, and the house collapsed. One child who was in the house died, six years old, his mother got a big piece of iron, it destroyed the whole elbow, two bones were broken. It has been cured now, she has a little bit stiff arm. It was a very bad wound. And a child, a daughter, about two years, had the buttocks ripped open. It was all meat, it was nicely ripped open, it was ugly ripped open with shrapnel in a bad place for a child like this. There were two men that had slight wounds. Also a piece of bomb, a piece of metal, little pieces somewhere on the back and on the shoulder, flesh wounds, but it was also civilians, no mujahidin wounded.”<sup>42</sup>

4.39 Another bombardment was reported to have occurred on April 23, 1985, near the bazaar of the town of Zari. Part of a wheat field was burned by some kind of incendiary weapon that gave off white smoke. Two men were wounded by shrapnel from a fragmentation bomb, one badly enough that he would have died if the MSF team had not been there. As Seynaeve described the result of the fragmentation bomb: “Where a bomb falls, it makes a hole, and then all the trees are cut from down to up, like stairs all around the hole.”<sup>43</sup>

4.40 The bombing continued the next day, April 24, 1985, with fragmentation bombs dropped near the hospital and bazaar of Zari. Seynaeve contrasted these “blind” bombings with one on May 30, 1985, when jets and helicopters hit three mujahidin bases very precisely, showing that the Soviet and government forces had the capacity to hit military targets if they chose to do so.<sup>44</sup>

4.41 Refugees from Qandahar province, in southern Afghanistan, interviewed in Quetta in October 1984 had similar stories to tell.

“One and a half months ago [mid-August 1984] there were nine people in my village having breakfast, and a jet fighter bombed and killed them in their house. They were Nur Muhammad, five people from Musa Jan’s family—his wife and children, aged from six months or a year to eight—a woman and two children. They are flying and doing this all the time without reason!”<sup>45</sup>

4.42 Another refugee from Qandahar described to Human Rights Watch how his two cousins, Shah Muhammad and Sardar Muhammad, sons of Muhammad Ismail of Qadir Khel village, Arghistan District, were killed the previous August by rockets from a helicopter while airing out beds in the courtyard of their home.

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<sup>42</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 15.

<sup>43</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 15.

<sup>44</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 15.

<sup>45</sup> Helsinki Watch, Tears, Blood, and Cries 28. Testimony of Abdullah Jan, twenty-two, a farmer from Dilawar Khan village, Arghandab District, Qandahar Province.

4.43 Arielle Calemjane, a nurse working for Aide Médicale Internationale, returned in July 1984 from four months in the area around the Panjshir Valley, in the mountains northeast of Shamali. In a written account of her journey, she explained that it had been impossible to carry out a medical mission because of constant bombardments.

“At four o’clock, the day breaks, and at five come the helicopters and airplanes in the sky. There seems to be some traffic today. . . . On the road, entire families are climbing the sides of the valley. The children in the women’s arms have such big, black eyes; they do not cry. The women covered in the chadri hide their faces; impossible to know what they think. The men go on foot, staring into the distance, searching for cover. . . . There were two dead this morning. Near the village where we found our bags . . . the grass is tempting in the cool shadows of the trees. To sit is to fall asleep. But there is a rumbling nearby, too near, that wrenches me out of sleep, suddenly: the helicopters! . . . There are bombs exploding around us—what are they aiming at? There are a few houses nearby; the people are fleeing. I am seized by an uncontrollable trembling, prey to a feeling of total powerlessness against these black birds, these horrible black spots in the sky, these huge insects whose sound is the sound of hell and who sow destruction and death. . . . We are invited into the house where our bags are. . . . They tell us of a wounded man . . . who is there, on the floor, his hand wrapped in a bandage from which blood is dripping. . . . The helicopter fired while he was on horseback, holding a child in front of him. The bullet went through his left hand, and the child died. . . . We have to amputate three fingers down to the knuckle.”<sup>46</sup>

4.44 Hafizullah, twenty-four, a farmer from Harioki Ulya in Kapisa Province, also northeast of Kabul, reported in the fall of 1984:

“I left because of the condition of my region. Not only days, but even at nights they attack from three or four directions with rockets and artillery. They are bombing since last autumn so often, continuously, ten to fifteen planes at a time. One type of airplane, the MiG-25, is coming every day with five to ten bombs. They drop them on the residences, on the mosques, just to get rid of the people. Some of my relatives were killed, including some women.”<sup>47</sup>

4.45 Muhammad Amin Salim, forty-three, former state prosecuting attorney from the Shamali plain north of Kabul, told Human Rights Watch in 1984:

“The reason that I am here now is that in the region where I was there is great pressure from the Soviets. As an example, I had no place to put my family, because most of the region was destroyed. There were no more houses in Qarabagh-i Shamali. Ninety-nine percent of the houses are destroyed.”<sup>48</sup>

4.46 Nicholas Danziger, quoted at the beginning of this chapter, described days of relentless bombing in the Herat area, in the far west, in June 1984:

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<sup>46</sup> Helsinki Watch, *Tears, Blood, and Cries* 33.

<sup>47</sup> Helsinki Watch, *Tears, Blood, and Cries* 28.

<sup>48</sup> Helsinki Watch, *Tears, Blood, and Cries* 29.

“Every day they came to bomb. I was there at least two weeks, and I would say there were only five days that the planes didn’t come. Sometimes they came once, sometimes twice; the helicopters often came three times. And not only that, there’s also the shelling, which can last anything up to half an hour. It seems much longer at the time. And the people don’t know how to build shelters. Every day mujahidin die, but if a mujahid has died you know that the people have died. And every day you heard the list, and it was one, two, four, three, six, this was mujahidin, but then the count of the people dying was always equivalent or greater. There were few occasions when there were fewer civilians dying than mujahidin. The people come down to work on their fields at night, women wash their clothes at night, bake the bread at night, and as there are no shelters, they hide under trees, just waiting, waiting.”<sup>49</sup>

4.47 Abdul Wahid, a student whom Human Rights Watch met in Quetta, told a researcher in an interview on October 3, 1984, of bombings and killings in Hazarajat, in Afghanistan’s Central Highlands.

“I came from Jalrez about ten days ago. When I was there, many air attacks were taking place. Every day the airplanes were flying in the area. When they failed to hit the military points, they bombed the bazaars and homes and the places where there was agricultural production. There were two bombardments in our village. They wanted to bomb the mujahidin, but couldn’t, so they bombed the populated areas like houses and the bazaar, which caused some casualties. This was in Rasana and Jaghori, and also the valley of Tangi, about twenty days ago. Also in the center of Jaghori—every day there are helicopters flying in the area. In Behsud there was a recent offensive which caused about five hundred casualties, mostly women and children, about one and a half months ago. Ground forces came too, but most were killed by cannons.”<sup>50</sup>

4.48 In a later report, Human Rights Watch confirmed that indiscriminate bombing and shelling continued through the early 1990s, if on a lesser scale. Human Rights Watch reported the following:

(a) Helmand: In July 1987 Soviet/DRA forces bombed ten to twelve villages day and night, according to a medic who treated forty civilians. They were treated in an underground clinic, because an attack in early 1987 had destroyed the above-ground clinic, killing an unknown number of people.<sup>51</sup>

(b) Qandahar: On October 2, 1987, an artillery shell hit a bus carrying a wedding party, killing the bride, bridegroom, and another person during an exchange of artillery between the government and mujahidin. In another attack on a wedding party, several children were injured. In a pass northwest

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<sup>49</sup> Helsinki Watch, Tears, Blood, and Cries 30.

<sup>50</sup> Helsinki Watch, Tears, Blood, and Cries 32.

<sup>51</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict: Violations of the Laws of War in Afghanistan (New York: 1988) 18.

of Qandahar, jets dropped incendiary bombs that released twenty-five smaller bombs, often killing and injuring nomads in the area.<sup>52</sup>

(c) Nangarhar: Twenty-five to twenty-six people, including at least three children, were killed in Shewa district when a house was hit by a bomb in late 1986.<sup>53</sup> Some of those killed were mujahidin, and about 120 mujahidin from a nearby base were eating in the village at the time.<sup>54</sup>

(d) Wardak: In September 1987 three villages were bombed in one day. Seven people were killed (including two women and four children) and forty-five injured, including a woman who later died. Civilians, including children, also died in a number of other bombing incidents, all of them in areas where there were no mujahidin and there was no fighting.<sup>55</sup>

(e) Ghazni: A village was bombed in mid-July 1987 the day after mujahidin transported twenty-seven Soviet prisoners through it. Seven people were killed and an eighteen-year-old girl severely injured.<sup>56</sup>

4.49 In early 1989, according to the UN Special Rapporteur, as the last Soviet troops were withdrawing, they covered their retreat with heavy bombardments:

“The Soviet troop withdrawal has been hindered by repeated attacks by the opposition forces, resulting in much loss of civilian life and damage to property. One of the most striking incidents reported to have occurred towards the end of January 1989, which inflicted severe civilian losses, consisted in prolonged artillery attacks in the area around the Salang tunnel, north of Kabul, which allegedly claimed 600 civilian victims. According to Soviet sources, such military action on the part of Soviet troops was an act of self-defence on the part of the withdrawing forces and had no other purpose. Similar bombings resulting in heavy civilian losses have taken place in other areas, such as Kunar, Panjshir Valley, Parwan, Bamyan, Wardak, Nangarhar, and Maydan [part of Wardak].”<sup>57</sup>

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<sup>52</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 17–21.

<sup>53</sup> Because of differences of dialect and pronunciation, this area is variously called Shewa, Khewa, Shiva, and Khiva. We have used the standard Pashto spelling of Shewa for the area, whose inhabitants call it Khewa.

<sup>54</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 22–24.

<sup>55</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 24–25.

<sup>56</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 18–25.

<sup>57</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1989/24) para. 31.



4.50 According to Human Rights Watch, these attacks made use of SCUD missiles, which reportedly killed seventy people in the village of Khenj.<sup>58</sup>

4.51 Human Rights Watch reported that during and following the battle for Jalalabad, from March 1989 through 1991, government forces continued to bombard civilian areas in Nangarhar province with weapons including SCUD missiles. Though mujahidin forces were in the area, according to Human Rights Watch, “If the principles of humanity and proportionality are to be observed, . . . the existence of legitimate military targets in the area may not justify the kind of carpet-bombing that apparently took place.”<sup>59</sup> Here are a few examples:

(a) Jalalabad district, late 1989: “My husband died in the bombardment, buried under the house. It was difficult to recognize his body, it was so badly crushed. My daughter, Nafaz Gul, two years old, was also crushed under the house. In other houses, there were dismembered bodies of children and dead animals. . . . Some 45 people in all were killed, and more than that wounded. . . .”<sup>60</sup>

(b) Surkhrud, March 1989: “My brother-in-law was hit by a shell so big that he had no heart left; there was only a big hole in his body. My husband, a day laborer was also killed. . . . Two other relatives were killed. . . . One man working on the land was broken in two parts, a man named Akbar. The mosque was leveled and the mullahs died.”<sup>61</sup>

(c) Surkhrud, mid-1989, testimony of a widow: “My paternal uncle, his two sons, another uncle and two of my mother’s brothers died in one mud house. In another house, five died: a mother, a daughter and three brothers.”<sup>62</sup>

(d) Mimbaraq, Chaharbagh district, early 1990: A woman lost five sons and a four-year-old daughter in a bombardment.<sup>63</sup>

(e) Shewa district, March 1989: A woman lost seven family members, including her husband. “There was nobody to bury the dead afterwards. . . . The bombs left big craters. . . . Six or seven hundred came to Pakistan from our village.” Others from Shewa described both bombs that created big craters and bombs that “scattered small bombs.” One said, “There was no one to bury them; the dead bodies were eaten by dogs.”<sup>64</sup>

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<sup>58</sup> Asia Watch, The Forgotten War 28–29. The civilian casualties in these attacks were also reported by Soviet journalist Artyom Borovik, who accompanied the troops during their withdrawal: “Hundreds of Afghan women, children and old men were killed.” See John Newhouse, “Chronicling the Chaos,” The New Yorker, December 31, 1990: 57.

<sup>59</sup> Asia Watch, The Forgotten War 31.

<sup>60</sup> Asia Watch, The Forgotten War 32.

<sup>61</sup> Asia Watch, The Forgotten War 32.

<sup>62</sup> Asia Watch, The Forgotten War 32.

<sup>63</sup> Asia Watch, The Forgotten War 33.

<sup>64</sup> Asia Watch, The Forgotten War 31–34.

4.52 Human Rights Watch also reported bombardments in other areas in 1989 and 1990, including in Faryab in the northwest and in Paghman, near Kabul. In most of these cases there was some military target in the vicinity, but the means used were indiscriminate and not proportionate, resulting in great human suffering.<sup>65</sup>

### C. Reprisal Killings

4.53 Soviet soldiers in Afghanistan found themselves in a terrifying and incomprehensible environment. When their comrades were killed, they often lashed out brutally at whoever was closest by. Sometimes they did so spontaneously and at other times reportedly under orders from their officers. They seemed to have received little if any training in the laws of war. One Soviet Afghan veteran described his conception of military duty this way:

“I’m a soldier and killing’s my profession. I’m like the slave of Aladdin’s magic lamp, or rather the slave of the Defense Ministry. I’ll shoot wherever I’m told to. When I hear the order ‘Fire!’ I don’t think, I fire, that’s my job.”<sup>66</sup>

4.54 A private from a grenadier battalion told reporter Svetlana Alexievich:

“We pointed our guns where we were told, and then fired them, exactly as we’d been trained, and I didn’t care, not even if I killed a child. Everyone was part of it over there: men and women, young and old, kids. One time, our column was going through a kishlak [Afghan village] when the leading vehicle broke down. The driver got out and lifted the bonnet—and a boy, about ten years old, rushed out and stabbed him in the back, just where the heart is. The soldier fell over the motor. We turned that boy into a sieve. If we’d been ordered to, we’d have turned the whole village to dust.”<sup>67</sup>

4.55 On another occasion, that is just what his unit did:

“Our company was combing through a village. I was patrolling with another lad. He pushed open a hut door with his leg and was shot point-blank with a machine-gun. Nine rounds. In that situation hatred takes over. We shot everything, right down to the domestic animals. In fact, shooting animals is the worst. I was sorry for them. I wouldn’t let the donkeys be shot—they’d done nothing wrong, had they? They had amulets hanging from their necks, exactly the same as the children. It really upset me, setting fire to that wheat-field—I’m a country boy myself.”<sup>68</sup>

4.56 A Soviet soldier told reporter Svetlana Alexievich in September 1986:

“They killed my friend. Later I saw some of them laughing and having a good time. Whenever I see a lot of them together, now, I start shooting. I shot up

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<sup>65</sup> Asia Watch, The Forgotten War 32–36.

<sup>66</sup> Aleksievich 112.

<sup>67</sup> Aleksievich 16–17.

<sup>68</sup> Aleksievich 76.

an Afghan wedding, I got the happy couple, the bride and groom. I'm not sorry for them—I've lost my friend."<sup>69</sup>

4.57 A Soviet soldier using the pseudonym Pvt. Jamalbekov, who voluntarily deserted his unit, told Human Rights Watch in Peshawar on September 21, 1984, about a massacre he had witnessed on the road between Tashqurghan (formerly Khulm) and Mazar-i Sharif in April 1982 while stationed in Balkh Province with the 122nd Brigade:

"Besides our brigade's garrison, there was a special commando unit. The brother of the commander of the unit was a captain in the same unit. It was the birthday of the commander. They drank too much vodka. The captain took three soldiers and went to the town of Tashqurghan to get grapes and apples. When they went to the town, they were captured by the mujahidin. They were killed and then cut up and dropped in the water. When the drunk commander found out that his brother and three soldiers were killed by mujahidin, he took the whole commando unit at night. He went to the village and butchered, slaughtered all the village. They cut off the heads and killed perhaps two thousand people. The sun came out, and the mujahidin and others buried the people. I drove my APC [armored personnel carrier] there and saw the demolished houses. In the part destroyed by the commandos there was nobody living there. That's why I say it's a bad war, a dirty war."<sup>70</sup>

4.58 The actual number of deaths may have been fewer than "Jamalbekov" reported.

4.59 On November 1, 1985, The New York Times correspondent Arthur Bonner quoted from an interview with a Soviet soldier who had defected to the Afghan resistance and adopted the Moslem name of Ahmed:

"‘The Soviet troops can't find the mujahedeen so they kill civilians,’ he said, adding: ‘Our officers said we must go into a village and kill all the people and animals, sheep, horses, even dogs and cats. But I thought it was the mujahedeen who were fighting against us, not elderly people and dogs and cats.’"<sup>71</sup>

4.60 Professor Ermacora recorded such incidents:

(a) "The Special Rapporteur was given information about an incident said to have occurred in mid-August 1986 in the village of Garabad, in Konduz Province, during which soldiers first invaded the village in retaliation to a skirmish with members of opposition movements and then executed 30 persons, disemboweled a woman with a bayonet and cut off her breasts, and kicked several children to death. Several houses were destroyed and all

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<sup>69</sup> Aleksievich 6.

<sup>70</sup> Helsinki Watch, Tears, Blood, and Cries 35.

<sup>71</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 16; Arthur Bonner, interview with a Soviet soldier), The New York Times, November 1, 1985.

livestock killed. The witness claimed that he himself had lost 14 family members (three of whom had been killed by bayonets and 11 crushed under the rubble of their house, which had been destroyed by fire).<sup>72</sup>

(b) “In one particularly horrible incident, several persons had their throats slit with knives. This incident took place in the village of Siyawachan, in Herat Province, in March 1986. Eleven persons were killed, with one survivor currently receiving medical treatment.”<sup>73</sup>

4.61 Testimony in August 1985 from a former officer of the Interior Ministry in Kabul who was responsible for radio communications of some military units confirmed that the killing of civilians in reprisal was sometimes intentional.

“When the mujahidin ambushed a convoy, we got certain orders. For example, one time when a convoy was coming through the Salang Pass [on the major highway from the Soviet Union to Kabul] in Parwan Province, the mujahidin took positions in villages above the convoy. So the mujahidin ambushed the convoy. When they shot at the helicopters over the convoy, they lost control, and the helicopters escaped. Then they send a message to the nearest air base to ask for help and also to the nearest brigade or military post. Then maybe ten to twenty helicopters and MiGs appear and troops move in about two hours and destroy completely all the villages in the area. [Afterward] in reports they mentioned, we killed twenty ashraf [bandits], thirty, even one hundred ashraf. They mentioned the ladies and children also. They were not saying separately the mujahidin and civilians or ladies and children. They were including any village giving help to the mujahidin. They would say thirty, fifty ashraf killed, including women and children, and ‘we cleaned the area [manteqeh-ra pak kardim] from all ashraf.’”<sup>74</sup>

4.62 On June 30, 1983, in an incident widely reported in the French press and later raised with the Afghan government by Amnesty International, Soviet soldiers killed twenty-four people, including twenty-three unarmed civilians, in Rauza, a village on the outskirts of Ghazni. Patrice Franceschi, a freelance journalist working with Médecins du Monde, was nearby at the time, and he was able to interview villagers in detail a week after the event.

(a) “The Soviet sweeping operations that had begun several days before reached Rauza on June 30. About 2 A.M., APCs encircled the village. There was no unit of the Afghan army with them. At dawn, the Russian soldiers left their vehicles, protected by helicopters, and began to search the village, street by street.

(b) “An eighteen-year-old resistance fighter, Gholam Hazrat, was then at home with his weapon. The suddenness of the Russians’ arrival had trapped him. Frightened, he hid himself at the bottom of the well in his family’s

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<sup>72</sup> A/41/778 (1986) para. 60.

<sup>73</sup> A/41/778 (1986) para. 62.

<sup>74</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 16.

courtyard. Around 10 A.M., a six-man patrol, including one officer, broke down the door and began to search.

(c) “The officer and one of his men soon leaned over the well. When he saw that he was discovered, the resistance fighter opened fire, killing the officer and wounding the soldier. He immediately died under the fire of the other Russian soldiers.

(d) “This became the occasion for blind reprisals. The four remaining soldiers shot all the men in the house, the father, a cousin, and two uncles of Gholam Hazrat. Then they went out and assembled all the men they could find in the neighborhood, passersby, shopkeepers, etc. They were first beaten and robbed of any valuables (watches, money) before being summarily executed in the street. Twenty-three people were killed in this way.”<sup>75</sup>

4.63 Franceschi collected the name, age, and profession of each victim and photographed the graves.

4.64 While in Quetta in October 1984 Human Rights Watch learned of another reprisal killing near Qandahar from Habibullah Karzai, a paternal uncle of President Hamid Karzai. He told Human Rights Watch he had received several independent reports of the killing of members of his Popolzai tribe in Ghundaikan village, seven kilometers west of Qandahar, on September 27.

“The village is near the Kandahar-Herat road. On either side of the highway there are grapes. After two or three vineyards, you reach the village. The mujahidin had mined the grape gardens with antipersonnel mines. When the Soviets started to cross the gardens, they hit the mines, and six or seven of them were killed. They rushed to the village and killed about fifty people, mostly children, old ladies, old people, and so on, because the young people ran away. They tried to escape. The Russians seized the area for three days. One lady was locked in a room with two children. The two children were killed—we don’t know why—but the lady is still alive. I have the name of only one of the victims, Said Sikander. He was a poor man.”<sup>76</sup>

4.65 The French doctors Frey and David told Human Rights Watch of a reprisal killing during the offensive in Logar in early September 1984. On September 10 the Soviet units that had occupied Baraki Barak District for four days were supposed to be reinforced by a convoy of the Afghan Army coming from Kabul. One of the Afghan Army officers, however, defected to the resistance with much of the convoy. The next day Soviet forces arrested forty civilians, according to Dr. David.

“They tied them up and piled them like wood. Then they poured gasoline over them and burned them alive. They were old and young, men, women, and

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<sup>75</sup> Les nouvelles d’Afghanistan 15 (December 1983) 5, cited in Helsinki Watch, Tears, Blood, and Cries 36.

<sup>76</sup> Helsinki Watch, Tears, Blood, and Cries 40.

children. Many, many people were telling this story. They all said forty people had been killed.”<sup>77</sup>

4.66 This story was confirmed on September 23, 1984, by an Afghan doctor in Peshawar, who had recently learned by letter that two of his relatives were among those burned to death in Logar.<sup>78</sup>

#### **D. Massacres**

4.67 Professor Ermacora found that massacres of civilians in villages followed a systematic pattern as part of combined operations involving armor, infantry, or special forces, and sometimes air forces:

“The testimony . . . gives a clear picture of the methods used in the conduct of village and house searches by government troops and foreign [Soviet] forces: after bombardment, tanks surround the villages during the evening; in the morning, troops enter the villages—each village at the same time—houses are searched, money is demanded, women and children in particular are questioned, usually concerning the whereabouts of the menfolk, and during the interrogation people are sometimes killed. After the withdrawal of the troops, they return once again shortly thereafter and begin the same search procedure. In this context, the Special Rapporteur obtained information on an incident which took place on 2 February 1985 in the village of Sandaly in Nangarhar province, where soldiers, after overrunning the village, executed 20 people, including 8 women, on the village square.”<sup>79</sup>

4.68 Pvt. Vladislav Naumov, who served in a battalion specializing in punitive expeditions near Jalalabad, Nangarhar Province, described how he was trained to carry out such operations:

“At Termez [Soviet Uzbekistan, just north of Mazar-I Sharif, across the Amu Darya] we built models of Afghan villages. Before every combat exercise, Major Makarov would constantly repeat: ‘Look in the direction of the village: there are the dushmans. [Dushman, the Persian word for enemy, was used by the Soviet military to refer to the Afghan insurgents.] Forward! Kill them! They kill completely innocent people.’ And then the truly punitive operations would start. . . . Under the cover of the infantry’s combat vehicles we would raze the village to the ground. Then, working under the scorching sun, we would rebuild the model, all over again. . . . We had bayonets and silencers attached to our rifles, and we learned to use them pretty skillfully. The major often repeated Suворov’s words: ‘The bullet is a fool, the bayonet—a stalwart. Hit with the bayonet and try to turn it around in the body.’”<sup>80</sup>

4.69 These tactics became more common after the introduction of Soviet mobile special forces (spetsnaz) to Afghanistan in 1983, and they ceased after the Soviet

<sup>77</sup> Helsinki Watch, Tears, Blood, and Cries 40.

<sup>78</sup> Helsinki Watch, Tears, Blood, and Cries 40.

<sup>79</sup> A/40/843 (1985) para. 79.

<sup>80</sup> Radio Liberty Research Bulletin, March 19, 1984: 324.

decision to withdraw.<sup>81</sup> The available evidence places most of the mass killings of this type in areas of strategic importance, either the Eastern and Central zones, in the area between Pakistan and Kabul; the southern zone, where Qandahar was highly contested and was key to ground communications between Kabul and Herat; and the far northeast, on the Soviet border, which was one of two routes linking Kabul to the USSR.

### **Logar Province (Central Zone)**

4.70 A massacre that took place in Logar Province in 1982 was documented by some Western observers. A commission of the Permanent People's Tribunal on Afghanistan—composed of Michael Barry, an Afghanistan expert; Ricardo Fraile, a specialist in international law; Dr. Antoine Crouan; and Michel Baret, photographer—documented a massacre of 105 persons in the village of Padkhwab-i Shana in Logar Province through on-site inspection and interviews with witnesses.

4.71 Their report to the “People's Tribune” on Afghanistan (a successor to the “Russell Tribune” on Vietnam) stated:

(a) “Soviet armored vehicles, hunting down modjahedin surrounded the village at 8 A.M. on September 13, 1982. Some of the fighters and villagers, including children, found refuge in a ‘karez’ (covered irrigation canal). The Soviet soldiers asked two old persons to enter the canal and summon the people to come out. Faced with the latter's refusal, the old people came back up claiming there was nobody inside.

(b) “According to an old person's eyewitness testimony, a tank truck was brought to pour a liquid, apparently oil, into the three openings of the karez. From another tank truck they poured a white-looking liquid to which they added the contents of a 100-pound bag of white powder. It was set on fire three times thanks to ‘Kalashnikovs,’ and each time there was a violent explosion.

(c) “They protected their eyes and heads with helmets and shot their Kalashnikovs into the products, which exploded. Then they did the same thing at the other opening of the canal. When the fire and smoke had cleared, they started again with another hole. They stayed until 3 P.M. When they realized the operation had succeeded, they applauded and laughed as they left.

(d) “The first day the population pulled out four bodies; the second day 30; the third, 68. Seven days later, the last three. When we touched the bodies, pieces would stay in our hands. The first day, when we wanted to pull out the victims, the unbearable stench made us feel sick. . . . It is only with great difficulty that we were able to extract the maimed bodies: people could not even recognize their children or relatives. Whenever they were identified, it was thanks to watches, rings, and other objects they might be wearing”<sup>82</sup>

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<sup>81</sup> Maley, The Afghanistan Wars.

<sup>82</sup> Bureau International Afghanistan, “Afghanistan People's Tribunal, Stockholm: 1981–Paris: 1982; Selected Minutes from the Tribunal's Meetings,” special issue of The Letter from the B.I.A. (Paris;:

4.72 This province near Kabul was the site of many more extra-judicial killings, on both a large and small scale. The Swedish journalist Börje Almquist traveled through Muhammad Agha district and other parts of Logar in December 1983. In a letter to Amnesty International, he presented statistics on killing, bombardment, looting, and destruction of agricultural infrastructure and food in nineteen villages of Muhammad Agha and seven other areas.<sup>83</sup> Almquist's accounts include Soviet soldiers executing unarmed men during searches, slitting the throat of a 55-year old man with a bayonet and burning another alive. Almquist passed through whole villages that were deserted and looted. He learned of women shot and robbed of their jewelry. Throughout the area, the population had largely fled to Pakistan. Box 4.2 below presents the result of his study, which shows the wanton destruction of a peasant society. Dr. Ghazi Alam, a medical doctor originally from Muhammad Agha district, provided nearly identical accounts of events in the same place and during the same period when he was interviewed by Human Rights Watch in New York on March 30, 1984.<sup>84</sup>

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1983) 15.

<sup>83</sup> Börje Almquist, Letter to Amnesty International, Eskilstuna, Sweden, April 19, 1984.

<sup>84</sup> Helsinki Watch, Tears Blood, and Cries 27-28.



<b>Box 4.2. Results of a Survey by Börje Almquist of Villages in Muhammad Agha District, Logar Province in December 1983</b>								
<b>LOCATION</b>	<b>DATE OF EVENTS</b>	<b>POPULATION</b>	<b>HOMES DEMOLISHED</b>	<b>OTHER PROPERTY DEMOLISHED</b>	<b>PEOPLE KILLED/ WOUNDED</b>	<b>PEOPLE DISPLACED</b>	<b>METHOD OF DESTRUCTION</b>	<b>WHERE VICTIMS FLED</b>
Binichar Afghan		30 families						
Burg	Summer–Autumn 1982	70 families			August 23, 1982 —17 people killed and 8 wounded	64 families		
Chinara		20 families				20 families	Bombardments in 1979	Pakistan
Dauran Khel	Summer–Autumn 1982	25 families	August 24, 1982—1 house destroyed			6 families	Bombardment	Pakistan
Dubandi Valley	Summer–Autumn 1979					5,000 civilians	Bombardment	Pakistan
Ghaldara	1982–1983	15 families	October 2, 1983—5 houses destroyed	October 2, 1983—12 sheep killed		10 families	October 2, 1983—4 helicopters and 4 MiG-jets bombarded village	7 families to Pakistan (1982), 1 to Kabul and 2 to other villages (1983)
Ghundi	1982–1983	36 families	August 23, 1982—5 houses destroyed; September 3, 1983—4 houses destroyed	3 donkeys	1 woman killed; 1 woman wounded	36 families (4 in 1982, 32 in 1983)	Bombardments	18 families to other villages, 6 to Kabul, 12 to Pakistan
Gomaran		300 families				240 families	Village fired on by tanks and helicopters	50 families to Pakistan, 40 to Kabul, and 150 to other villages

<b>Box 4.2. Results of a Survey by Börje Almquist of Villages in Muhammad Agha District, Logar Province in December 1983</b>								
LOCATION	DATE OF EVENTS	POPULATION	HOMES DEMOLISHED	OTHER PROPERTY DEMOLISHED	PEOPLE KILLED/ WOUNDED	PEOPLE DISPLACED	METHOD OF DESTRUCTION	WHERE VICTIMS FLED
Gomarani	October 1983; November 11, 1983; December 6, 1983	40 families		November 11, 1983—radios, carpets, private property, 2 cows stolen; December 6, 1983—many women robbed of jewelry and one man had 18 boxes each containing 42 kilos of apples stolen	1 woman shot on her doorstep	9 families		5 families to Pakistan, 4 to other villages
Kalai Ahmad Zai	June 1983	30 families	5 houses	Houses of families that fled looted		7 families	Bombs and rockets from helicopters; 12,7 machine guns	Kabul and Pakistan
Kalai Shah	1983	20 families				1 family		Pakistan
Kalaitadkhan	April 4, 1983; September 1983	16 families	April 4, 1983—4 houses; September 1983—apartment complex housing 6 families	September 1983—mosque destroyed		16 families (4 in April 1983 and the rest in Summer 1983)	Bombardment	
Kamalkhel	Summer 1982–September 1983	30 families	September 13, 1984—4 family compounds destroyed	September 18, 1983—village looted; September 13, 1983—1 donkey and 8 cows killed	September 18, 1983—2 men executed with AK-47's and 1 man burned alive; September 13, 1983—4 women, 3 men, and 1 child killed	25 families	Bombardment	4 families to Pakistan and 21 to other villages
Kandau	1982		1982—several houses destroyed			Families whose homes were bombarded	Bombardment	Pakistan

**Box 4.2.** Results of a Survey by Börje Almquist of Villages in Muhammad Agha District, Logar Province in December 1983

LOCATION	DATE OF EVENTS	POPULATION	HOMES DEMOLISHED	OTHER PROPERTY DEMOLISHED	PEOPLE KILLED/ WOUNDED	PEOPLE DISPLACED	METHOD OF DESTRUCTION	WHERE VICTIMS FLED
Kutabkhel	November 16, 1983; December 6, 1983			December 6, 1983—Soviet soldiers looted homes and stole items such as food, radios, sewing machines, watches, and household utensils	6 total—3 on November 16, 1983 and on December 6, 1983		1 man's throat slit, 3 men on December 6, 1983, were strapped to a tank and blown up by an electric mine	
Momor Hotel	October 1982	10 families	Houses bombarded and fired upon	Hotel, 6 shops			Bombardment, gunfire	
Nassarkhel	Autumn 1982—Autumn 1983	38 families	Autumn 1982—Some houses leveled; May 25, 1983—large compound destroyed	October 20, 1983—8 houses looted and jewelry stolen		31 families	May 25, 1983—bombardment; October 19, 1983—village fired on by rockets from 4 helicopters for 10 hours	15 families to Pakistan, 6 to Kabul, 10 to other villages
Niazi	1983	10 families				4 families		Pakistan
Nishankhel	November 1983	15 families				9 families		Pakistan
Pul-e-Kandari	October 1982	30 families	6 houses destroyed	15 shops, 1 mill; shops looted before destroyed			Bulldozers, rockets from helicopters	
Sabakkhel	September—October 1983; December 6, 1983	60 families	December 6, 1983—1 house bombarded and others looted	May 1980—gardens and fields bombarded		54 families		Pakistan and other nearby villages
Salikhel	Summer 1982—Autumn 1983	20 families	July 1983—several houses damaged	Summer 1982—an apple orchard where people were hiding was bombarded; July 1983—mosque destroyed	September 18, 1983—one man wounded	20 families	Machine gunfire, rockets from helicopters	8 families to Pakistan, 12 to other villages
Sangarkhel	Spring 1982—Autumn 1983	36 families		April 4, 1982—1 man robbed of 50,000 afghanis; August 28, 1982—14 sheep killed		30 families	August 28, 1982—village fired upon by rockets from helicopters	10 families to Pakistan, 4 to Kabul, and 16 to other villages

**Box 4.2.** Results of a Survey by Börje Almquist of Villages in Muhammad Agha District, Logar Province in December 1983

LOCATION	DATE OF EVENTS	POPULATION	HOMES DEMOLISHED	OTHER PROPERTY DEMOLISHED	PEOPLE KILLED/ WOUNDED	PEOPLE DISPLACED	METHOD OF DESTRUCTION	WHERE VICTIMS FLED
Sharafghan		15 families				13 families	Never bombed	
Surchaub area	1982–1983	1,000 families in 7 villages	December 3, 1983—13 houses destroyed in the village of Darra	December 22, 1982—village of Sarlakala was looted	December 22, 1982—on man executed in Sarlakala; December 3, 1983—8 men, 5 women, and 3 children wounded in Darra	700 families	Area bombed every month from May–November 1979; in August 1982 the villages of Kopak, Mathan, and Ghautjai were bombed 3 times	
Zarghoonsahr	Summer–December 1983		December 19, 1983—several houses damaged					

Source: Borje Almquist, Unpublished Letters, 1984.

## **Nangarhar Province (Eastern Zone)**

4.73 In September 1984, villagers who had just arrived in Peshawar from Batikot District, Nangarhar Province, told Human Rights Watch researchers, “Twenty days ago the Russians bombed our villages—Bela, Mushwani, and Lachapur—and 120 people died.”<sup>85</sup> They showed Human Rights Watch a six-year-old boy with shrapnel in his leg from the bombing. “On August 27 the Russians came at 4 A.M. When they reached the village they started killing people. After they finished in Lachapur and Mushwani, they went to Bela. There were 130 killed. They killed them with Kalashnikovs and with bombs from airplanes.”<sup>86</sup> According to one refugee, in one family headed by Muhammad Umar fifteen people were killed outside their home at 4:00 A.M.<sup>87</sup> A woman from Bela said:

“‘I lost my mother, father, and five children. The Russians came to the village, and the mujahidin were there. The fighting was hard. After the fighting the Russians came into the village and killed the people. They came into my house and wanted money. They accused us of being from America. My husband and I ran to the mountains, but I could not take five of my children with me, only these three. We spent five days in the mountains without food and water. We went back to the village and saw the tents were burned. I found my five children dead in the house. There were 140 people killed, including my parents and sisters. I don’t know how the days become nights and the nights become days. I’ve lost my five children. Russian soldiers do these things to me.’ (Her five dead children were Muhammad Shams, seven; Shams-ul-Haq, eight; Najibullah, ten; Naqibullah, fourteen; and Al-Hamula, fifteen.)”<sup>88</sup>

4.74 Professor Ermacora also reported killings in Lachapur, at a later date (January/February 1985). He reported that “dogs were used to attack men in a massacre in which about 100 civilians were killed.”<sup>89</sup>

4.75 Refugees reported another massacre in Nangarhar in the spring of 1985, in Surkhud district, a densely populated irrigated area south of Jalalabad. As described by Professor Ermacora in his summary of the standard procedure of such operations, Soviet forces surrounded the area at night. Troops came into the village of Fatihabad, where they blew open the gates of houses with grenades, killed livestock (nine horses and some cows), and searched for weapons and ammunition while looting anything of value. The witness estimated that they looted 1,100 houses. At approximately 1 A.M. the soldiers began to kill people, including six men watering their fields in the

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<sup>85</sup> Helsinki Watch, *Tears, Blood, and Cries* 31.

<sup>86</sup> Helsinki Watch, *Tears, Blood, and Cries* 31.

<sup>87</sup> Helsinki Watch, *Tears, Blood, and Cries* 31. Testimony of Rahmatullah, a farmer from Bela village, Nangarhar Province.

<sup>88</sup> Helsinki Watch, *Tears, Blood, and Cries* 31. Testimony of wife of Muhammad Kabir of Bela village, Nangarhar Province.

<sup>89</sup> E/CN.4/1986/24 para. 95.

cool of the night by lamplight, and a number of other civilians. The witness reported that the soldiers placed the bodies of slain women, children, and old people with the slaughtered cattle. Mujahidin arrived, and a battle took place in the morning. Several people were killed in circumstances that are unclear, including commander Muhammad Idris, said to have been killed while praying in a mosque; Haji Nurani, son of Mirajuddin, a religious scholar; Mullah Buzurg, who was reported to have been bayoneted in the mosque, where his books were also burned; Qiamuddin, bayoneted while sleeping; and Tor, the twenty- to twenty-two-year old son of Qiamuddin, who tried to resist. A woman cousin of Tor, Bibi Nisa, wife of Anar Gul, who was visiting, was shot in the breast, and her son, Abdul Sattar, was reportedly bayoneted in her arms. At 2 P.M. that afternoon fourteen MiGs arrived, according to the witness, and thirty-five more horses were killed in the fields. The aircraft dropped thirty-nine incendiary ("napalm") bombs and destroyed many houses and shops. They fired rockets to burn the fields and orchards. The villagers fled, and, according to one, "When we came back to the village, there were many calves, chickens all killed, and most of the houses were destroyed. In my village we found thirty corpses cut into pieces, and the people could not even tell which were women and which were men. Some of them were cut up by bombs, and some by bayonets."<sup>90</sup>

4.76 Five orphan boys about ten years old from Fatihabad described other details of the killings there:

(a) "When they were shelling Fatihabad village, my father was sitting near the cow shed, and he was martyred there by the BM-13. Then the Russians entered the village, burned the houses of mujahidin, looted their property, and they killed some other people also in the village with machine guns, rifles, bayonets. [Names of victims were] Abdul Nabi, Mahmud, Ghaffar, Mullah Imam Gul. [He estimated their ages at forty, seventy, seventy, and ninety.] The daughter of my mother's brother, Chata Gul, was killed [aged sixteen], and Khan Lala, son of my mother's sister [fourteen]."<sup>91</sup>

(b) "At night my father was going to the flour mill with a donkey. The area was surrounded by the Russians, and they killed my father on the way. He was shot and they also used bayonets. He had seventeen bayonet wounds in his body. Abdullah, my mother's brother, about fifty, was killed. So was Zalmay [twenty-two], and Shal [eighteen]."<sup>92</sup>

(c) "My father had a shovel, and he was going to the bazaar. The Russians were there, and they hit him with a grenade."<sup>93</sup>

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<sup>90</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 25. Testimony of Said Muhammad, son of Jan Muhammad, forty-one, farmer, Fatihabad village, Surkhrud District, Nangarhar Province; interviewed in Panyian refugee camp, Haripur, NWFP, August 23, 1985.

<sup>91</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 27. Testimony of Nurullah, son of Abdul Malik; his younger brother, Dil Lala, was also present.

<sup>92</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 27. Testimony of Yusuf Khan, son of Juma Khan.

<sup>93</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 27. Testimony of Hasan Khan, son of Akbar Khan; boys interviewed in Panyian refugee camp, August 23, 1985.

4.77 The fifth boy was Nurullah, son of the 'alim, Haji Nurani, whose death was mentioned above. He testified:

“The Russians came and they stabbed my father with a bayonet. The Russians came and landed the troops before nighttime. Then at nighttime they came to the house. My father was asleep, and we were asleep also, and they came and stabbed him with a bayonet. My uncle Qiamuddin [the same Qiamuddin mentioned above] was killed. Also Abdul Halim, Idris [same as Mohammad Idris, mentioned above]; Qaisi, my uncle's son, Lal, son of my uncle; Qiamuddin's daughter. Qiamuddin's daughter was also injured. Abdul Malik's wife was also killed with bayonets.”<sup>94</sup>

4.78 Tila Bibi, the wife of Akbar Khan, recounted the events in Fatihabad as follows:

“When the Russians came we fled from the house, my children and I. My husband was running too. The Russians threw a grenade at him, and he died. Eight people from my family were martyred, my husband's brothers, their sons, cousins, and other people. They looted my house and then they burned it. When the Soviets came first they turned on a light, something they put up in the sky so it was just like daylight, something they shoot up in the sky. Then they took the people out of their houses and cut their throats or killed them with bayonets, Kalashnikovs, looted the houses, killed the animals. My husband's brain was coming out, he had lost his hand, lost his leg. When I was running away, I saw them cutting the people's throats.”<sup>95</sup>

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<sup>94</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 27.

<sup>95</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 28. Interviewed in Panyian refugee camp, August 23, 1985.

## **Laghman Province (Eastern Zone)**

4.79 According to several separate sources, Soviet soldiers killed between 500 and 1,000 civilians during an offensive in several districts of Laghman Province in March and April of 1985.<sup>96</sup> Professor Ermacora interviewed survivors of this massacre soon after. He described it as follows:

“From 11 to 18 March 1985, approximately 1,000 civilians were allegedly killed by army elements assigned to carry out reprisal operations against 12 villages in Laghman province, Qarghai district. In the course of these operations, livestock was decimated, houses plundered and set on fire, women raped and some of them summarily executed, and several children locked up in a house were burnt to death.”<sup>97</sup>

4.80 The other accounts give dates about a month after those given by Professor Ermacora, possibly due to error in translating the Afghan calendar into the international one. This event was noteworthy not only for the number of victims and the cruelty with which many were killed, but also for the use of a weapon, apparently a phosphorus bomb, which refugees described as an intense light that burned people to death at close range but lost its effectiveness with distance.<sup>98</sup>

4.81 According to the account published by Human Rights Watch, around April 8 Soviet troops secured the Kabul-Jalalabad highway where it passes through Kats sub-district on the southern border of Laghman. A column of troops then moved north and split, half occupying the region around the provincial capital and half occupying Qarghai District. The troops then attacked the villages. After subduing some scattered armed resistance, they entered villages throughout the area, destroyed crops and livestock, killed whole families at a time (including children reported to have been bayoneted or burned alive), looted houses of all valuable objects, and then withdrew.<sup>99</sup> A witness described the following scenes as villagers attempted to bury the dead:

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<sup>96</sup> Five hundred is the low estimate of civilian deaths during this offensive. Some estimates place the total closer to one thousand. In a report published in 1985 (Asia Watch and Helsinki Watch, To Die in Afghanistan), Human Rights Watch stated that it used the following sources in reconstructing events in Laghman: Afghan Information Centre Monthly Bulletin, nos. 49 and 51, April and June 1985; “The April Massacres of Laghman,” testimony of Jalad Khan, functionary of the cultural department of the alliance of traditionalist or moderate resistance parties, edited and translated by Abdul Karim Muheb, Peshawar University; “Transcript of Interviews with Refugees from Laghman Province, Afghanistan, Munda Camp, North-West Frontier Province, Pakistan, 5/16/85,” interviews by Syeed Farhad, translation by Sher M. Etibari; Rob Schultheis, video and audio tape furnished to Human Rights Watch by Rosanne Klass of Freedom House and by the Congressional Task Force on Afghanistan; and interviews that a Human Rights Watch researcher conducted with refugees from various villages of Laghman in Munda camp, NWFP, Pakistan, on August 21, 1985, and in Panyian camp, NWFP, Pakistan, on August 23, 1985. In 2003, volunteers working for the AIHRC in the area collected new information on the massacre. The information collected by AIHRC was translated and is available in the following document: Afghan Independent Human Rights Commission (AIHRC), “Report of Laghman Province by Transitional Justice Section, Qarghew District,” Eastern Provinces (Kabul: Transitional Justice Section, August 2003).

<sup>97</sup> A/40/843 (1985) para. 79, and Appendix I.

<sup>98</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 29.

<sup>99</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 29.



“At noon, the Russians started to move out, and we began collecting the bodies of the martyrs. Many people we could not recognize, because the heads had been cut off, faces crushed by beating. I found my cousin, who was a teacher, at first, I could not recognize him. In each house we found 2 or 3 bodies. They had killed almost everybody. We went up into the Sheikh Mahmud Farindar area of the mountains, and there we found 14 more martyrs—some without clothes, they had been killed naked, or burned alive, the clothes burned off them. As we carried the bodies down, the Russians saw us and began firing BM-13 rockets, we brought the bodies to the village. . . . The Russians said, ‘You are Muslims, believing in God—call your God to come and save you from death. Where is your God, and how is he?’ And the people said, ‘We believe in God, and whatever happens is God’s will.’ And the Russians killed them too.”<sup>100</sup>

4.82 Box 4.3 provides the list of casualties by village compiled by Professor Sayd B. Majrooh’s Afghanistan Information Centre and compares them to the lists of localities mentioned and total casualties estimated by Professor Ermacora and the Afghan Independent Human Rights Commission.

4.83 Besides these killings, mainly in Qarqhai district, there were also several consistent testimonies of mass killing of the inhabitants of Shalatak village near the provincial center of Laghman. According to a witness quoted by Human Rights Watch, “At the small village in Shalatak all the inhabitants were executed; a small girl was the only survivor. The people were burned with petrol. It was impossible to identify their bodies.”<sup>101</sup> One witness estimated that about 150 civilians lost their lives in this attack. Another gave the total as seventy-four. According to these witnesses, women were raped and summarily executed. At Shalatak, according to this account, Soviet soldiers threw hand grenades into a house where twenty-seven women and children had shut themselves up and then set it on fire; all the occupants were burned to death. When neighbors tried to dig the victims from the rubble, they found the corpses disintegrating, and a religious leader ruled that these “martyrs” should be left buried where they died, in accordance with shari’a. Nearby the witness found the corpse of a young mother with a dead child attempting to suckle her breast.<sup>102</sup>

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<sup>100</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 29. Testimony of refugees from Qarqhai District; unpublished interview with Rob Schultheis.

<sup>101</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 28.

<sup>102</sup> Testimonies cited in Asia Watch and Helsinki Watch, To Die in Afghanistan, citing Afghan Information Centre Monthly Bulletin 51, June 1985: 2–6.

<b>Box 4.3. Casualties of Massacre in Laghman, 1985/1364</b>			
<b>LOCALITY MENTIONED BY</b>			<b>AIC ESTIMATE OF NUMBER KILLED (Comments)</b>
<b>AIC</b>	<b>ERMACORA</b>	<b>AIHRC</b>	
Kats			72 children, women, and elders
Mindrawar	Mandrawer		50, plus 100 cattle
Qarghai-Haidarkhani	Haider Khan	Qarghai, Korgai?	150
Pul-i Jogi	Prel-e-Joghi		15
Kalakot			35
Safukhel		Androo Safoo Khail	12
Dehmazang			10
Tarakhel		Gala Khail	8
Aghrabad			9
Qala-i-Sarfiraz			14
Abdurrahimzay		Aoreeam Zai	15
Laramora			14
Nissir			10
Charbagh	Chaharbagh	Char Bagh	35, also houses and the bazaar set on fire
Qalatak			9 elders executed
Ahmadzai Qila			6
Kamalpur		Kamal Poor	4
Qala-i Rahim			7
Bela			25
Pacha Qila			5
		Hood Khail	
		Farman Khail	
		Karim Abad	
		Mashina	
		Bolan Mia Khail	
		Mullah Khail	
	Kace Aziz Khân		
	Bala Bagh		
	Sabzabâd		
<b>Total killed</b>	<b>1,000</b>	<b>900</b>	<b>505</b>
Sources: <u>Afghan Information Centre Monthly Bulletin</u> , no. 51, June 1985, pp. 5–6; A/40/843, Appendix I; Afghan Independent Human Rights Commission (AIHRC), Eastern Provinces Regional Office, <u>Laghman Province, Qarghew district</u> .			

4.84 Witnesses at the time described groups of 25–50 Soviet commandos, consistent with the operation of spetsnaz.<sup>103</sup> The AIHRC sources described teams of Afghan military guides accompanying the Soviet troops.<sup>104</sup> One witness claimed that the Soviets killed even Afghans who claimed loyalty to the regime:

“As the rest of the civil population had fled, there were not enough hands to collect the bodies and bury them; mujahidin groups did the job. After the

<sup>103</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 30. Testimony of Jamruz, son of Abdul Hafez.

<sup>104</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 30; AIHRC files.

Russians' departure, an Afghan army unit came and dug ditches for the remaining bodies. The Kabul officials tried to convince the people that only Russians were responsible for the massacre. They promised food, blankets and shelter; but there were not many people to listen to them. . . . The Russian commandos were groups of 20, 25 or 50 men with a leader. . . . Persons knowing how to read and write were brought by the Russians in front of their leaders who killed the prisoners with one shot of a pistol on the forehead. Local teachers who shouted their sympathies with the Kabul regime, even people producing membership cards in the Communist Party organizations, were not spared. All had it. A few Party activists and Afghan army officers tried to resist; the Russians killed some of them and sent the rest in armored cars to their military headquarters."<sup>105</sup>

### **Kunar Province (Eastern Zone)**

4.85 In March 1986 a massacre took place at Darra-i Nur in Kunar Province, some twenty-five kilometers north of the city of Jalalabad. The massacre was documented by the Afghan Information Centre in its monthly bulletin, number 61 (April 1986); in reports prepared by Abdul Karim Muheb, a former official of the Afghan Ministry of Justice; and in testimonies by refugees whom Human Rights Watch interviewed in Yakhagundh refugee camp outside Peshawar in September 1986.<sup>106</sup>

4.86 Darra-i Nur is a large and once densely populated valley, inhabited mainly by the members of the Pashai ethnic group. It had been under the control of the mujahidin for most of the war. On March 9, 1986, Russian artillery began an attack on villages named by the Afghan Information Centre as Barkot, Duderak, Kashmand Qala, Janshegal, and Waigal. According to the Afghan Information Centre, the mujahidin fought back and killed about twenty-eight Soviet soldiers. Thirty villagers were also killed. In what the Afghan Information Centre interpreted as a reprisal, the Soviet forces then attacked Sotan and Char Qala villages on March 13. They killed four villagers and injured two. One report claimed that they encountered no resistance, but a witness who was there claimed that guerrilla operations continued, leading to a further Soviet offensive.<sup>107</sup>

4.87 On March 19, Soviet forces attacked the areas of Bamba Kot, Sheram Qala, and Umar Qala. Nur Beg, a village elder who had a list of 180 victims who had died, told Human Rights Watch researchers how the villages were destroyed:

(a) "The Russians had dropped paratroopers in the mountains in the middle of the night, on both sides of the valley. They entered the village by foot. The mountains were full of paratroopers. The people didn't know because they came at night, silently. In the morning planes also came, jets and helicopters. Guns began firing at the villages. The villages were unprotected.

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<sup>105</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 30. Testimony of Jamruz, son of Abdul Hafez.

<sup>106</sup> Laber and Rubin, A Nation is Dying 22-25.

<sup>107</sup> Laber and Rubin, A Nation is Dying 22. Testimony of Toryalai Rokyani, supplied to Human Rights Watch by Muheb.

The mujahidin were far away. It was only Russians that came, with a few Parchami guides.

(b) “The people ran to the mountains where the mujahidin were. The villages were completely destroyed. Most of the bodies were under the debris. It took six days to dig them out. The burning continued for forty days from napalm bombs with delayed action.”<sup>108</sup>

4.88 They destroyed 150 houses, seventy being burned and the rest shelled. They also reportedly set fire to the Friday mosque of Bamba Kot, where forty-three civilians of all ages were killed. On March 25, the Soviet forces moved on to an adjacent area and attacked the areas of Sotan Qila, Majgandol, and Qutran. A witness claimed that they burned thirteen people to death in the mosque of Sotan Qila while they were saying morning prayers. The mujahidin had apparently fled the area, and the Soviets encountered no resistance. They then began to search and loot houses, summarily executing some of the occupants. Among the dead was a man named Haikal Khan who claimed to be 150 years old, and Mu’inuddin, seventy. Mu’inuddin’s year-and-a-half old granddaughter was also killed. A blind old lady, Baktawara, and her blind twelve-year-old granddaughter were both killed with bayonets. According to the witness, the soldiers were also bayoneting a fifteen-year-old boy named Malang when his mother tried to save him by throwing herself across him. The soldiers killed both with Kalashnikov fire, poured kerosene over the bodies, and burned them.<sup>109</sup>

4.89 The reports claimed that Soviet forces burned more than two hundred houses. Survivors recovered the bodies of eighty civilians from the rubble of burned houses, while other victims were left buried in the debris. The Afghan Information Centre listed the names of more than sixty victims of the massacres.

4.90 Human Rights Watch researchers met two young women from Umar Qala, the widows of Sayyid Jamal, who was killed in the massacre. In addition to his two wives, Jamal left five sons and two daughters. The senior wife described the massacre:

“In the night they occupied the mountains near the village. At dawn they came down and entered the village. They entered the houses. Some people escaped, some were in the mosque. Our husband was inside the house. He was taken out by them. His hands were tied behind his back. They took him to the dry river bed and shot him. He was alone. We heard that the other men were lined up and machine-gunned. The village was full of people and many did not escape. I didn’t see any Afghans there, only Russians.”<sup>110</sup>

4.91 Dindar, a farmer from Umar Qala, lost three daughters during the March attack.

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<sup>108</sup> Laber and Rubin, *A Nation is Dying* 23.

<sup>109</sup> Laber and Rubin, *A Nation is Dying* 23.

<sup>110</sup> Laber and Rubin, *A Nation is Dying* 24.

“Our house was outside the main village. The Russians came in the night and were hiding. We were in the house, in the early morning, in the dawn. There was firing and we couldn’t go out. My daughters were killed by mortar that came into the house. My wife survived. My house was destroyed. The village was half-destroyed. We came here to escape the Russians.”<sup>111</sup>

4.92 Dindar’s daughters killed in the attack were Zaw Jan (twelve years old), Basri Jan (eight years old), and Marjanbame (six years old).

4.93 Ghaffar Khan, about twelve years old, told Human Rights Watch about the attack on Sotan village. When the attack began, he started running with his father and grandfather. As they ran, they were ambushed. His father was killed. “Many others were killed also.”<sup>112</sup>

### **Kunduz Province (Northeast Zone)**

4.94 There are reports of a series of massacres of civilian villages in different parts of Kunduz province from late December 1984 through the first half of 1985. This province, on the border between Afghanistan and Tajikistan, stood astride one of the two main roads from the Soviet border to Kabul and was the center of Afghanistan’s cotton production.

4.95 Special Rapporteur Ermacora’s list of “incidents” during January–August 1985 included “mass killings of civilians” in Chardara district of Kunduz on January 30 and February 15, 1985.<sup>113</sup> Human Rights Watch also received detailed, independent reports of these massacres in Chardara from three sources:<sup>114</sup> Dr. Juliette Fournot of Médecins sans Frontières, who met the survivors in Paktia Province as she was returning from a medical mission inside Afghanistan and they were on the way to Pakistan; Abdul Karim Muheb of Peshawar University, who had interviewed a witness; and the survivors themselves, interviewed in a Pakistani refugee camp. The three accounts differ somewhat on the exact dates of the events. Professor Ermacora’s list indicated that two separate massacres occurred in the area, and the events may be conflated. In addition, all dates given here were presumably converted from dates given by witnesses in the Afghan Islamic solar calendar, a process that sometimes gives rise to errors.

4.96 According to the reports examined by Human Rights Watch, on December 14, 1984, Soviet forces entered the Issa Khel area of Chardara District, Kunduz, and began searches in several villages. According to the sources cited by Human Rights Watch, the Soviets looted houses, destroyed foodstuffs, burned cotton crops, raped women, and killed a number of villagers.<sup>115</sup> Fearful of being ambushed, Soviet soldiers followed the common practice of tossing grenades into houses before

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<sup>111</sup> Laber and Rubin, *A Nation is Dying* 24.

<sup>112</sup> Laber and Rubin, *A Nation is Dying* 25.

<sup>113</sup> A/40/843 (1985), appendix 1.

<sup>114</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 25.

<sup>115</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 25.

searching them. One witness stated that his uncle Janan was killed and other family members seriously injured when three grenades were thrown into his house.<sup>116</sup>

4.97 Resistance fighters in the area reacted by ambushing the Soviet column on its way back to its base in Kunduz city, inflicting some light damage. On Sunday, December 22, 1984, Soviet troops, accompanied by a few PDPA members or Afghan military personnel, encircled the nearby village of Haji Rahmatullah at 10 or 11 A.M..<sup>117</sup> According to all of the independent testimonies collected by Human Rights Watch, the Soviet forces appeared to try to kill everyone in the village. Dr. Juliette Fournot of Médecins sans Frontières summarized the story:

“They [Soviet troops] entered systematically in all the houses, executing all the inhabitants, including women and children, often by shooting them in the head. Three pregnant women were eviscerated [with bayonets]. Fire was set to the houses, and the flames continued to burn for 5 days. The troops also took with them all items of value and money, which the people offered them hoping to be spared, without managing to save a single life in this manner.”<sup>118</sup>

4.98 An engineering graduate and farmer from the village escaped and watched the attack from afar. He and other young men later returned. “When we reached the village [after the Soviets had left],” he said, “we were shocked to find that not a single human being had survived.”<sup>119</sup>

4.99 Another man who escaped also described the aftermath:

“It was winter time, damp and very chilly. Every family’s members were shot along with their small children while sitting by the heaters inside the rooms. Most of them were killed while still in sitting positions around their fireplaces [bukhari, a kind of stove]. We saw many of the ladies holding their babies tight in their bosoms, both being shot together. In most of the cases many people were brought into one house and then the place was hand grenaded and fired [burned]. Hundreds of those martyrs remained under great piles of clay [the principal building material] unseen and untouched. When we started to take them out of the dust and ashes no one was able to recognize his or her relatives. In most of the cases just burned bodies were coming out. Those with no survivor left behind remained under the piles. Green banners [of

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<sup>116</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 18. Testimony of Muhammad Jan, son of Lal Jan, provided by Abdul Karim Muheb.

<sup>117</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 26. Muhammad Tahir, a forty-year-old graduate of the Kabul University Engineering Faculty and son of the village headman (arbab), attributed the massacre to the villagers’ past activities: “The mujahidin of this village had attacked the Soviets many times. They even captured a Russian general and executed him six months before, so they came to take their revenge.” Muhammad Tahir, interview in Panyian refugee camp, Haripur, NWFP, Pakistan, August 23, 1985.

<sup>118</sup> Helsinki Watch and Asia Watch, To Die in Afghanistan 19. Report of Dr. Juliette Fournot, written June 3, 1985, Peshawar.

<sup>119</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 19–20. Testimony of Muhammad Tahir, forty, farmer and graduate of Kabul University engineering faculty; interviewed in Panyian refugee camp, Haripur, NWFP, August 23, 1985.

martyrdom] were erected on houses or rooms where the dead were lying under the razed walls.”<sup>120</sup>

4.100 One who escaped listed some victims.

“My mother, my brother, my mother’s brother, and all eight members of my family were killed, including girls, boys. They were firing with Kalashnikov and Kalakov and they used bayonets too. [Those killed were] my mother, Ayat Gul; my brother Abdul Sami; Abdul Ahad, my uncle; my uncle’s wife, Bibi Gul; my uncle’s daughters, Safia and Maria; and Muhammad Hakim, my uncle’s one-year-old son. Safia was two years old and Maria was three. They killed all four members of my uncle’s family at once with bullets. Our neighbors, Muhammad Akbar, his wife, his mother, and his one-year-old son were killed. My own family, I saw them when they were killing my family, I saw with my own eyes, because I was hiding myself in the house. The others I didn’t see myself when they were killed, but I took them to the graveyard. In one house of our neighbors twenty-three people were killed. They were all living in the same house, uncles and nephews, all in one house. And thirteen members of another family were killed, the head of the family was named Jawlan.”<sup>121</sup>

4.101 Interviewed by Human Rights Watch in a refugee camp in Pakistan in August 1985, this witness, Muhammad Tahir, with the help of some village elders who were also present, listed the other heads of households in the village and gave the number killed from each family. His estimate, amounting to a total of 225 victims, is reproduced in Box 4.4.<sup>122</sup>

<b>Box 4.4. Estimate of Casualties in Massacre of Haji Rahmatullah Village, Chardara District, Kunduz, January 1985</b>			
<b>HEAD OF HOUSEHOLD</b>	<b>NUMBER IN HOUSEHOLD KILLED</b>	<b>HEAD OF HOUSEHOLD</b>	<b>NUMBER IN HOUSEHOLD KILLED</b>
Sultan Murad	15	Abdul Rasul	6
Hayat Murad	12	Ali Mohammad	8
Abuddin	8	Ishbay	7
Abdul Aziz	3	Amir Mohammad	13
Pacha Qol	1 (his wife)	Qasem	4
Auraq	9	Gholam Hazrat	18
Abdul Majid	7	Mohammad Yusuf	4
Anamurad	24	Mohammadi	23

<sup>120</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 20. Testimony of Muhammad Jan.

<sup>121</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 20–21. Testimony of Muhammad Tahir, forty, farmer and graduate of Kabul University engineering faculty; interviewed in Panyian refugee camp, Haripur, NWFP, August 23, 1985.

<sup>122</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 21.

Narmurad	16	Khaliqyar	14
Khal Murad	5	Gol Mohammad	8
Diwanaqol	11	Panur	9
		<b>Total killed</b>	<b>225</b>
Source: Helsinki Watch and Asia Watch, <i>To Die in Afghanistan</i> 21.			

4.102 Niyaz Turdi, a Turkmen who had settled in the area in search of work, recently recalled the same scene in an interview with authors Alex Klaitis and Gulchin Gulmamadova. He described an attack on the village by “about 20 tanks and hundreds of Soviet and Afghan troops,” followed by “a couple dozen Soviet helicopters,” that “started carpet-bombing the village. For about an hour, the ground shook like we were in the midst of an earthquake, even though we were a couple of miles away from the village under attack. When we looked up towards the settlement on the ridge, it appeared that the entire area was on fire.” That evening, when the soviet troops withdrew, Turdi and several other men went to assist the wounded:

- (a) “But shortly after we’d arrived [in the village], we realized that our search and rescue mission would be a short one.
- (b) “I can’t begin to describe the complete and utter destruction which we witnessed. It was the silence that struck me first—we couldn’t hear any voices even though this was the time in the evening when men usually return home from their prayers at the mosque. There was not a single house or even a tree still standing. When we entered people’s courtyards and barns, there were animal carcasses lying everywhere. And inside the homes there was nothing but dead bodies lying in pools of blood and possessions scattered about which had clearly been rummaged through.
- (c) “Our small band of men were joined by a couple of dozen men from other nearby settlements. We spread out across the village walking house to house with small kerosene lamps looking for survivors. At one point, my friend and I walked into a house where three women were sitting in their burqas with their legs covered by blankets. If these women were in fact alive, we didn’t want to compromise their modesty by barging in on them. So we went back outside and called an older man from our village to investigate. It turned out that the women had all been shot and their dead bodies were just leaning up against the walls.
- (d) “After discussing what we should do, we decided to dig several long shallow trenches in the ground at the edge of the village to serve as mass graves. Then I, like almost all of the other men, began to carry the victims one-by-one across the village to the mass grave. Within a few minutes, I was completely soaked in the blood of the unfortunate martyrs. It took us the entire night to gather the corpses together in their final resting place.
- (e) “But as the first light of dawn shone, a miracle occurred. One of the men from our village was holding hands with the lone survivor from Qarai Qeshlaq—a young boy who had been using the bathroom when the Soviets



launched their attack. He had jumped down into the pit which was half filled with feces and urine, and in this way managed to avoid the Soviets' detection. The child was still in shock. He didn't say a word to any of us. He only nodded or shook his head to answer our questions.

(f) "The boy was the only lucky one. Every other living thing in Qarai Qeshlaq—more than 450 people, and every animal were shot dead. The village was soon thereafter resettled by new residents who wanted to take advantage of the rich agriculture in the area. But before other people returned to the village, it had been renamed Qatl-i Am, which means 'Mass Murder.'"<sup>123</sup>

4.103 According to the accounts collected by Human Rights Watch in 1985, the survivors of the village and mujahidin loaded the bodies of murdered children (and, according to some, of women and elders as well) onto bullock carts and took them in protest to the provincial capital. One account mentions ten carts with fifteen to sixteen bodies each and another mentions nine carts with about twenty bodies each. The elders took the carts full of dead bodies to the governor, where the Afghan officials reportedly claimed that the Soviets, and not they, were responsible for the killing, and that they were powerless to do anything about it. The elders returned with the bodies and tried to bury them but were shelled while trying to do so. Hence they buried the bodies quickly in mass graves.<sup>124</sup>

4.104 One witness commented, "Not the least official mention is uttered of the crime till this day. They were able to silence the people for the time being, but history cannot remain silent."<sup>125</sup>

4.105 Chardara is the district west of the provincial center, Kunduz. Special Rapporteur Ermacora reported another large massacre later in the year in Khanabad district, east of Kunduz city:

"Several hundreds of civilians (between 700 and 1,200 according to the sources) were allegedly massacred in the course of a large-scale operation which lasted for several days in late March 1985 and was carried out against several villages in Kunduz province and, more specifically, Khanabad district. The villages most often mentioned were the following: Bagh, Amir, Gur Tepeh and Qarai Qasabchar. According to a statement made to the Special Rapporteur by an eye-witness, the Governor of the province decided to flee after this incident."<sup>126</sup>

4.106 The killing reportedly continued later in the year in both Chardara and Khanabad. A farmer from Chardara District who arrived in Pakistan in July 1985 explained his reasons for leaving:

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<sup>123</sup> Alex Klaitis and Gulchin Gulmamadova, Love and Death in Afghanistan (New York: Seven Stories Press, 2005 [forthcoming]).

<sup>124</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 22.

<sup>125</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 23. Testimony of Muhammad Jan.

<sup>126</sup> A/40/843 (1985) para. 81.

“It was because of bombardments and the cruelty of the Russian troops. Because when the mujahidin were resisting, the Russians would bomb the villages, and when the mujahidin had to retreat, the Russians would come in the village and kill women, children, everyone. It happened to our village and to our houses also. Just last month [June 1985] they killed three hundred people in our district, and they killed more later around Khanabad. They used heavy bombs to bomb the village. The bombs make a well—the hole is so deep it brings up water. When they came inside the village they killed many children by cutting their throats. When they found more, they put petrol on them and burned them. They killed twenty, twenty-five children this way. I don’t know most of their names, but there was Masum Khan, Muhammad Ibrahim, Gul Muhammad. I saw the children, women, old ladies, too. Mostly they killed children, girls, married women, and old ladies. I had escaped with the mujahidin, but when I returned to the village, I saw the children and women.”<sup>127</sup>

### **Qandahar Province (Southern Zone)**

4.107 A number of sources, including Special Rapporteur Felix Ermacora, The New York Times, and the Chicago Tribune, described a massacre of civilians by Soviet troops in October 1983 in three villages southwest of Qandahar on the branch road linking the city to the Soviet military base at Mandisar airport.<sup>128</sup> On October 10 and 11 a local unit of the Jamiat-i Islami resistance organization had ambushed and destroyed several Soviet military columns. In retribution, on the morning of October 12, a largely Soviet force with a few Afghans acting as guides or interpreters arrived in the villages of Kolchabad, Moshkizai, and Balakarez. Sardar Muhammad, fifty-five, a farmer from Kolchabad, hid in a grain bin when he saw Russian soldiers shoot his neighbor, Issa Jan.<sup>129</sup> That afternoon, when he emerged from hiding, he went to the house of a friend, Ahadar Muhammad.

“Everyone was dead. Ahadar, his wife, and his baby were lying on the floor covered with blood. His nine-year-old daughter was hanging over the window, half in the house, half out. It looked like she was shot as she tried to run away. The young son of thirteen years lay crumpled in another corner with his head shot away. I threw up. Then I carried the males outside into the courtyard and covered the women with pieces of cloth where they lay. I did not want anyone to see the women exposed the way they were.”<sup>130</sup>

4.108 Tora, daughter of Haji Qadir Jan of Kolchabad, an eleven-year-old girl who survived the massacre by hiding under bedcovers, described how Soviet soldiers

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<sup>127</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 23. Testimony of Salih Muhammad, son of Mullah Jamal, thirty, farmer, Gulbagh village, Chardara District, Kunduz; interviewed in Munda refugee camp, NWFP, 21 August 1985).

<sup>128</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1985/21) para. 115; The New York Times, October 20, 1983; Les nouvelles d’Afghanistan, no. 17, March–April 1984; Chicago Tribune, July 15, 1984; Afghan Information Centre Monthly Bulletin, no. 34, January 1984: 5.

<sup>129</sup> Helsinki Watch, Tears, Blood, and Cries 37.

<sup>130</sup> Helsinki Watch, Tears, Blood, and Cries 37.

accompanied by an Afghan officer herded women and children into a room and killed them by lobbing grenades through the window and bayoneting the survivors. Other witnesses described similar scenes in Moshkizai and Balakarez. The villagers who dug the mass graves for the victims estimated that there were one hundred dead each in Moshkizai and Balakarez and 160 to 170 dead in Kolchabad.<sup>131</sup>

4.109 Further suffering was in store for the survivors. In January 1984, after two tanks were destroyed in the same area, Soviet and Afghan military units reportedly returned to Kolchabad, executed some village elders, and shot many more civilians. Many of the villagers who had fled to refugee settlements around Kandahar had to flee again, to Pakistan, when the Soviet Air Force bombed their camps in June.<sup>132</sup>

4.110 Tora's story of women and children being killed by grenades is consistent with testimony from two Soviet deserters, Pvt. Oleg Khlan and Sgt. Igor Rykov, who had served as mechanic/drivers with the First Infantry Carrying Armored Corps based in Qandahar. Khlan stated: "During punitive expeditions, we didn't kill women and children with bullets. We locked them in a room and threw grenades."<sup>133</sup> In another interview, Rykov described the same procedure.<sup>134</sup>

4.111 The above are only a few incidents that happened to be reported. Other fragments of testimony indicate how much remains to be investigated. Ermacora reported:

(a) "Approximately 350 men, women, and children were killed in four villages in the Qarabagh District, Ghazni Province [southeastern zone, in 1984]."<sup>135</sup>

(b) "In March 1984, several hundred civilians were massacred in the villages of Dasht-e-Bolokhan and Dasht-e-Asukhan in the Kohistan region [probably Kapisa province, northeastern zone]."<sup>136</sup>

(c) "In November 1984, some 40 civilians were massacred in the village of Ziruq situated in the Urgun region [Paktika, southeastern zone] after two weeks of steady bombardment. According to the witnesses, several houses were destroyed and the cattle decimated."<sup>137</sup>

4.112 A woman nomad from Baghlan (northern zone) reported, "The government forces came and killed the people and took those they didn't kill to Kabul in tanks."<sup>138</sup> A woman from Kapisa, northeast of Kabul, recalled, "The Russians came to my

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<sup>131</sup> Helsinki Watch, Tears, Blood, and Cries 37–38.

<sup>132</sup> Helsinki Watch, Tears, Blood, and Cries 38.

<sup>133</sup> Le Monde, June 3–4, 1984.

<sup>134</sup> The Times (London), June 28, 1984.

<sup>135</sup> A/41/778 (1986) para. 63.

<sup>136</sup> E/CN.4/1985/21 para. 116.

<sup>137</sup> E/CN.4/1985/21 para. 116.

<sup>138</sup> Helsinki Watch, Tears, Blood, and Cries 47. Testimony of a woman nomad from Baghlan.

village three times looking for mujahidin. They killed people and animals. They killed women, children, and men for no reason. My neighbors were killed. They were asleep when the soldiers came, and the men tried to escape.”<sup>139</sup>

### **E. Other Summary Executions and Killings of Civilians**

4.113 As Professor Ermacora noted in his description of Soviet military operations cited above, when Soviet forces entered a village, they routinely conducted house-to-house searches.<sup>140</sup> People were interrogated, after which they might be arrested or simply executed on the spot. If evidence was found or if people were denounced by informers, they could be pulled from their houses and killed in front of their families. Human Rights Watch reported on the execution of groups of people at a time. It also heard about cordon and search operations, in which ground troops entered areas after air and artillery attacks and shot wildly at anything that moved. In some cases reported below, soldiers killed Afghan civilians almost at random, not in the context of a military operation, but in the course of a robbery or simply as an expression of anger and frustration.

4.114 Special Rapporteur Ermacora reported:

“Some reports have been received about the use of helicopters against civilian prisoners. The Special Rapporteur was informed by a reliable eye-witness that on 27 December 1985 in Khot (Nangarhar Province) after a village search by tanks and soldiers assisted by helicopters, during which many people were killed, 16 old people were tied up and put in helicopters, they were then thrown out handcuffed from a height of about 10 metres near the village, as they were thrown out, ground forces shot at them, five survived, one of whom managed to escape and observe the atrocities committed during this raid.”<sup>141</sup>

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<sup>139</sup> Helsinki Watch, Tears, Blood, and Cries 47. Testimony of a woman from Kohistan, Kapisa Province.

<sup>140</sup> Helsinki Watch, Tears, Blood, and Cries 47.

<sup>141</sup> E/CN.4/1986/24 para. 96.

4.115 Amnesty International reported in May 1988 that “Soviet and Afghan government forces appear to have been engaged in a policy of deliberately killing refugees fleeing Afghanistan and have been carrying out reprisal killings of other unarmed civilians.”<sup>142</sup> Amnesty cited one case of “100 refugee families from Sherkhudo village, in the extreme northwestern province of Faryab, who were twice attacked during their 500 km-plus trek to the border with Pakistan. In the first attack, in October 1987, government forces allegedly surrounded them and killed 19, seven of them children under six. Two weeks later helicopters are reported to have opened fire on the group without warning, killing five men.”<sup>143</sup> Amnesty International also reported several other incidents, including a reprisal killing by Soviet soldiers of twenty-nine unarmed civilians in Logar.<sup>144</sup>

4.116 Amnesty International documented some of these killings:

- (a) On October 13, 1986, Afghan soldiers with Soviet advisers entered the village of Chardehi (AI says Chardee), Paktika. They searched the houses and found no weapons. They then summarily executed two men known to sympathize with the resistance, aged sixty and thirty.
- (b) In August 1987 seventeen civilian boys and men aged fourteen to sixty were killed by government troops in Mir Bacha Kot district of Kabul province. They were killed with grenades and their bodies dumped in a well, in reprisal for an earlier attack on government troops.
- (c) In March 1987 Soviet helicopters attacked a civilian bus, killing forty-two of forty-five passengers. Soviet soldiers inspected the remains and summarily shot any who appeared to have survived.
- (d) On September 6, 1987, in Sabzak village, Nahrin sub-district (now district), Baghlan, shelling killed eight people, including two women and four children.
- (e) On October 10, 1987, Soviet forces burned a vehicle carrying twenty-nine unarmed civilians in the gorge between Dadu and Khoshi in Logar province. All the passengers died in an apparent reprisal for an ambush by the mujahidin in the gorge the day before.<sup>145</sup>

4.117 Summary executions were described by Muhammad Amin Salim, a former state’s attorney who had also taught Islamic law at Kabul University, and who had returned to his village in the Shamali area north of Kabul. According to his report, when the Soviets came to search his village, Karez Mir, in June–July 1983 (Saratan

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<sup>142</sup> Amnesty International, Soviet and Afghan Government Forces in Apparent Policy of Killing Refugees, ASA 11/05/88 (London: 1988).

<sup>143</sup> Amnesty International, Soviet and Afghan Government Forces in Apparent Policy of Killing Refugees.

<sup>144</sup> Amnesty International, Soviet and Afghan Government Forces in Apparent Policy of Killing Refugees.

<sup>145</sup> Amnesty International, Afghanistan: Unlawful Killings and Torture, ASA 11/02/88 (London: 1988).

1362), they locked six elders in a room. They asked them where their sons were (suspecting them of being mujahidin):

“The old men said they had no sons. Immediately, when they heard this, they fired on two of the men, killing them with automatic rifle blasts. The third person—it was a very sad event—they put him against a tree and with a big nail [apparently a bayonet] a soldier stabbed him in the chest and nailed him to the tree. What I am telling you is what I saw myself. The other Russian had a big nail in his hand, and he stabbed another old man in the mouth, unhinging his lower jaw. The next they put in a well, and then they threw an explosive in the well. Then, when they went into another house, I managed to escape. After my escape, I returned to the village about twelve or thirteen hours later. I also saw two little boys who had been killed.”<sup>146</sup>

4.118 Sufi Akhtar Muhammad, a fifty-two-year-old farmer and mujahid from Zamankhel village, Pul-i Khumri District, Baghlan Province, told Human Rights Watch of an incident he witnessed in Wardak Province on his way to Peshawar, about twenty-five days before Human Rights Watch interviewed him in Peshawar on September 30, 1984. The Soviets had come to Awalkhel village to search for guns. When the Soviets left, Sufi Akhtar and his colleagues went to investigate:

“We noticed eight dead bodies. They told us that after the Russians searched the houses, they killed people of all ages, men, women, and children. Of the eight bodies, two were slaughtered [had their throats cut], and all of them were burned. The Russians had asked the relatives to watch while they killed the eight people. The first two were slaughtered, and then the remaining ones were brought and shot with Kalashnikovs. They poured kerosene on them and set them on fire. The people said that the Russians were not alone. A few Khalqis and Parchamis were guiding them to the houses. When they were searching the houses, they found two Russian-made machine guns, captured from the Afghan Army in fighting in Ab-i Chakan. This was how they took their revenge.”<sup>147</sup>

4.119 Farmers and villagers interviewed by Human Rights Watch in Peshawar in September 1984 had similar stories to tell. Bibi Makhro, wife of Abdul Jalil, of Chardara District, Kunduz Province, had pieces of shrapnel in her left leg.

“Nine months ago the Russian soldiers came to our village. The mujahidin escaped, but I was in the street with two other women. When the Russians saw us, they threw bombs [grenades]. The other two women were killed, but I survived.”<sup>148</sup>

4.120 Human Rights Watch heard numerous reports of and documented summary executions by Soviet troops that entered Baraki Barak District, Logar Province, on September 6, 1984. Dr. Ghazi Alam told Human Rights Watch in an interview on

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<sup>146</sup> Helsinki Watch, Tears, Blood, and Cries 42–43. Testimony of Muhammad Amin Salim; interviewed in Peshawar, September 29, 1984.

<sup>147</sup> Helsinki Watch, Tears, Blood, and Cries 45–46.

<sup>148</sup> Helsinki Watch, Tears, Blood, and Cries 46.

September 22 about an old man, Muhammad Rafiq, who was killed there in the village of Akhundkhel.<sup>149</sup> The French doctors Patrick David and François Frey, who were in Logar Province in early September, gave Human Rights Watch this report:

“Baraki Barak District is on the way to Pakistan for all of northern Afghanistan. There were thirty men on their way to Iran [via Pakistan] to find work. They were all killed by the Russians. There were forty-five innocent people killed. Some were ‘slaughtered’ [had their throats slit], two in Baraki Barak [village] and one in the mountains of Saijawand. Some were burned with petrol. Some had dynamite put on their backs and were blown up. The Russians cut people’s lips and ears and gouged out their eyes. We saw a man the Russians had shot in the foot after stealing his watch and money. Two boys escaped and hid themselves in a well. The Russians put some kind of gas in the well that exploded when it hit the water. One died, and the other, whom we treated, had a severe lung problem. A boy about twelve years old in Chalozai was shot in the elbow when he ran away from the Russians.”<sup>150</sup>

4.121 Patients in an amputee hospital in Peshawar whom Human Rights Watch visited on September 27, 1984, told Human Rights Watch of summary executions by Soviet soldiers in Bazarak, the home village of Ahmad Shah Massoud, in the Panjshir Valley. They recounted two incidents in which Soviets killed elders who had remained behind in the village when the able-bodied had fled. In both cases, in 1982, the Soviets reportedly shot the elders (two in one case, seven in another) and burned their bodies.<sup>151</sup> The seven killed in the fall of 1982 were named as Yar Muhammad, Haji Karim, Mirza Shah, Muhammad Yusuf, Zahiruddin, Muhammad Gul, and Ghiasuddin.<sup>152</sup>

4.122 Robbery was sometimes the motive for killings.

“When the Russian forces come to a village, the mujahidin leave. The Russians search the houses. In each house they took every thing. If they find carpets, radios, cassettes, watches, they take them for themselves. If the family resists, they kill them. For example, Inayatullah was killed last year in the fall of 1983. He was an old man. He had af 5,000 (about \$100 at the official rate of exchange) in his pocket. Some Russian soldiers wanted to take it, but he said no. They shot him. Another case: they were searching houses and came to the house of a teacher, Azizullah. They took a radio and other things. But his small daughter did not permit them to take the radio. So they beat the daughter and threw bombs [grenades] at the whole family.”<sup>153</sup>

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<sup>149</sup> Helsinki Watch, Tears, Blood, and Cries 48.

<sup>150</sup> Helsinki Watch, Tears, Blood, and Cries 48. Interview in Peshawar, September 22, 1984

<sup>151</sup> Helsinki Watch, Tears, Blood, and Cries 48. Testimony of Muhammad Sherdil, twenty-three, from Khaniz-i Bazarak village in the Panjshir Valley, Parwan Province.

<sup>152</sup> Helsinki Watch, Tears, Blood, and Cries 49. Testimony of Muhammad Hashim, twenty-six, of Bazarak, Panjshir Valley, Parwan Province.

<sup>153</sup> Helsinki Watch, Tears, Blood, and Cries 51. Sayyid Azim, former government official; interviewed in Peshawar, September 25, 1984.

4.123 Reports indicated that even the mosques were not safe. Mullah Fida Muhammad of Pashmul village, Panjwai District, Qandahar Province, described in a written interview how he and about fifteen other worshippers were captured by Soviet troops in the Pashmul mosque as they began the dawn prayer on August 25, 1984:

“Before taking us out of the mosque they searched us and the mosque for fear of any possible weapons. Then they took us to Zidanian mosque, where a dozen other villagers arrested by the Soviet troops were also waiting with their Soviet guards. In that mosque, the Soviets lined us up against the long wall, and we thought that they would shoot us (you know this is very common with the Russian pigs), so we started saying our kalima [profession of faith: ‘There is no God but The God; Muhammad is the messenger of God.’]. Then they ordered us to keep our hands up, and of course we did so. After that two Soviets started searching in our pockets and took away whatever cash we had together with our wristwatches. Stupid Obaidullah [the son of a poor farmer] refused to hand over his cash, and immediately he was shot and died instantly; the rest of us knew what to do.”<sup>154</sup>

4.124 Dr. Jean-Didier Bardy of Médecins sans Frontières described how he and his colleagues in the dispensary of Behsud, Wardak Province, were called to the village of Jalrez in August 1981 to treat the victims of a two-hour attack by four helicopters on a wedding party. The attack left thirty dead and seventy-five wounded.<sup>155</sup> Soviet aircraft also reportedly attacked a wedding near Sorkhakan in Laghman Province on April 14, 1983 (seventy dead), and in Anbarkhana, Nangarhar Province, on August 14, 1984 (dozens dead by one report, 563 by another).<sup>156</sup>

4.125 Niyaz Turdi, the Turkmen mentioned above, recalled the night before his own wedding:

(a) “As I drifted off to sleep lots of sweet questions swirled in my head: ‘What will I say to Amina when I first see her? What will she look like? Is she as beautiful as my relatives have promised?’ But my dreams were anything but sweet. As dawn approached, I had a terrible nightmare that Soviet helicopters were circling above our village and attempting to decimate everything that lay in their path. Our fellow villagers were screaming in fear and begging me to run for cover. . . .

(b) “Unfortunately, the dream blended quickly into reality. The next thing I knew I had been thrown several feet into the air after a Soviet missile had struck the next door mosque. Immediately I scrambled to my feet, and stumbled out into our courtyard. It had just become light outside. And just when I exited the house, a missile landed right next to our kitchen. The bomb didn’t cause much damage but it burrowed so deeply, water from underground began spurting into the air.

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<sup>154</sup> Helsinki Watch, *Tears, Blood, and Cries* 52.

<sup>155</sup> His account, entitled “Les ‘vacances’: Jalrez,” was cited in Helsinki Watch, *Tears, Blood, and Cries* 53.

<sup>156</sup> *Afghan Information Centre Monthly Bulletin*, no. 25, April 1983: 13; *Agence France Presse*, Peshawar, April 18, 1983; *Afghan Information Centre Monthly Bulletin*, no. 41, August 1984: 9; *Associated Press*, Islamabad, August 21, 1984.



(c) “I looked up and saw that there were three or four helicopters circling above our village. Another bomb struck right behind our house, and a few seconds later a third bomb landed on a house a couple of doors away. There was sheer pandemonium as all my relatives ran in different directions. Most of them sprinted out of the house on to the street, shrieking with terror. But I just stood in place watching the helicopters above. ‘Why would it be any safer out on the street or in another house?’ I thought. ‘Bombs after all are exploding all over our village.’ There had been a few raids on our village over the course of the past year since the Soviets had invaded Afghanistan but nothing had approached the ferocity of this attack. ‘Why today?’ I asked myself. ‘Why on my wedding day?’ Then I recalled that some of the guests at the wedding party were actually mujahidin insurgents. ‘So maybe this isn’t a coincidence after all,’ I thought.

(d) “Just as these disconnected ideas spun around my head, a helicopter swooped down maybe 100 yards away from our house and hung in the air, as though the pilot was sizing up the wisdom of an attack. Instinctively, I ran back inside the house to hide. It turned out that I was suddenly all alone in one part of our house. Most of our guests had fled, but I knew that some of my family members were probably huddled in a room directly across the courtyard from me. I had often hidden in that room with my family during past bombing raids.

(e) “As I dashed into the empty room, I looked out the window whose glass had been shattered to see whether the helicopter had finally moved on to inflict damage elsewhere. But just at that moment, I saw its missiles being fired directly towards the room where my family was gathered. I was blinded by the light from the explosion. The thing that I remember most vividly was how our strong wooden roof beams were demolished and disintegrated into tiny pieces. Then I heard the screams from all the people who had sought shelter in that room. Even though the helicopter was still circling above, I rushed across our courtyard to see if I could do anything to help the survivors.

(f) “The force of the bomb was so great that there was very little left of the room. At first, I couldn’t even see my relatives—as there was thick dust everywhere. I had to shut my eyes to prevent them from the fallout. Initially, the only way I was able to find my way to the victims of the attack was by listening for their cries. ‘Please, somebody help me!’ I heard one of my sisters wail. When I finally groped my way across the room, I discovered that there was a large gash on her head and her shoulder had been badly injured. Also like almost all of the people in the room, she was nearly naked as her clothes had been turned into tatters from the explosion. Then I heard another relative crying for assistance.

(g) “It wasn’t until the dust settled that I was able to fully assess the damage. One of my sisters had somehow completely escaped injury, but the remaining eight people in the room, including my parents, were badly wounded and many were drenched in blood. A couple of my family members had serious injuries on their legs and feet, while a few others had a large chunk

of skin torn away. Almost all them had splinters from the smashed timber roof beams scattered all of their bodies. My one and only brother, who was five years younger than I, turned out to be the lone fatality.

(h) “Our possessions were strewn in every direction, and a couple of the metal trunks which were intended for Amina’s family had been thrown clear over our house’s surrounding wall. I had to run around the house to collect clothing so that my female relatives could cover themselves.

(i) “The bombs continued exploding around our village for another half hour or so. But it felt interminable. When the helicopters finally left us in peace, we took all of our wounded family members to our neighbor who was a doctor. The unharmed young men among our relatives carried those who were seriously injured on our backs to the doctor’s house. But when we arrived, a large group of wounded people—including many women and children—were already lying in his courtyard awaiting treatment. The range of injuries was shocking: some had lost arms and legs, others had serious head injuries, and others had pieces of shrapnel buried in their bodies. The fortunate ones only had light injuries on their hands and feet. There were in fact so many injured people from our village that young men were dispatched to neighboring villages to summon their doctors for assistance. To this day, there are many people in my native village who still bear the scars from that malicious attack: they walk with limps, lost limbs or have big scars on their bodies. In total, 16 people from our village, including my brother, lost their lives on this awful morning.”

4.126 Niyaz Turdi’s mother refused treatment for what she claimed was a minor wound, so that the only doctor could treat others in greater need. A few days later she died an agonizing death from a piece of shrapnel lodged in her abdomen.<sup>157</sup>

4.127 Human Rights Watch also reported attacks on funerals:

(a) “Two days later, after the burial, when the people were coming to console the families, the Russians came again and killed one woman and five men. The people were escaping, and the Russians opened fire from tanks. This was in Ju-yi Naw village. The men killed were Haji Zafar Khan, Amir, Zondai, Kapa, and Said Rahman, who was fourteen years old. The woman was from another village, so I do not know her name.”<sup>158</sup>

(b) “We have a custom, when someone is buried, to go to the grave for prayer. But while they were praying, the Russians came by helicopter. Two helicopters were flying overhead, and two landed Russian soldiers, who fired with Kalashnikovs. Those who were running away were shot by the flying helicopters, the rest by the Russians who landed. There were forty-one killed, including Abdul Rahman and Abdul Sattar, sons of Abdul Khair; Abdul Muhammad, son of Faizullah; and Lala Akhundzada, son of Bagram Akhundzada. My other brother was there, and he brought back the dead.

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<sup>157</sup> Klaitis and Gulmamadova.

<sup>158</sup> Helsinki Watch, *Tears, Blood, and Cries* 53. Testimony of Sufi Akhtar Muhammad, fifty-two, a farmer from Baghlan; interviewed in Peshawar, September 25, 1984.

Thirty-five of the men had arms, but six of them didn't. They were just by the grave, burying him, but they were killed too."<sup>159</sup>

4.128 As noted above, Amnesty International reported a "policy of deliberate killings by Soviet and Afghan Government forces of Afghan refugees fleeing toward Pakistan."<sup>160</sup> Christian Science Monitor reporter Edward Girardet witnessed one such attack:

"Having reached the [Pashal] valley floor by early evening the day before, the nomads had pitched a sprawling camp by the side of the river [on August 18, 1984]. Shortly after the first light, the Antonov [reconnaissance plane] appeared and made several passes over their distinctive black tents, smoking fires, and grazing animals before returning to base. . . . The MiGs took the refugees completely by surprise. Appearing at 10 in the morning, the swing-wing fighter first unloaded two bombs each, believed to be 500-pounders, and then made repeated runs firing rockets and strafing with their 23mm Gatling guns. Nine women and five children were killed instantly and more than 60 injured, many of them severely. Overall, by the time the Soviets completed their attacks in the area, at least 40 refugees had died."<sup>161</sup>

4.129 A nomad woman from Baghlan who had arrived in Pakistan five days before Human Rights Watch interviewed her on September 25, 1984, said that on the way to Pakistan Soviet bombers had killed almost all the animals, sheep and camels, and burned their tents and clothes. She pointed to burns from bombings on the limbs of her children.<sup>162</sup> In another interview, Azizullah, seventeen, who had just arrived in Pakistan from Madrasa District of Kunduz with twenty-three other families, stated that in the mountains around Jalalabad, Nangarhar, their caravan was bombed. Eight people were killed, including his mother, Jamal. In an interview on September 24, 1984, he showed Human Rights Watch the burns from this bombing, which had occurred about three weeks before.<sup>163</sup>

4.130 Amnesty International reported the following cases from 1987:

(a) A group of about one hundred families from Sherkhudo village, Darzab district, Faryab province, fled from intense bombardments in September 1987. In Herat province they were surrounded by government forces and fired on. Nineteen died, including seven children (named by AI) and five women. Fifteen days later Soviet helicopters fired on them in Helmand province, killing five men (named by AI).

(b) In October 1987, a twelve-year-old Uzbek boy from Kunduz came under fire with his widowed mother and others from his village while walking

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<sup>159</sup> Helsinki Watch, Tears, Blood, and Cries 54. Testimony of Bakht Muhammad, forty-seven, a landlord from Kalacha village, Qandahar; interviewed in Quetta, October 3, 1984.

<sup>160</sup> Amnesty International, Afghanistan: Unlawful Killings and Torture.

<sup>161</sup> The Christian Science Monitor, October 10, 1984.

<sup>162</sup> Helsinki Watch, Tears, Blood, and Cries 55.

<sup>163</sup> Helsinki Watch, Tears, Blood, and Cries 55.

to Pakistan. His father had already been killed in a bombardment. Two were killed and four wounded by helicopter rockets, including the boy, whose wounds were visible when he was interviewed.

(c) In September 1987 refugees fleeing Kunduz were arrested in Baghlan and two of them summarily executed. Another group of refugees from the same area was also attacked in Baghlan. A man who had lost three sons in a bombardment in his village lost another son and two daughters in this attack.

(d) In May 1987 a student from Kabul found the bullet-ridden bodies of about 130 apparent refugees in Charkh district of Logar, along a trail used to flee to Pakistan.

(e) In November 1986 Soviet soldiers killed fourteen people, including two women and a child, when they opened fire on a minibus near Zarghunshahr, Paktika.<sup>164</sup>

4.131 As noted above, such killings appeared to be less frequent after the Soviet decision to withdraw, and even less frequent after the withdrawal itself. Nonetheless, Human Rights Watch documented a number of cases during the later period:

(a) In late 1989, after the bombing of Siqh Sang, in Nangarhar, "Afghan militia" summarily executed eight young men found with guns who their female relatives said were members of Hizb-i Islami (Hikmatyar).

(b) In early 1990, soldiers who suspected villagers in Chaharbagh district of Nangarhar of feeding mujahidin burned three to five people alive after pouring gasoline on them.<sup>165</sup>

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4.132 Afghanistan has never had a complete census. The rural population has never been fully registered with the state. Hence, reckoning the numbers killed in the incidents listed above is a matter of rough estimates. Professor Ermacora commented in 1988:

"Figures differ with regard to the total number of people killed during the war. Reports from sources considered reliable by the Special Rapporteur estimate the figure at 3.5 million. It should be noted, however, that the report of the United Nations Co-ordinator mentions only [sic] 1.5 million."<sup>166</sup>

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<sup>164</sup> Amnesty International, Afghanistan: Unlawful Killings and Torture.

<sup>165</sup> Asia Watch, The Forgotten War 36-37.

<sup>166</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" (A/43/742, 1988) para. 105. The report referred to was the "First consolidated report prepared by the Office of the United Nations Co-ordinator for Humanitarian and Economic Assistance Programmes relating to Afghanistan," (Geneva: 1988): 42. In the same document (para. 139), Ermacora gave the round estimate of one million for the total number of civilian deaths since 1980.

4.133 The only systematic attempt to estimate excess mortality due to war in the Afghan population was carried out by Swiss demographer Marek Sliwinski in 1988.<sup>167</sup> Sliwinski reconstructed retroactive family histories of a sample of Afghan refugees in Pakistan, stratified by province. On the basis of his sample, with corrections for estimated populations and rates of emigration from each province, he estimated an excess mortality due to war of 1.28 million people during the period 1979–1987. Sliwinski's figures showed that by far the largest cause of death was bombardment. The number killed thus may have approached ten percent of the population, estimated at 15.5 million in 1979.

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<sup>167</sup> Sliwinski 39–56.

**V. FROM THE SOVIET OCCUPATION TO THE FALL OF NAJIBULLAH  
(December 27, 1979–April 15, 1992 / Qaws 10, 1358–Hamal 26, 1371):  
OTHER VIOLATIONS OF THE LAWS OF WAR**

5.1 The Soviet forces and Afghan government were reported to have laid and distributed various forms of antipersonnel mines in many areas of the country. Since 1989 the UN's Mine Action Program for Afghanistan and then several NGOs coordinated by the UN have been involved in demining and removing unexploded munitions throughout the country, including some placed by other armed groups as well. During the Soviet-Afghan war, the treaty banning the use of land mines, which Afghanistan ratified on September 11, 2002, had not yet even been drafted. The treaty was adopted in Oslo on September 17, 1997, and opened for signature on December 3, 1997, in Ottawa. It entered into force on March 1, 1999, once it had been ratified by forty countries.<sup>1</sup>

5.2 The mayhem that land mines had spread among the population of Afghanistan helped motivate the NGOs that campaigned for that treaty. In July 2002, Jody Williams, co-recipient the 1997 Nobel Peace Prize with the International Coalition to Ban Landmines, said, "For many, 'Afghanistan' is almost synonymous with 'landmines.' And 'landmine' is synonymous with the devastation of war."<sup>2</sup> The International Committee of the Red Cross estimates that 200,000 Afghans were killed or wounded by mines in twenty-three years of war. The ICRC's data shows that the most victims were—and still are—non-combatant civilians.<sup>3</sup>

5.3 Land mines, like other weapons, were regulated even then by the rule of proportionate use only against military targets and, more specifically, by the Land Mines Protocol.<sup>4</sup> Specific regulations then in force also required the mapping and post-combat removal of land mines.

5.4 The use of booby-traps of various sorts was banned under the prohibition of the use of "perfidy" in warfare. The Land Mines Protocol specifically bans "any booby-trap in the form of an apparently harmless portable object which is specifically designed and constructed to contain explosive material and to detonate when it is disturbed or approached."<sup>5</sup> The use of booby-trapped dead bodies or of double mines (two mines laid so that one explodes when the other is removed) were also explicitly banned at the time, yet both were reported by the UN Special Rapporteur, among others.

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<sup>1</sup> Article 17 states: "This Convention shall enter into force on the first day of the sixth month after the month in which the 40th instrument of ratification, acceptance, approval or accession has been deposited."

<sup>2</sup> Liz Bernstein, Karzai Urged to Bring Hope to Most Mined Country (Kabul: Afghanistan, July 26, 2002).

<sup>3</sup> Associated Press, "Afghan Landmines Focus of Conference," Kabul, Afghanistan, 26 July 2002, posting on Landmine Survivors Network.

<sup>4</sup> For a review of the legal requirements of the Land Mines Protocol and its application to Afghanistan, see Helsinki Watch and Asia Watch, By All Parties to the Conflict: Violations of the War in Afghanistan (New York: 1988) 26.

<sup>5</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 31.

5.5 Investigators, including the UN Special Rapporteur, reported the use of other possibly prohibited weapons at the time, notably gas and chemical weapons. These reports are cited in detail below. Afghans also reported the use of incendiary and fragmentation weapons against civilian or predominantly civilian targets.

5.6 The evidence does not suggest the use of fatal chemical weapons. Rather, the reports cited below indicate that, at least through 1982, Soviet forces at times used chemical agents designed to render people unconscious, sick, or disabled, and that some doses of these agents were sometimes fatal.

5.7 The war in Afghanistan was not an interstate war under the Geneva Conventions, and the Soviet and DRA forces were not required to extend to captured fighters all the rights granted to prisoners of war under those Conventions. Common article three, however, applying to all forms of armed conflict, prohibits the killing and torturing of disarmed prisoners or wounded persons, which, as shown below, were widespread practices.

5.8 Since the time during which the events recounted in this chapter took place, new international norms have been established concerning the treatment of women and children during armed conflict. The experiences of Bosnia and Rwanda, in particular, have led to the recognition of rape as a specific war crime. It is extraordinarily difficult to collect evidence of rape in Afghanistan, given the code of honor that regulates relations between the sexes and within families, but the UN Special Rapporteur and some human rights organizations nonetheless managed to collect some testimonies.

5.9 Concern over the fate of children in armed conflict has been expressed through adoption of international agreements banning the use of child soldiers and the establishment of a special office at the UN, that of the Under-Secretary-General for Children in Armed Conflict. Though this question was not as well defined or identified in the 1980s as it is today, Human Rights Watch, at the initiative of the then director of Helsinki Watch, Jeri Laber, devoted a report to the children of Afghanistan in 1986.<sup>6</sup> The UN Special Rapporteur also devoted some attention to this issue. This chapter deals with abuses of children during incidents of armed conflict and the effect on children of the conflict, while the next chapter deals with forced recruitment, including that of child soldiers, and the forced separation of children from their families for political purposes.

5.10 As is common in wars of rural counterinsurgency, the Soviet and DRA forces also made war against the rural economy, both as punishment and to drain the sea in which the mujahidin swam, to use Mao Tsetung's metaphor.<sup>7</sup> In 1991, the official Soviet military publishing house (Voenizdat) issued a collective study called The War in Afghanistan. Its authors stated:

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<sup>6</sup> Helsinki Watch and Asia Watch, To Win the Children: Afghanistan's Other War (New York: 1986).

<sup>7</sup> Helsinki Watch, Tears, Blood, and Cries: Human Rights in Afghanistan Since the Invasion 1979–1984 (New York: 1984) 70.

“From the beginning of 1980 the spirit of money-grabbing spread among the Soviet forces in Afghanistan. There were numerous trials of soldiers, sergeants and officers for robbery, pillage, and killings of the Afghan civilians (children included), but these were military tribunals, and ordinary Soviet people did not know of these cases. In addition, there were cases when groups of Soviets (civilian and military) together with Afghans organized drugs-trafficking to deliver narcotics to the USSR.”<sup>8</sup>

5.11 As noted, such trials were not public knowledge and hence had no deterrent effect. The behavior of the Soviet forces began to change only after Gorbachev began planning for withdrawal. All of these actions of destruction and plunder were specifically prohibited under the 1977 additional protocols to the Geneva Conventions. Though the USSR and Afghanistan had not ratified those additional protocols, they are considered part of customary international law.

5.12 International humanitarian law also requires granting humanitarian access, respecting the humanitarian status of medical personnel and medical establishments, and permitting journalists to work. Until the mid- to late 1980s the DRA and USSR refused to allow even the ICRC to work in Afghanistan and actively attacked medical workers, clinics, and journalists in resistance-held areas. They also refused to countenance examination by the international community of their human rights record and refused all access to the UN Special Rapporteur, as well as private human rights organizations, until 1987, when the Special Rapporteur made his first visit to Afghanistan.

### **A. Mines and Booby Traps**

5.13 Special Rapporteur Ermacora observed that among “the main types of action which have caused deaths and casualties, in particular among the civilian population” was “the use of anti-personnel mines and booby-trap toys.”<sup>9</sup> Many witnesses, he reported, “testified that the use of anti-personnel mines and booby-trap toys was now part of a strategy clearly aimed specifically at the civilian population of villages.”<sup>10</sup> Some of these mines were powerful enough to kill, while others had charges that only maimed. As noted below, it now appears that the so-called “booby-trap toys” were unfamiliar types of aerially distributed mines and fragmentation devices that resembled everyday objects but were not intentionally designed to mimic them.<sup>11</sup>

5.14 Reports cited below show that Soviet soldiers left minefields around their bases after quitting an area, in violation of rules that require their clearance. Their

<sup>8</sup> N. I. Pikov, E.G. Nikitenko, Y. L. Tegin, and Y. N. Shvedov, Война в Афганистане (The War in Afghanistan) (Moscow: Voenizdat [Military Publishing House], 1991) 266. Thanks to Vladimir Plastun for this reference. All the authors were military officers with the rank of colonel or above.

<sup>9</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1986/24) para. 79.

<sup>10</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/40/843, 1985) para. 90.

<sup>11</sup> For an inventory with technical data of mines found in Afghanistan, see United Nations Afghanistan Mine Clearance Programme, Mines Recognition Handbook (Islamabad: n.d., though it appears to be from 1995). Thanks to Sayed Aqa, Mine Action Team Leader, UNDP, for this reference.



helicopters dropped camouflaged PFM-1 “butterfly” mines, impossible to map, around populated areas, on roads, and in grazing areas. These mines had “wings” to assure that they would flutter to the ground without detonating, but that also proved attractive to children who thought they were toys of some type. During sweeps through villages, soldiers were reported to have left antipersonnel mines in food bins and other parts of the houses of people who had fled.<sup>12</sup> Felix Ermacora, the UN Special Rapporteur, reported that, during the process of withdrawal, Soviet troops laid new mines, which constituted “a major obstacle to the return of refugees.”<sup>13</sup> Human Rights Watch also heard of mines left in mosques, of booby-trapped bodies that exploded when relatives attempted to move them, and of trip wires placed in fruit trees that injured the harvester.<sup>14</sup>

5.15 There is no authoritative figure on the number of mines laid in Afghanistan, but the UN Special Rapporteur noted in 1990 that, according to the Afghan government, “From 1980 until the date at which the Soviet troops were withdrawn, they had laid 170,235 mines in various security areas, while the Afghan forces laid 453,000. A further 800,000 mines were laid by the Afghan army since then [one year later].”<sup>15</sup>

5.16 Much of the early information about these mines and booby traps came from French medical organizations who were the first non-Afghans to work in resistance-held areas of Afghanistan. Based on their experience, Claude Malhuret, then the head of Médecins sans Frontières, and later the Minister of State for Health, wrote in 1983:

“The Russians know quite well that in this type of war, an injured person is much more trouble than a dead person. . . . In many cases, he will die several days or weeks later from gangrene or from staphylococcus or gram-negative septicemia, with atrocious suffering, which further depresses those who must watch him die. The MSF has also seen the damage caused by the explosion of booby-trapped toys, in most cases plastic pens or small red trucks, which are choice terror weapons. Their main targets are children whose hands and arms are blown off. It is impossible to imagine any objective that is more removed from conventional military strategy, which forswears civilian targets.”<sup>16</sup>

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<sup>12</sup> Helsinki Watch, Tears, Blood, and Cries 56.

<sup>13</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1989/24) para. 57.

<sup>14</sup> Helsinki Watch, Tears, Blood, and Cries 57.

<sup>15</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1990/25) para. 64.

<sup>16</sup> Dr. Claude Malhuret, “Report from Afghanistan,” Foreign Affairs 62 (Winter 1983/1984): 430. “Pens” are likely to be various types of mine fuses, in plastic or metal, that are in the form of metal cylinders, such as Czechoslovak AP Mine Fuse RO 1, Soviet AP Mine Fuses MUV (several versions), and Soviet AP Mine Fuse VPF. Mines would be buried with the fuses, looking like “pens,” protruding above the soil; see the photographs, for instance, of various Soviet AP bounding fragmentation and directional fragmentation mines (OZM-3, OZM-4, OZM-72, and MON 50) in UNAMCP, Mines Recognition Handbook 63–69. A photograph of a Soviet AP Blast PMN mine in the Mines Recognition Handbook has a reddish color, though it bears at most a very general resemblance to a truck.

5.17 At this time, there was no UN or NGO demining program. After the Soviet Army left an area, the local population tried to remove these unmarked minefields by themselves, but they lacked proper training and equipment for this difficult and dangerous work. Most of the mines were plastic, rather than metal, and thus much more difficult to detect, though the fuses were more often metal.<sup>17</sup> Sometimes mines were laid in pairs, so that a person removing the first mine was injured or killed by the second. Dad-i Khuda, a thirty-eight-year-old farmer from Abdara in the Panjshir Valley, told Human Rights Watch in an interview on September 27, 1984, in Peshawar that he had lost his leg this way in the winter of 1982.<sup>18</sup>

5.18 In addition to mines around their bases, Soviet forces were reported to have systematically left antipersonnel mines in areas where they were likely to kill civilians.<sup>19</sup> Several types, like the PMN or MS-3 antipersonnel mines, were oval or disk-shaped and were placed by hand. Another type, the PFM-1 butterfly mine, had two plastic wings, enabling it to flutter to the ground when dropped by a helicopter; there was a detonator in one of the wings. Butterfly mines were dropped in canisters that exploded in midair, scattering the mines over wide areas. According to a study from the Ministry of Defense of Austria, a Soviet helicopter could carry two mine launch apparatuses, each of which contained six packets of twelve PFM-1 butterfly mines, making a total of 144 mines per mission. This study also reported the introduction in 1985 of artillery-launched butterfly mines in green plastic packets, each of which contained twenty mines with propellant in the middle to spread them.<sup>20</sup> They came in two camouflage colors, green for grazing areas and sand for roads and mountain paths.<sup>21</sup>

5.19 The French doctors working for humanitarian organizations in resistance-held areas of Afghanistan frequently witnessed the use of antipersonnel mines against civilians. In some areas the most common medical procedure they performed was the amputation of limbs injured by mines. Children watching over the animals in the fields were often the victims. Many lost legs or feet by stepping on mines left in the mountains.<sup>22</sup>

5.20 In her summary of the effects of the Soviet-Afghan offensive against Saijawand, Logar, which she witnessed in January 1983, Dr. Odile de Bailleux of Aide Médicale Internationale reported, “Antipersonnel mines were spread everywhere, inside houses, in the flour storage bins. . . . The people are now living forty to a room out of fear of these mines.”<sup>23</sup>

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<sup>17</sup> UN, Mines Recognition Handbook.

<sup>18</sup> Helsinki Watch, Tears, Blood, and Cries 57.

<sup>19</sup> Helsinki Watch, Tears, Blood, and Cries 57.

<sup>20</sup> Roland Flor, Afghanistan. Ein Kriegsgeschehen unter besonderen Verhältnissen: Erfassungen, Ableitungen, Lehren (Vienna: Institut für Strategische Grundlagenforschung an der Landesverteidigungsakademie, 1985) 116. Title translated as “Afghanistan. A war situation under particular circumstances: establishment of facts, consequences, conclusions.”

<sup>21</sup> Helsinki Watch, Tears, Blood, and Cries 56; UN, Mines Recognition Handbook.

<sup>22</sup> Helsinki Watch, Tears, Blood, and Cries 58.

<sup>23</sup> Les nouvelles d’Afghanistan 15 (October–November 1983): 16.

5.21 Sayed Azim of Maidan, Wardak, told Human Rights Watch in an interview on September 25, 1984, in Peshawar about a mine left under the carpet of the mosque in his home village of Umarkhel in the autumn of 1983: “We took a long piece of wood and lifted up the carpet very carefully, so that the bomb underneath would not go off.”<sup>24</sup>

5.22 In an August 1985 interview in Peshawar, two nurses with Médecins Sans Frontières, Rudy Seynaeve and Marie Basuyan, described some civilian victims of antipersonnel mines whom they encountered in Afghanistan in 1985. In January 1985, they reported, after government troops withdrew from the valley of Zari (Balkh province), they left both large and small mines in the valley, in the bazaar, and elsewhere.<sup>25</sup> The large mine was described as looking like a “dinner plate” (probably a PMN or MS-3) and the small one as being khaki in color, about the size of a matchbox, and in different shapes, both square and round (possibly a version of the PFM-1). A man who picked up one such mine lost his hand.<sup>26</sup> Seynaeve summarized his case notes as follows:

“The 29th of January, Nur Ahmad, eighteen years old, from Aq Kupruq, arrived with half of his right hand [blown] away, already twenty days ago he said. So approximately the 9th of January there had been jets above Aq Kupruk, and he said two big enormous bombs they let fall. The bombs they opened in the air, and out of them little things are falling. And he said approximately 120, he said, little, kind of khaki colored, little things, big as a box of matches. You touch it, and you lose three fingers, half a thumb, even more, half of a hand. But he was the only one that got wounded, because all the others had been destroyed by means of sticks and stones. Children were using them, they threw rocks at them.”<sup>27</sup>

5.23 They also treated a victim of an antipersonnel mine left in an irrigation ditch.

5.24 Dead bodies were also reported to have been mined, as were houses.

(a) “Next to a place called Mustokhan nobody could touch or retrieve the body of the dead freedom fighter, because they were afraid of the body being booby-trapped. A 16–17-year-old sister went up to the body, and she was blown up with the body of her brother. We simply had to pick up the pieces and put them in a sack.”<sup>28</sup>

(b) “When the Russians entered the houses, they put small bombs inside suitcases and briefcases. When children and women picked them up, they exploded. I had retreated from the village with the mujahidin. Then the

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<sup>24</sup> Helsinki Watch, *Tears, Blood, and Cries* 59.

<sup>25</sup> Helsinki Watch, *Tears, Blood, and Cries* 35.

<sup>26</sup> Helsinki Watch, *Tears, Blood, and Cries* 36.

<sup>27</sup> Helsinki Watch, *Tears, Blood, and Cries* 36.

<sup>28</sup> Testimony of Nasser Ahmad Faruqi, *International Afghanistan Hearing Oslo, March 13–16, 1983: Final Report* (Oslo: 1984). The original tape recordings have been deposited with the Norwegian Ministry of Foreign Affairs.

Russian forces came. They entered the village and put the bombs. When we came back, we found the dead bodies and the bombs, on door frames, under couches. I saw it myself.”<sup>29</sup>

5.25 The hospitals of Peshawar and Quetta, centers of the refugee population in Pakistan, frequently received children and others who had lost limbs owing to antipersonnel mines. The Soviets distributed such mines from the air, usually by helicopter, or had them placed by ground troops. In addition, according to reports from both Laghman and Paktia provinces, mines were also being distributed from land-based artillery shells. In an interview in Peshawar on August 20, 1985, Syed Fazl Akbar (the former director of both Radio Kabul and the Pashto service of Radio Moscow, director of the Afghan Information and Documentation Centre in Peshawar at the time of the interview, and now the governor of Kunar province) described artillery shells distributing such mines in Paktia province during an offensive in August 1985.<sup>30</sup>

5.26 Human Rights Watch reported numerous testimonies of the damage wrought by mines resembling toys or everyday objects. While it now appears that the victims’ descriptions of the objects may have been unintentionally misleading, the damage they wrought was nonetheless real:

(a) “My friend picked one up and lost an arm. Then we understood why the pens were scattered all over the road. When the operations are over, they scatter these materials.”<sup>31</sup>

(b) “In the cliffside house that serves as a base for my particular band of Muj [mujahidin], a young guerrilla medic works to save the mauled hand of a local 14-year-old boy. When the Soviet armor and paratroops were here last week, they left behind some booby-trapped toys, on the off chance there were some children left in Jegdeleg [Nangarhar province] to pick them up. This boy found a bright red plastic truck by the river and made the mistake of grabbing it. It must have been defective, because his hand—though a bloody, torn, skinless mess—still has all of its digits. The medic is washing and rebandaging it daily, trying to ward off infection.”<sup>32</sup>

(c) “It happened to one of my relations in Kabul. About eighteen months ago this eight- or nine-year-old child was playing in the street near his home, near Microraion. He picked up something that looked like a toy, and it exploded.”<sup>33</sup>

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<sup>29</sup> Helsinki Watch, Tears, Blood, and Cries 59. Muhammad Zahir, thirty-five, farmer from Qala-i Shadad, Jaghatu district, Ghazni province; interviewed by Human Rights Watch in Quetta, October 3, 1984.

<sup>30</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan (New York: 1985) 34. At the time, the province of Paktia included the territory of today’s Khost.

<sup>31</sup> Jeri Laber and Barnett R. Rubin, A Nation is Dying: Afghanistan Under the Soviets 1979–87 (Evanston, Ill.: Northwestern University Press, 1988) 135. Nur Beg, an elder from Darra-i Nur, near Jalalabad, Nangarhar province; interviewed in Peshawar, September 1986.

<sup>32</sup> Rob Schultheis, “Among the Believers: Face-to-Face with the MIGs in Afghanistan’s Valley of Death,” Mother Jones (November–December 1985): 46.

<sup>33</sup> Helsinki Watch, Tears, Blood, and Cries 63. Testimony of Shah Mahmud Basir, economist,

5.27 Dr. Jacques David of Médecins sans Frontières told Human Rights Watch on June 8, 1984, that while he was working at the dispensary in Jaghori in Hazarajat in 1981 he had to amputate two fingers of a five-year-old boy who had picked up what looked like a toy. The boy's parents showed Dr. David the twisted and charred remnants of a small, red, metal object.<sup>34</sup>

5.28 Dr. Gilles Albanel of Aide Médicale Internationale testified at the March 1983 Afghanistan Hearings in Oslo:

“Prior to the offensive [of January 1983 in Logar] we were asked to see a person 60 years old who had picked up a fountain pen on the road and the next day wanted to see whether this fountain pen actually worked. It exploded in his hands. It was an antipersonnel mine. He had lost three fingers of his left hand.”<sup>35</sup>

5.29 Kifayatullah, a farmer from Harioki Ulya, Kapisa province, described to Human Rights Watch the actions of the Soviet troops that invaded his village. “They put toy bombs in the food storage bins,” he volunteered. “Some of them exploded. They were like toys, watches, pens.”<sup>36</sup>

5.30 Hafizullah, of the same village, reported to Human Rights Watch, “There is a type of bomb like a radio. They leave it on a stand with a wire. If you touch it, or if your feet touch the wire, it goes off. If I had been there, I would have been killed, but I know people injured by mines left in the houses in my village. Some were killed, and others were handicapped.”<sup>37</sup> Another refugee, from Bela in Nangarhar, described, amid a chorus of affirmation from fellow villagers who had gathered around him, how villagers has lost arms or legs when picking up objects that resembled pens or other common objects.<sup>38</sup>

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interviewed in Quetta, October 3, 1984.

<sup>34</sup> Helsinki Watch, Tears, Blood, and Cries 60.

<sup>35</sup> International Afghanistan Hearing 19.

<sup>36</sup> Helsinki Watch, Tears, Blood, and Cries 62.

<sup>37</sup> Helsinki Watch, Tears, Blood, and Cries 62. The Soviet AP Directional Fragmentation Mine MON-50 has a form similar to a radio set. If the fuse was attached to a trip wire, it would resemble this description. See UNAMCP, Mines Recognition Handbook 68–69.

<sup>38</sup> Helsinki Watch, Tears, Blood, and Cries 62.

## **B. Other Prohibited Use of Weapons**

5.31 UN Special Rapporteur Ermacora found evidence of the use of fragmentation weapons:

“The Special Rapporteur was informed of the use of bombs that were said to disperse hundreds of fragments similar to small blades. The use of such bombs has been confirmed by many wounded persons during the visits of the Special Rapporteur to hospitals.”<sup>39</sup>

5.32 Professor Ermacora also referred to the use of bombs with “burning effects.” He cited a study by an institute of the Austrian Ministry of Defense on weapons used in Afghanistan. Ermacora summarized its findings:

“[The study] sheds light on the following types of weapons: liquid fire, fuel-air explosive cratering (FAEC) and fire sticks. The liquid fire is described as a black, tar-like substance dropped from aircraft in canisters, which open in the air spraying the ground with the substance, which remains effective for months and ignites upon contact producing gas. The fuel-air explosive cratering bombs are dropped by fighter planes and explode near the ground making craters 10 metres across and 6 metres deep. In his previous reports, the Special Rapporteur stated that the population called these bombs ‘napalm bombs.’ A fire stick is 30 centimetres long and 18 centimetres thick; a canister contains several thousand fire sticks and is detonated upon contact with the ground.”<sup>40</sup>

5.33 Seynaeve was also one of a number of witnesses who described the use of incendiary bombs against civilians. He treated victims of what he called “burning bombs,” which give off a kind of liquid that is presumably identical to what the Austrian study identified as “liquid fire.” On May 29, 1985, the bomb, possibly aimed at a nearby mujahidin base, fell on a house where two families were living. Eight people were killed immediately, and six heavily burned victims were brought to the clinic, where one of them, an eleven-year-old boy, subsequently died of his injuries.<sup>41</sup> This description is consistent with descriptions in the Austrian Defense Ministry study, which noted that bombs consisting of “thousands of fire sticks” that were subsequently ignited with air to ground rockets were “used only against villages.”<sup>42</sup>

5.34 Refugees who escaped from the massacre in Qarghai district of Laghman in 1985 tried to describe a type of weapon that they claimed to have seen from a distance. From the description below, it appears to be a type of phosphorus bomb. Refugees described it to Human Rights Watch as a hand-held weapon like a lamp or a

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<sup>39</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/40/843, 1985) para. 54. UNAMCP, Mines Recognition Handbook 58–75 includes nine types of antipersonnel fragmentation mines.

<sup>40</sup> E/CN.4/1986/24 para. 87. The study to which Ermacora referred was Flor, Afghanistan: Ein Kriegsgeschehen unter besonderen Verhältnissen.

<sup>41</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 15.

<sup>42</sup> Flor 114.

bulb that could incinerate people and objects at short distances but that lost effectiveness quickly with distance. One witness claimed that Soviet troops used the weapon to burn people who had hidden in caves in Laghman. In another case it was reportedly used in the summary execution of civilians in Garuch and Badpakh villages of Laghman.<sup>43</sup> Another witness reported that he saw the Soviets train the weapon on the villages of Alishang and Kalacha from positions in the surrounding area, but that it had little effect at that distance.<sup>44</sup> This may have been a description of a “wholly new type” of bomb described in the Austrian report:

“A barrel 2.5 meters long, surrounded by six two-meter long magnesium-phosphorus rods. At impact, the liquid in the barrel is ignited. The rods catch fire and develop, according to eyewitnesses, a heat that is enough to melt stones.”<sup>45</sup>

5.35 Börje Almquist, the Swedish journalist who visited eastern Afghanistan in December 1983, also saw what he called “a kind of firebomb”:

“In the village of Logali Piran, adjoining the district of Tani [in what was then Paktia and is now Khost] there were remains of the firebomb. It consisted of some sort of petrol-based material and phosphorus in flat cakes on the ground. When hitting the ‘cakes,’ the cakes began to burn, and this was about ten days after the village was bombed with firebombs and explosive bombs in the first week of October 1983.”<sup>46</sup>

5.36 This account resembles the description in the Austrian report of “liquid fire,” which “refers to a black tar-like substance that is thrown from the ground in containers, which open in mid-air and release large drops. This substance remains on the ground, appears to be sedentary, and is operative for months. When it is stepped on or driven over, the drops ignite in a sudden burst, the flames shoot high and burn continually, producing nausea-inducing smoke.”<sup>47</sup>

5.37 In his first report in 1985, Special Rapporteur Ermacora devoted a whole section to the “Use of poison gases.”<sup>48</sup> He stated:

(a) “The Special Rapporteur found evidence of this in the camps and refugee hospitals at Quetta and Peshawar where he had direct talks with wounded persons who alleged that they had been the victims of poison gases.

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<sup>43</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 30–31. Testimony of Said Muhammad, son of Gul Muhammad, farmer, thirty-six, of Umarzai village, central Laghman province; interviewed in Munda refugee camp, NWFP, August 21, 1985.

<sup>44</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 31–32. Testimony of Ataullah, son of Mullah Abdullah, mullah, forty-eight to fifty, Kalacha village, central Laghman; interviewed in Munda refugee camp, August 21, 1985.

<sup>45</sup> Flor 112.

<sup>46</sup> Börje Almquist, Letter to Amnesty International, Eskilstuna, Sweden, 1984.

<sup>47</sup> Flor 110.

<sup>48</sup> E/CN.4/1986/24 para. 117–118.

(b) “Several concordant reports alleged the poisoning of the water, cereals and livestock, the use of chemical agents, and the explosion of bombs producing gases of various colours with an incendiary effect.”

5.38 He later reported:

“Several witnesses reported that the armed forces had used gas, a greenish-coloured substance, against members of opposition forces hiding in underground passages or karez. The substance reportedly caused serious injuries. The use of chemical weapons has been reported in four instances in Konduz, Paktia, Kabul and Vardak Provinces.”<sup>49</sup>

5.39 The account in the previous chapter of the massacre in Padkhwab-i Shana, Logar, included a description of Soviet soldiers emptying bags of some substance into a karez and then exploding it alight with Kalashnikov fire. Almquist relayed an account of a similar delivery system for gas, recounted to him by a commander from Kunduz in July 1983. The commander was reported to have described the following as having occurred during an attack (date not given) on his base by Soviet forces:

“Helicopters parachuted some sort of bags, and the Russians fired on the bags, exploding in mid-air, releasing some sort of grey-yellow gas. Some of us became very tired and we had to kick them to get them up. Two of us had to be left behind when we were forced to leave the base and get away from the gas. They had fallen unconscious. All the 260 mujahidin in the base were affected by the gas, and we all felt more or less tired. Our skin was irritated and we had to different extents difficulties walking straight. The red skin irritation continued for three months and especially the legs and buttocks had small and itchy spots, of a diameter of two millimetres.”<sup>50</sup>

5.40 The report from the Austrian Ministry of Defense noted that reports of chemical agents were “not sufficiently documented, but together corroborate the probability of such use.” The report mentioned the use of several substances in “deadly and non-deadly doses,” including nerve agents, Phosgene Oxime, and Mycotoxin Trichothecene (“yellow rain”). These were reported to be distributed through “chemical bombs,” ground munitions, rockets, spraying apparatuses, chemical landmines, and shells. The study stated that no “massive reports” of the use of chemical war agents in Afghanistan were known after 1982.<sup>51</sup>

### **C. Abuses of Captured Combatants**

5.41 From reports Human Rights Watch received, it seemed apparent that combatants on both sides assumed they would be killed if taken prisoner.<sup>52</sup> Attempts by the International Committee of the Red Cross (ICRC) starting in 1981 to negotiate prisoner exchanges met with some initial cooperation from the resistance forces, some

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<sup>49</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/41/778, 1986) para. 59.

<sup>50</sup> Almquist.

<sup>51</sup> Flor 119–120.

<sup>52</sup> Helsinki Watch, Tears, Blood, and Cries.



of which transferred Soviet prisoners to ICRC custody. The mujahidin expected Kabul to allow ICRC access to government prisoners in return, but the DRA continued to ban access by humanitarian and human rights groups until 1987. Hence the mujahidin informally suspended participation.

5.42 Special Rapporteur Ermacora observed that “Armed members of opposition movements are killed on the spot.”<sup>53</sup> Amnesty International reported a case in which “Soviet and Afghan troops are reported to have blown up a dozen captured and bound guerrillas in a mosque in Kolalgu village in Paktia province in January 1988. Nine died and three survived.”<sup>54</sup>

5.43 Former Soviet soldiers confirmed this policy. According to Sgt. Igor Rykov, a Soviet Army defector interviewed in *Le Monde*, June 3–4, 1984, “We did not take any prisoners of war. None.” Former Soviet Army Pvt. Nikolai Ryzhov, when asked how Soviet forces treated Afghan prisoners, replied, “They destroy [unichtozhayut] them.”<sup>55</sup>

5.44 A Soviet soldier told reporter Svetlana Alexievich in September 1986:

“We captured some terrorists and interrogated them: ‘Where are your arms dumps?’ No answer. Then we took a couple of them up in helicopters: ‘Where are they? Show us!’ No answer. We threw one of them on to the rocks. . . .”<sup>56</sup>

5.45 A Soviet military adviser reminisced:

“I got out the photo album and showed a few slides. Helicopters hovering over a village, a wounded man being laid on a stretcher, with his leg next to him, still in its trainer, POWs sentenced to death gazing innocently into the camera lens—they were dead ten minutes later . . . Allah Akbar—allah is great!”<sup>57</sup>

5.46 A former Soviet Army private going by the pseudonym “Jamalbekov” witnessed the following incident in February 1982, while he was stationed with a company of the 121st Brigade, headquartered in Mazar-i Sharif, at a post on the road between Rabatak and Samangan in Samangan province in northern Afghanistan. His commander, Captain Rudenko, from Zhdanov, Ukraine, captured twelve suspected mujahidin, two of whom were armed:

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<sup>53</sup> E/CN.4/1986/24 para. 98.

<sup>54</sup> Amnesty International, *Soviet and Afghan Government Forces in Apparent Policy of Killing Refugees*, ASA 11/05/88, May 4, 1988. At that time Paktia province included what today are the two provinces of Paktia and Khost.

<sup>55</sup> Public meeting in New Haven, Connecticut, February 27, 1984. Helsinki, *Tears, Blood, and Cries* 171.

<sup>56</sup> Alexievich 6.

<sup>57</sup> Alexievich 32.

“Capt. Rudenko was drunk. It was about four or five o’clock in the afternoon. They took [the prisoners’] weapons and ammunition, searched them and took some knives, everything they had. Then they tied them up, laid them down in the road, and Capt. Rudenko gave the order to drive the APCs over them. I saw the vehicles coming back all covered with blood. Once they kill them, they are just meat, and they left them for the jackals to come at night. They just cleared them off the road and dropped the bodies beside the road. At nine o’clock the commander was even more drunk, and he went back again. He cut off the head of one body, a mullah with a long beard. He brought the head back and said, ‘Look, I’ve brought some fish.’ He gave it to one of the soldiers with some gasoline. The whole night they were pouring gasoline on the head and burning it, and in the morning it was just ash.”<sup>58</sup>

5.47 Former Soviet Army Pvt. Vladislav Naumov had just finished repairing two combat vehicles in a post on the Kabul-Jalalabad road in May 1983 when he heard some cursing.

“Two soldiers were chasing a man whose hands were tied. The man’s face was swollen, there were fresh scratches, his mouth was bleeding. They brought the Afghan prisoner to the tanks and forced him to his knees. ‘Well, what shall we do with him?’ Two noncommissioned officers had arrived. They were drunk. One of them looked at the Afghan and said with a wicked smile, ‘This beast is unworthy of prison. He must be shot.’ ‘No,’ mumbled the second one, ‘He should be hung upside down in the sun. Then he’ll realize who he attacked.’ But then a lieutenant arrived. The soldiers reported they had arrested a dushman [enemy]. ‘Good,’ said the officer. ‘We’ll settle accounts. Shoot him. Bring an automatic rifle.’ The Afghan understood what was about to happen, and he started to say something in his language, but no one listened to him. We were all around, waiting to see what would happen. One of the soldiers came back and said that all the rifles were locked up. ‘Too bad,’ said the officer. ‘We’ll have to manage without bullets. Bring him over to the cannon.’ The officer climbed up on the turret. The soldiers stuck the tied hands of the Afghan into the barrel of the gun. ‘Move aside,’ hollered the officer. ‘Fire.’ When the smoke dissipated, there was no trace of the Afghan. Everyone left. I was waiting in line for tea to eat with my porridge, when suddenly a sergeant next to me started yelling, ‘Go away, you filthy beast!’ I didn’t understand right away. Then I saw a dog with a piece of meat in his mouth. It was the arm of the man we had just killed.”<sup>59</sup>

5.48 Former Soviet Army Sgt. Igor Rykov testified:

“Generally we killed [prisoners] on the spot. As soon as we caught them, the officers ordered us to slaughter them. I’ll tell you one story. Lt. Gevorkian was the commander of my unit. When I arrived, he had already been in Afghanistan for a year. He told us that he had seen a lot, and that now he had

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<sup>58</sup> Helsinki Watch, Tears, Blood, and Cries 173. Interview in Peshawar, September 21, 1984. There are other reports of captured fighters being crushed under combat vehicles. For instance, Agence France Presse reported from Islamabad on February 18, 1981, that twenty suspected insurgents had been crushed under tanks in the Tangi Valley.

<sup>59</sup> Le Monde, June 3–4, 1984, cited in Helsinki Watch, Tears, Blood, and Cries 172.

become like ice, he had learned to kill absolutely anyone, and he had to teach the same to the soldiers. One day he brought in a boy, an Afghan kid about fourteen years old. He told us that the boy was certainly a dushman; he had tried to run away when he saw the soldiers. There was one soldier in our unit, Oleg Sotnik, who could not stand the sight of blood. Then Gevorkian took out a sort of bayonet—it had been mounted on a carbine; it looked like a dagger, and Gevorkian always carried it. He gave this knife to Sotnik and told him to kill the boy. Sotnik's face was unbelievable. He was planted to the ground, shaking all over his body. The boy was sitting peacefully on the ground. Finally Sotnik got control of himself, went up to the boy, and stuck the knife in his chest. The boy started to shriek, and he grabbed onto Sotnik's hands. Then Gevorkian started yelling, 'You idiot! What do you think you're doing? Watch how it should be done!' He pulled out the knife, kicked the boy in the face, and when the boy fell backward from the kick, he stuck the knife in his throat, once, twice. We were all around watching, but no one said anything."<sup>60</sup>

5.49 Kifayatullah, a farmer from the Kohistan region of Kapisa province, interviewed in Peshawar on September 23, 1984, by Human Rights Watch, described what happened after a Soviet-Afghan offensive in his region two and a half years earlier:

"The Russians came with a few Parchamis. They took authority and captured people. Those who escaped attacked them again. The Russians took more prisoners. The people who didn't surrender to them they took to the bank of the river and shot."<sup>61</sup>

#### **D. Rape and Mistreatment of Women**

5.50 Afghans are generally reluctant to discuss the subject of rape. From the sketchy evidence some human rights organizations collected, it appears that rape by Soviet soldiers was not systematic but the occasional result of unrestrained behavior by an undisciplined army.<sup>62</sup>

5.51 Reports of rape began circulating in 1980, when Le Monde reported (December 19, 1980) that the discovery on December 12 of the bodies of two schoolgirls abducted, raped, and killed by Soviet soldiers led to demonstrations the following day. While these incidents were never reported in the official press, the government tried to assure the people by broadcasting from loudspeakers mounted on trucks that the guilty soldiers would be sent back to the USSR and tried.<sup>63</sup>

5.52 A man from Jalalabad testified about rapes during the 1985 killings in Laghman. He had a friend named Gul Haidar in the village of Charbagh (which is named in all accounts of the massacres), where the Afghan Information Centre

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<sup>60</sup> Helsinki Watch, Tears, Blood, and Cries 173.

<sup>61</sup> Helsinki Watch, Tears, Blood, and Cries 174.

<sup>62</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 39–45.

<sup>63</sup> Le Monde, December 19, 1980.

reported thirty-five dead (see the previous chapter). When the man heard that his friend had been killed, he went to Charbagh to help the surviving members of Gul Haidar's family. Recounting this story, he reportedly burst into tears and said:

"At Charbagh the neighbors of Gul Haidar told me that when the Russians went inside his house, his wife was in the process of giving birth to a child. After the departure of the Soviet troops, the neighbors found everybody dead: bullet holes all over Gul Haidar's body, his wife and her belly torn open and the newborn baby horribly mutilated."<sup>64</sup>

5.53 Another refugee from the same massacre testified:

"In Shahmangal, the Russians took pregnant women and asked them, 'What's in your stomach? A grenade? A mine?' The woman would turn her face away, because Afghan people don't talk like that. The Russian said, 'There's a hand grenade or mine in your stomach.' Then they took bayonets and stabbed them in the stomach, killing the unborn baby and the mother."<sup>65</sup>

5.54 Ataullah, son of Mullah Abdullah, Kalacha village, Laghman, reported another case from the same area in 1984:

"Last year in Jauza [May-June] they took twenty-one old people from Alishang to another village—Ren village. They covered their eyes with plastic and killed them. They had some money with them, so they took the money and killed them. When they came back to the village [Alishang], they raped the ladies and killed the children with bayonets. They tried to rape Ghulam Ali's wife, but she escaped. They raped Mahmaddullah's wife, Razaq's wife. When some ladies escaped from them they killed the children with bayonets [he demonstrated two upward strokes of a bayonet] and kicked the bodies, just to play with them, a girl eight years old and a boy five years old.' The girl was Siddiqa, daughter of his brother, Aminullah. The boy was his own son, Mirwais."<sup>66</sup>

5.55 Anders Fänge, then the country director of the the Swedish Committee for Afghanistan, reported rapes in the Amal district of Kunduz in April or May (Sawr) of 1984/1363, which he reconstructed from accounts by refugees he met inside Afghanistan on July 29, 1984. In the early morning he encountered a caravan of "about 5,000 people" crossing the Kantiwa pass in upper Panjshir, including "camels, old ladies, eight- and nine-year-old children carrying babies. The camels were falling down, the donkeys were screaming." These people from Amal subdistrict of Kunduz were fleeing to Pakistan after a Soviet offensive in their area. A man named Abdul Ma'ruf described the usual atrocities: "The Soviet troops had burned the fields, destroyed food, robbed people of money, and, in an incident corroborated by several witnesses, cut the throats of twelve children one by one while asking villagers for money." Fänge also related, "This was one of the few occasions when men told me

<sup>64</sup> Afghan Information Centre Monthly Bulletin 51 (June 1985): 6.

<sup>65</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 40. Testimony of refugee from Qarghai district, Laghman; unpublished interview with Rob Schultheis.

<sup>66</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 41. Testimony of Ataullah, son of Mullah Abdullah, Kalacha village, Laghman; interviewed in Munda refugee camp, NWFP, August 21, 1985.

that their women had been raped. They don't like to say it. I checked the story with others. It differed in some details, but mainly it was the same."<sup>67</sup>

5.56 Survivors of the December 1984 massacres in Chardara district, Kunduz, told Dr. Juliette Fournot of Soviet soldiers disemboweling three pregnant women with bayonets. During searches the previous week a number of women had reportedly been raped.

5.57 Ghausuddin, one of Afghanistan's best-known painters, came across a combination of rape by Soviet soldiers and honor killing by an Afghan family while fleeing to Pakistan in 1985. He recounted this story to Human Rights Watch in his exile home and studio in Islamabad:

"When I was coming to Pakistan, in Musavi, there was someone crying. I asked, 'What happened?' He said that there was someone who had been going to Kabul. From the other direction a Russian convoy was coming, and the Soviets stopped his bus. During the search a Soviet uncovered his wife's face. As she had gotten married recently, they laughed at her and took her away from her husband. Her husband tried everything he could to get her back, but they told him, 'Tomorrow at eight o'clock we'll bring you your wife here.' The boy went home and informed his parents. Next day in the morning, he came there with a big knife, waiting for the Soviets. When the tank arrived, the woman was set down from the tank. She was injured, and her face was bruised. She told her husband, 'I have lost everything. I have lost honor. Kill me.' He started to kill her. The Soviets fired at him with Kalashnikovs. His parents, who wanted to take revenge for him, were holding an ax, in his father's hand, but they could not take revenge. Instead they were shot dead by the Soviets. All were buried there. Peace be upon them."<sup>68</sup>

5.58 A number of refugees from Kabul reported rapes and attempted rapes by Soviet soldiers in or near Kabul. A young woman working as a nurse at an obstetrics hospital for Afghan refugee women in Peshawar said that her father decided to leave Afghanistan because of the threat of rape by Soviet soldiers engaged in searches during April–May 1984 (Sawr 1363):

"We left [Kabul] because a group of Russians, about eleven or twelve of them, coming from Kolula Pushta and Bagh-i Bala [areas in western Kabul] started to search houses. Then they came to Taimani and reached Mu-i Mubarak [a shrine housing a hair of the prophet in the Taimani neighborhood of western Kabul]. They were searching in Taimani [where the witness lived], and in five houses they attempted rape. There was no Afghan government guide with them, only one Hazara boy, who was seventeen or sixteen years old, and it looked like they had paid him to show them the houses. They were trying to steal the valuable things from the people and tried to rape them. So when my

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<sup>67</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 41. Interview in Peshawar, August 16, 1985.

<sup>68</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 41–42. Testimony of Ghausuddin, seventy-three, artist; interviewed in Islamabad, August 28, 1985.

father found that they were searching the houses and committing these crimes, he decided to leave Afghanistan.”<sup>69</sup>

5.59 The nurse reported several other incidents of rape and attempted rape:

(a) “At the beginning of 1363 [around March–April 1984], three ladies were walking early in the morning in Khairkhana [in northwestern Kabul] to go to the hamam [bathhouse]. They were taken to a tank and disappeared for a month. Their husbands were searching for them. After that one of the ladies was found, and she lived for only an hour and a half more. She told about what happened to the others, and then she died. She said that the other two had been with her, receiving the same treatment, so they had also died. These were Russians who had taken them. The residence of these ladies was in Qala-i Najaran in Khairkhana, and I was also living there at the time. This story is the truth, but I don’t know their names.

(b) “Near Mu-i Mubarak, in Taimani ward, three girls were walking along the road, and a Russian tank came up from behind them and stopped. They tried to put the girls in the tank. When they took one girl, she fought back, and there were some boys, students, maybe from the Teachers’ Training College or some faculty, and they came to help the girls. Those students got some sticks from nearby shops. Then a jeep came up behind the tank, and a crowd gathered to see what was going on. So they didn’t manage to get the girls in the tank. From the Russian jeep they started shooting. Two of the girls were killed, a vegetable seller was killed, a shopkeeper, and another girl was wounded, and eleven students were killed, and some other people walking along the road were also injured. I saw this with my own eyes in Mu-i Mubarak, Taimani ward, as I told you before, in Jauza 1362 [May–June 1983].”<sup>70</sup>

5.60 Others also recounted such stories. A former teacher said that one afternoon in the summer of 1983, a soldier in a Soviet armored personnel carrier kidnapped a Hindu girl student walking home from Zarghuna Lycée, a well-known girls’ school, after which she disappeared.<sup>71</sup> A former military communications officer who owned land in Deh Sabz, east of Kabul near the airport, said that a Soviet helicopter landed near a spring there where women draw water. The soldiers kidnapped two young women and flew off. “Three days later,” he said, “a helicopter appeared and dropped the bodies of these girls from the air.”<sup>72</sup> Another refugee said he had seen Russian soldiers try to kidnap young women on their way to a hamam (bathhouse) in Khairkhana in northwest Kabul in the winter of 1981. Some vegetable sellers

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<sup>69</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 42.

<sup>70</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 43. Testimony of Fariba Hamidi, twenty-one, nurse of Taimani ward, Kabul; interviewed in Peshawar, August 22, 1985.

<sup>71</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 44. Testimony of former teacher from Kabul; interviewed in Peshawar, August 25, 1985.

<sup>72</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 44. Testimony of former military communications officer; interviewed in Peshawar, August 25, 1985.

attacked the Soviets with shovels, and two of them were killed, but the women escaped.<sup>73</sup>

5.61 Women arrested by KhAD were not only tortured just like the men but were also sometimes subjected to rape and sexual abuse, though this did not appear to be common or systematic. One former woman prisoner, Fahima Nassery, noticed a specific abuse of pregnant women prisoners:

“One of the things that struck me the most was that when pregnant women were taken to the hospital [from prison] to give birth, they were brought back with their children, but as soon as they came back, they started interrogating them again. As a result of tortures, they had problems and couldn’t nurse their babies.”<sup>74</sup>

5.62 The UN Special Rapporteur reported that the techniques of torture used by KhAD included “raping women, tying their hands and feet and introducing a variety of objects into the vagina.”<sup>75</sup> Professor Ermacora reported some specific cases:

(a) “105. Several reports referred not only to torture and ill-treatment inflicted on women but to degrading treatment undergone by many of them. The Special Rapporteur took particular note of cases of women who had been raped in the presence of members of their families. One witness mentioned the case of one Said Rafik, killed by soldiers because he had intervened to prevent his daughter from being raped by a soldier.

(b) “106. In his testimony, a former officer of the security police stated that he himself had witnessed a scene in March 1980 on the premises of the Ministry of the Interior at Kabul, where a husband had been obliged to watch the rape of his wife, who was eight months pregnant.”<sup>76</sup>

## **E. Killing and Abuse of Children**

5.63 Children were among the most victimized in the Afghan struggle. Professor Ermacora “was also able to obtain a number of photographs, especially those of children between 8 and 15 years of age, with hands or legs blown off, either by handling booby-trap toys or during the explosion of mines. Some of them had bullet wounds received during checks or searches carried out in the villages, or during bombing while on their way to seek refuge in Pakistan.”<sup>77</sup> He described cases of six children aged six to fourteen being treated for serious wounds whom he had interviewed in hospitals. The deterioration of the fragile health system and of

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<sup>73</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 45. Testimony of Ata-ur-Rahman Dadgar, interviewed in Peshawar, September 22, 1984.

<sup>74</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 45.

<sup>75</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1985/21) para. 86.

<sup>76</sup> E/CN.4/1985/21 para. 105–6.

<sup>77</sup> A/40/843 (1985) para. 93.

nutrition also had disastrous effects. Ermacora reported in 1985 that the infant mortality rate had risen to three hundred to four hundred per thousand.<sup>78</sup>

5.64 Children were reportedly bombed in their schools and during religious instruction in the mosques and shot while fleeing to caves in the mountains or en route to refuge in Pakistan or Iran. There were reports of children burned alive in locked rooms, their charred bodies unrecognizable by their parents. Unborn children were bayoneted to death in their mothers' wombs.<sup>79</sup> Tajwar Kakar, who today is the Deputy Minister of Women's Affairs in the Afghan government, told a Human Rights Watch researcher of a reprisal killing by Soviet soldiers that she witnessed in Kunduz in February 1984:

"A tank exploded, the work of mujahidin. The Russians then went into a small village and began to slaughter people. Women and children were bayoneted. They asked the mothers: who placed the mine? When they wouldn't talk, they bayoneted the children. In every house, it was the same . . . children in cradles and children who could walk. I arrived right after it happened and saw it myself."<sup>80</sup>

5.65 On September 10, 1986, Professor Felix Ermacora, the UN Human Rights Commission's Special Rapporteur on Afghanistan, visited the Said Gi transit camp in North Waziristan, on the Afghan border. While he was there, Afghan jets bombed a caravan of refugees that was approaching the border en route to Pakistan. The Pakistani official who accompanied Ermacora later described the scene:

"We could hear the strafing and see the smoke. After forty-five minutes we saw the dead bodies coming in. There was a small child whose mother had died, about eleven or twelve months old. He was tied to a horse and his grandfather was riding with him."<sup>81</sup>

5.66 A Washington Post correspondent reported from inside Afghanistan:

(a) "In October [1985] the Soviets and Afghan Army troops staged a four-day sweep through Barakat [Ghazni province] and nearby villages, killing 20 people and taking 12 young men to serve in the Afghan Army, villagers said.

(b) "A young man from nearby Bedmoshk told a horrifying tale of Soviets who held a 14-year-old boy and slowly killed him when his parents would not pay a ransom. 'They tied him to a tree and beat him and stabbed him with a bayonet,' the man said. 'Finally they shot him.'"<sup>82</sup>

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<sup>78</sup> A/40/843 (1985) para. 110. He may have meant the child (under five) mortality rate, which stood at 257 per thousand in 2003 (Securing Afghanistan's Future: Accomplishment and the Strategic Path Forward, prepared for International Conference on Afghanistan, Berlin, March 31, 2004).

<sup>79</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan.

<sup>80</sup> Helsinki Watch and Asia Watch, To Win the Children 4. Testimony of Tajwar Kakar, who was then a thirty-eight-year-old schoolteacher, describing a February 1984 reprisal operation in Kunduz province, interviewed in Peshawar in September 1986.

<sup>81</sup> Helsinki Watch and Asia Watch, To Win the Children 5. Interview in North Waziristan, September 1986.



5.67 Many Afghan children became displaced within their own country, driven from their homes and villages and herded into cities, where they lived confused and impoverished lives. Millions more made the arduous journey to Pakistan, where they lived in camps, without purpose or direction. Many of the children had to walk for weeks or even months before finding refuge. They were without possessions, tired, often hungry. They bore visible scars of war—wounds, burns, amputated limbs, blindness—and there was anguish in their words.<sup>83</sup>

(a) A thirteen-year-old boy from Shamali, Kabul: “My brother was taken under a tree and shot. Then they went inside. They killed my father and mother and wounded my sister. That was four years ago. I saw it all with my own eyes.”<sup>84</sup>

(b) A ten-year-old boy from Nuristan: “I was conscious when I saw my house burning, but after the next bomb was thrown, I remember nothing.”<sup>85</sup>

(c) An eight-year-old boy from Taluqan, Takhar: “When I came back, there was no village. I was the only one left. When I saw this I cried, cried and wept. When the planes left, the mujahidin came back and said not to cry, they would be my father.”<sup>86</sup>

5.68 Atiqullah, a ten-year-old refugee, had recently begun school in Pakistan when he was interviewed. He described how he had watched while his grandmother and aunt were stabbed with bayonets in their homes and then shot:

“We were standing right there. I was shouting and crying. He said something to us in Russian. We didn’t understand. They pointed their rifles at us to keep us quiet.”<sup>87</sup>

5.69 The Lawyers Association of Free Afghanistan (LAFA) reported in a bulletin published in 1990 that it had interviewed a twelve-year-old, Hakim Khan, who survived an attack by Soviet soldiers that killed seventeen unarmed people in Arghach village, Khugiani district, Nangarhar province, in September 1985. Among those killed were eleven women and children in his cousin’s house, including a bride married a week earlier. Hakim Khan, who was studying in a school for orphans in a

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<sup>82</sup> James Rupert, “Depopulation Campaign Brutally Changes Villages,” *The Washington Post*, January 15, 1986: A26.

<sup>83</sup> Helsinki Watch and Asia Watch, *To Win the Children* 6.

<sup>84</sup> Helsinki Watch and Asia Watch, *To Win the Children* 3. Muhammad Zahir, thirteen years old, from Shamali; interviewed in Peshawar in September 1986.

<sup>85</sup> Helsinki Watch and Asia Watch, *To Win the Children* 3. Abdul Qudus, ten years old, from Nuristan, Kunar province; interviewed in Peshawar in September 1986. Nuristan has since become a separate province.

<sup>86</sup> Helsinki Watch and Asia Watch, *To Win the Children* 14. Abdul Karim, eight years old, from Taluqan, Takhar province; interviewed in Peshawar in September 1986.

<sup>87</sup> Helsinki Watch and Asia Watch, *To Win the Children* 16.

Pakistan refugee camp, stated that his future goal was to “slaughter all the Soviets and take revenge for the deaths of his family.”<sup>88</sup>

5.70 Another incident was reported by the Afghan Information Centre in its August 1984 Monthly Bulletin. When Human Rights Watch questioned the Centre’s director, Professor S. B. Majrooh, about it in Peshawar, he assured Human Rights Watch that several witnesses had confirmed the truth of the report.<sup>89</sup>

(a) “Outside the village [of Lalma in Nangarhar, on August 2, 1984] a 10- to 12-year-old boy was watching his cows graze. He was playing with a toy—a roughly made small, wooden gun, which with the help of a rubber device was making little ‘tok-tok’ noises like a machine gun. When the Russians arrived, the boy pointed his ‘tok-toking’ toy in the direction of the advancing tanks. The boy was encircled and brought to the village. He was interrogated in front of the terrified villagers. The eyewitnesses heard the following conversation:

A Russian asked: ‘What is that in your hand?’

The boy answered: ‘It’s my gun.’

‘What do you want to do with the gun?’

‘To kill the enemies.’

‘Who are the enemies?’

‘The ones who are not leaving us in our homes.’

(b) “It was evident that by ‘home’ the boy did not mean Homeland, Country, or such things, and by ‘us’ he was referring to himself and his parents. ‘Nothing serious,’ said the man from Lalma and added: ‘But still a Russian seized the boy and another one took a sickle from a villager and with a powerful and quick movement of the hand, he cut open the boy’s throat and threw the sickle away. It all happened very fast. The parents were not present. Then one of the Russians did a strange thing: he dragged the dead boy to higher ground, covered him with a rug, and put a bed upside down on the body.’”<sup>90</sup>

5.71 A refugee from Laghman province told journalist Rob Schultheis about atrocities against children in the course of the April 1985 massacres in Laghman during an interview in Munda refugee camp, NWFP, in May 1985:

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<sup>88</sup> Lawyers’ Association of Free Afghanistan, “17 Killed in Two Families,” Human Rights Bulletin (1990) 06/04.

<sup>89</sup> On the assassination of Professor Majrooh, see Chapter 7.

<sup>90</sup> Helsinki Watch, Tears, Blood, and Cries 50–51. A note in the Bulletin added: “At first the editor was suspicious about the sickle and thought the reporter, by using the famous symbol, was perhaps looking for effect. But the eyewitness is a simple villager and does not seem to have any idea about the symbolism. The report was re-checked, and it appears that the deadly sickle does actually exist.”

(a) “My name is Shir Dal, I am from the Kats area. I lost four members of my family—my sister’s children, her husband, and her. The only thing left alive was one calf—they even killed chickens, pigeons, everything alive they killed. . . . When the Russians came, the children were hiding in a cave. One Parchami Communist man was with them, and helped bring the children out, and they burned them to death. . . . The children who were killed, their parents could not recognize them, because they were burned. They made fires with wood, and put the children in them, or put kerosene on children and burned them. Sometimes they killed children and then burned them, and sometimes they burned them alive. They were taking children out to the fields and burning them alive, and they put them in the rushes and burned them alive. Burned alive. . . .

(b) “They hung one two- or three-week-old baby boy in a tree, bayoneted him and made the parents watch while they burned him; when the baby was dead, they shot the parents. One half-year-old boy and a seven-year-old girl, my sister’s children, were killed. It was very cruel. They killed many people, and this is a story people should not forget.”<sup>91</sup>

5.72 Soviet soldiers, too, shaken and hardened as they sometimes became, were moved by the plight of Afghan children. A major from an artillery regiment remembered:

(a) “We were on the road to Jalalabad. A little girl, about seven, was standing by the side of the road. She had a broken arm hanging down, like the arm of an old rag doll dangling by a bit of thread. Her olive eyes stared and stared at me. I jumped out of the car to pick her up and take her to our hospital but she was in a state of sheer terror, like a little wild animal. She leapt away from me screaming, with her little arm still dangling, looking as though it would drop off at any moment. I ran after her, I was shouting too. I caught up with her and clutched her to me, stroked her. She started biting and scratching, then shaking, as though some other wild animal had caught her. I suddenly realized she thought I was going to kill her.

“A stretcher went past with an old Afghan women lying on it, smiling.

“‘Where’s she been wounded?’ someone asked.

“‘In the heart,’ the nurse answered.

“I went to Afghanistan full of enthusiasm. I thought I could do something useful out there. I expected to be needed by the people. Now all I remember is how the little girl ran away from me, trembling, how frightened she was of me. It’s something I’ll never forget.

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<sup>91</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 41.

“I never dreamt about the war while I was there. Now I’m scared to go to sleep at night. I keep chasing that little girl with her olive eyes and her dangling arm. . . .”<sup>92</sup>

5.73 Dr. Muhammad Azam Dadfar, an Afghan psychiatrist, established a clinic in Peshawar in 1986, initially with the idea of treating former victims of torture for post-traumatic stress syndrome, but he soon found a vast range of psychological problems among the refugee population. Children suffered the most. He wrote in 1988:

- (a) “For nine years, Afghan children whether they live in the cities or in the villages, have led a life full of fear and disturbances of mind. Because they have been witness to vigorous desolation and insecurity, the majority of them have a sad destiny who have seen heart-sickening scenes.
- (b) “Witnessing severe bombardments on villages and on civilian houses, witnessing ruins, deaths and injured persons, depending mostly on children relatives and family members, and witnessing the wild slaughter of male figures in front of their eyes, witnessing their parents being tortured and insulted by the invaders and remembering the responsible members of their families could not come back after being arrested.
- (c) “Poverty and scarcity because of burning the crops and the harvests, lack of social facilities because of problems of transportation between the cities and villages, stresses and fear of forced migration and escaping to the neighbouring countries, danger and rescues of falling into an ambush, having lost the family members and fellow travellers during the escape and the physical defects caused by bombs and mines.”<sup>93</sup>

5.74 Dadfar listed many of the problems suffered by refugee children:

- (a) The physical stress, chronic disease, and poor sanitation of refugee life that “cause the children to grow physically and mentally weak and undefendable.”
- (b) The lack of education and high incidence of mental retardation;
- (c) Collective post-traumatic reactions from war and refugee life, causing “psychogenic reaction and anxiety disorders.”
- (d) Psychosocial stresses from high mortality, unemployment, poverty, “the breaking of the family and social hierarchy,” dispersion of families and absence of fathers, and feelings of humiliation and lack of respect for children, all causing “depressive reaction, emotional disorders and feelings of helplessness with social withdrawal.”
- (e) Separation from important love objects, as many children had lost parents; the longing of the adults for the lost motherland, which caused

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<sup>92</sup> Alexievich 88.

<sup>93</sup> Muhammad Azam Dadfar, The Impaired Mind (Peshawar: Psychiatry Centre for Afghan Refugees, 1990) 32.

children to show anxiety; “[loss of] interest in his migration environment,” which has no future prospect for the individual.

(f) Anxiety disorders and depressive reactions of parents that led children who identified with them to “a depressive reaction along with anxiety disorders.” Parents became either apathetic or aggressive toward their children, with a high level of abuse, which in turn made parents feel guilty. Hypersensitive parents told children to keep silent and forbade them to play.

(g) Rejection and depreciation due to the depression of parents who neglect their children and the social isolation within the refugee camps. This was even more common among girls, leading to a high rate of elective mutism. Dadfar observed, “The problem is so great the children are unable to find suitable words to describe their anxiety. Perhaps, it is the anxious tongue of a generation whose future is unknown.”<sup>94</sup>

## **F. Destruction of the Rural Economy**

5.75 Professor Ermacora reported:

(a) “The efforts of the Afghan authorities are directed primarily against the economic structures that form the basis of the rural population’s survival. Thus the authorities are slaughtering cattle, destroying irrigation systems and putting pressure on the small number of farmers to collaborate with the authorities and send their children into the military, or else risk having their harvests destroyed.”<sup>95</sup>

(b) “In addition to human casualties many witnesses, on reaching their place of refuge in Pakistan, have reported devastation and the destruction of fields and livestock. The Special Rapporteur’s attention was also drawn to the destruction of irrigation systems in provinces as a result of aerial bombardments which have prevented any repairs from being made and have completely obliterated agriculture in several regions.”<sup>96</sup>

5.76 In the Panjshir Valley, for instance, he reported that “80 percent of the houses have been destroyed.”<sup>97</sup>

5.77 Among the actions that made the greatest impression on Afghans were the destruction and desecration of mosques and copies of the Holy Quran. Professor Ermacora reported:

“According to a number of witnesses, mosques have been desecrated, religious books destroyed and in some cases even used as toilet paper, while members of the Islamic faith have been obliged to eat pork and to drink alcohol. One

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<sup>94</sup> Dadfar, *The Impaired Mind* 34–37.

<sup>95</sup> A/41/778 (1986) para. 94.

<sup>96</sup> A/40/843 (1985) para. 87.

<sup>97</sup> A/40/843 (1985) para. 105.

witness from Qulq, a village in the province of Kandahar, has described his feelings, based on an experience in February 1985, as follows: ‘By destroying religious books and acting in that way, they hoped that Moslems would no longer fight in the name of Allah.’”<sup>98</sup>

5.78 The devastation included significant portions of at least Badakhshan, Kunar (including today’s Nuristan), Parwan (including today’s Panjshir), Kabul, Nangarhar, Logar, Paktia (including today’s Khost), Qandahar, Herat, Laghman, and Kunduz provinces. The Soviet forces employed various tactics, from the killing of individual farmers to the destruction of the delicate agricultural infrastructure in the Afghan countryside. These tactics not only spread terror, but also destroyed the food supplies in the villages upon which the resistance depended for sustenance. Farmers were killed, food was destroyed, and the means of food production were disrupted. Whole regions of Afghanistan became barren.<sup>99</sup>

### **Killing of Farmers**

5.79 Farmers working in the fields were targets for Soviet gunships or jets. Those who did not flee sometimes had to reverse their normal work patterns, sleeping by day and working in the fields after dark.<sup>100</sup>

5.80 Lala Dad, a farmer from Dasht-i Guhar, Baghlan, told Human Rights Watch in a September 25, 1984, interview in Peshawar that Soviet jets usually came between ten and twelve o’clock in the morning, when “the people are in the fields. They kill them whenever they find them, wherever they find them. Rustam was killed—he was a farmer—while he was trying to get rid of some weeds.”<sup>101</sup>

5.81 Hafizullah, a farmer from Harioki Ulya, Kapisa, told Human Rights Watch in Peshawar on September 23, 1984:

“We have to do the agricultural work in secret. Whenever the people go to work in the fields, if the planes come, they are shot. Some have been killed working in the fields, about ten to twelve in my district.”<sup>102</sup>

5.82 In an interview in Peshawar on September 25, 1984, Dr. Patrick David of Aide Médicale Internationale recounted how, during the Logar offensive in early September 1984, Soviet helicopters killed harvesters in the fields with rockets.<sup>103</sup>

5.83 Sayyid Azim of Maidan, interviewed in Peshawar on September 25, 1984, said:

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<sup>98</sup> A/40/843 (1985) para. 113.

<sup>99</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 47–48.

<sup>100</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 71.

<sup>101</sup> Helsinki Watch, *Tears, Blood, and Cries* 71.

<sup>102</sup> Helsinki Watch, *Tears, Blood, and Cries* 71.

<sup>103</sup> Helsinki Watch, *Tears, Blood, and Cries* 72.

“The mujahidin try to cultivate the earth, but the Soviets don’t let them plow. The Soviets shoot the farmers in the fields.”<sup>104</sup>

5.84 Dr. Juliette Fournot of Médecins sans Frontières, in an interview in Paris on June 8, 1984, described what she saw during a July 1982 visit to the Panjshir Valley:

“Because of the bombing, the people hid in caves during the day, and they only came out with their animals at night to work in the fields with kerosene lanterns.”<sup>105</sup>

5.85 Nicholas Danziger, a British art historian who traveled through war-torn Afghanistan, saw the same pattern in Herat province:

“The people come to work the fields at night, they wash the clothes at night, they bake the bread at night. And they ask, ‘What are we going to do this winter when the snow comes?’”<sup>106</sup>

### **Destruction of Food Supplies**

5.86 A former official of an Afghan government agricultural corporation told Human Rights Watch in Peshawar in August 1985 that during the harvest going on at that time in his native district, Dasht-i Archi, Kunduz, Soviet forces had “burned more than one hundred fields of wheat.” His cousin had lost his entire harvest that way a month earlier and had fled to Pakistan, where he was living in Haripur refugee camp.<sup>107</sup>

5.87 Wheat, the staple food of the Afghans, had traditionally been grown on fifty percent of the irrigated land and most of the dry-farmed land in Afghanistan. It was also the crop that was most heavily destroyed by Soviet attacks after the invasion. As early as March 17, 1980, an old woman from Surkhrud, near Jalalabad, Nangarhar province, told Michael Barry, carrying out a mission for the Ligue Internationale des Droits de l’Homme:

“The wheat! The harvest is all burnt! And they killed our children! And on our fruit trees they threw something like containers of gasoline, and all of the trees burned down!”<sup>108</sup>

5.88 An Afghan economist working with the Swedish Committee for Afghanistan in Peshawar said in a September 1984 interview with Human Rights Watch that he

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<sup>104</sup> Helsinki Watch, Tears, Blood, and Cries 72.

<sup>105</sup> Helsinki Watch, Tears, Blood, and Cries 72.

<sup>106</sup> Helsinki Watch, Tears, Blood, and Cries 72.

<sup>107</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 48. Testimony of a former executive of a government corporation dealing with agriculture; interviewed in Peshawar, August 19, 1985. The name and precise former position of the witness were withheld by Human Rights Watch at his request.

<sup>108</sup> Libération, April 19–20, 1980: 12.

had seen the early stages of this strategy in November 1980 in northern Afghanistan, when he traveled from Kabul to his parents' home in Mazar-i Sharif.<sup>109</sup>

"Between Kabul and Mazar was a fertile green area with a lot of gardens. They had leveled everything—buildings, trees—and there were mines by the road. They started the hunger tactic at that time. I saw one harvest burned. There were only ashes left by the highway. This was near Rabatak [Samangan province]. Later I took refuge in a tea house, while the Soviet post was firing with dashakas [machine guns]. Five kilometers from the post was a big harvest, and they burned the harvest. It belonged to a very rich man named Khwaja Kabuli. It was burning all through the night, until morning. It was four kilometers from the highway—the mujahidin couldn't ambush the convoys from there. It was just to produce scarcity of foodstuffs."<sup>110</sup>

5.89 Since then the burning of wheat fields became part of many offensive and reprisal operations. Every month there were numerous reports in the Afghan Information Centre Monthly Bulletin repeating the same story: a village was bombed, people were killed, and the wheat was burned. According to Human Rights Watch, refugees told of wheat being burned in the field, on threshing floors, in houses, and on trucks.<sup>111</sup> A former Afghan government official told Human Rights Watch of wheat being poisoned in Maidan, Wardak:

"In houses of famous [resistance] commanders, they put poison in the wheat flour. This September they did it in Mirza Khan's house. One year ago they did the same thing. Last year some people died—Abdullah and his family. Now we tell the people, if the Russians have been in the house, to throw away the wheat flour."<sup>112</sup>

5.90 Initially the Soviets apparently used a form of incendiary device to destroy the wheat. Hafizullah, a farmer from Harioki Ulya, Kapisa, told Human Rights Watch about a special type of bomb that "hits the ground and starts a fire." Some farmers, he said, dig ditches around stacks of wheat gathered for threshing and keep them filled with water so that they can put out such fires quickly.<sup>113</sup>

5.91 Louis Dupree, an anthropologist who lived in Afghanistan for fifteen years until his arrest and expulsion in 1978, investigated the specialized weapons used to destroy crops in Afghanistan. He described two types of bombs which, when exploded, scattered pellets of phosphorus over a wide area, increasing the amount that could be burned. One type, which was used to destroy wheat gathered for threshing, drying, or milling, exploded and scattered incendiary material on contact with the

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<sup>109</sup> Helsinki Watch, Tears, Blood, and Cries 72–73. This witness requested anonymity to protect family members still in Afghanistan.

<sup>110</sup> Helsinki Watch, Tears, Blood, and Cries 73.

<sup>111</sup> Helsinki Watch, Tears, Blood, and Cries 73.

<sup>112</sup> Helsinki Watch, Tears, Blood, and Cries 74. Sayyid Azim, former government official; interviewed in Peshawar, September 25, 1984.

<sup>113</sup> Helsinki Watch, Tears, Blood, and Cries 74.



ground. The other type, used to burn crops standing in the field, was dropped by parachute and exploded in midair, scattering pellets over a wide area.<sup>114</sup>

5.92 Human Rights Watch also received reports of Soviet soldiers destroying animals and other kinds of food—sheep, chickens, eggs, oil, and sugar—during offensives.<sup>115</sup> Dr. Ghazi Alam, whom Human Rights Watch interviewed in New York City on March 30, 1984, described an incident in Baraki Barak in 1982:

“There was an old woman, who had no son in the house. There was only this old woman in the house, and she had to take care of the house as well as do all the agricultural work. She had a watermelon yard. And when the Russians came to the area, they didn’t pick up one or two or three or four or five or ten watermelons from the ground. They took some, and the rest of the watermelons they hit with their bayonets, just to destroy them.”<sup>116</sup>

### **Destruction of the Agricultural Infrastructure**

5.93 Like all peasant agriculture, Afghan agriculture depended on a complex system of balances involving nature and technology. The land required constant maintenance to preserve proper drainage and prevent erosion; in some areas, it was carefully terraced. Soviet-Afghan forces tried to destroy this delicate system of food production in some strategic areas.<sup>117</sup>

5.94 In areas with plentiful water, such as the plains of the far north and around the dams on the Helmand and Kunar rivers, open ditches were used to irrigate the fields. In other parts of the country, however, an underground channel (called a karez in Pashto and a qanat in Persian) was more common. The karez brings water from nearby hills to cultivated flatlands through a series of underground wells connected by tunnels reinforced with ceramic hoops.<sup>118</sup> It requires constant maintenance against silting and cave-ins and is extremely vulnerable to bombing.

5.95 Animals were another element in the agricultural system. Most plowing, threshing, and transport was done with the aid of beasts of burden, including oxen, cows, camels, horses, donkeys, and mules. Animals played an even more important role in the economy of the nomads, thought to constitute about ten percent of Afghanistan’s population. Livestock—extensive herds of sheep and goats—were necessary for milk and meat and provided wool for clothing, carpets, and tents. Investment in livestock is also a major form of saving wealth. Fruit trees and vines are another vital part of Afghan agriculture, requiring years to reach maturity and careful watering and pruning to survive and keep yields high. Finally, there were the homes, social institutions, and possessions of the villagers themselves: a roof to

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<sup>114</sup> Helsinki Watch, Tears, Blood, and Cries 74.

<sup>115</sup> Helsinki Watch, Tears, Blood, and Cries 75.

<sup>116</sup> Helsinki Watch, Tears, Blood, and Cries 75.

<sup>117</sup> Helsinki Watch, Tears, Blood, and Cries 75–76.

<sup>118</sup> Louis Dupree, Afghanistan (Princeton, N.J.: Princeton University Press, 1980; first edition 1973): 40.

shelter them, a mosque for prayer, a blanket for winter, a Quran for study, a pot to boil water for rice and tea, and a stove to bake bread.

5.96 In contested areas of strategic importance, the Soviet-Afghan forces were reported to have attacked every part of this agricultural system.<sup>119</sup> They destroyed the irrigation and terracing systems, as indicated in reports by observers such as Pål Hougen of the Norwegian Afghanistan Committee, who saw the destruction of terracing during his July–August 1982 visit to the Bashgul Valley of Kunar province:

“The irrigation system was disturbed by rockets, and so were the terraces, built through 100 generations to make this landscape fitted for men to live in.”<sup>120</sup>

5.97 An article in the Afghan Information Centre Monthly Bulletin of July 1984 described extensive damage to irrigation systems from bombing, as well as a number of cases in which Soviet ground troops destroyed karezes with grenades. The famous vines and fruit trees of Qandahar province were dying for lack of water because of damage to the irrigation systems. People from Maiwand and Sangisar districts of Qandahar reported that the Soviets had established military posts along the irrigation canals, preventing the residents from repairing or using them.<sup>121</sup>

5.98 Sayyid Azim, a former government official, said in an interview with Human Rights Watch in Peshawar on September 25, 1984:

“When the Russians came last year, they destroyed the karezes. They put bombs in them to destroy them. This year they are doing the same thing, for instance, in Busragh village.”<sup>122</sup>

5.99 Soviet soldiers also frequently killed livestock, according to a number of reports. In the same interview just quoted, Sayyid Azim told Human Rights Watch that in Maidan (part of Wardak), whenever Soviet-Afghan convoys came through on the road from Kabul to Ghazni and Qandahar, helicopters accompanied them and shot at the animals, whether there was fighting or not. French journalist Alain Chevalieras, interviewed in Peshawar on September 22, 1984, saw cattle destroyed by helicopters in the Shulgarah Valley of Balkh province.<sup>123</sup>

5.100 Viktor. V. Bobrov, a former Soviet paratrooper, wrote that on June 9, 1984, a Soviet soldier machine-gunned a group of sheep belonging to nomads grazing the animals in the Paimunar pass of the Panjshir Valley. Bobrov’s officers gave the nomads some fuel, canned meat, and a box of condensed milk in return.<sup>124</sup>

5.101 Lala Dad, a farmer from Baghlan interviewed in Peshawar on September 25, 1984, showed Human Rights Watch documentation of a recent bombing raid in which

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<sup>119</sup> Helsinki Watch, Tears, Blood, and Cries 77.

<sup>120</sup> International Afghanistan Hearing 174.

<sup>121</sup> Helsinki Watch, Tears, Blood, and Cries 78.

<sup>122</sup> Helsinki Watch, Tears, Blood, and Cries 78.

<sup>123</sup> Helsinki Watch, Tears, Blood, and Cries 78.

<sup>124</sup> Viktor Vasilevich Bobrov, Южный рубеж: мифы и реальность (Yuzniy Rubezh: Mify i Realnost’ --The Southern Boundary: Myths and Reality) (Russian Academy of Sciences (Siberia Region):

118 horses and mules were killed in his village.<sup>125</sup> Others interviewed by Human Rights Watch during that period, such as Hafizullah and Kifayatullah of Kapisa, women from Kohistan, and refugees from Batikot district of Nangarhar, described how Soviet soldiers had killed sheep, cows, and other animals during raids.

5.102 Olivier Roy reported in Les nouvelles d'Afghanistan in October–November 1983:

“Soviet armored helicopters systematically machine-gun the villages and herds within a radius of 30 to 50 kilometers of the Soviet base at Chaghcharan [Ghor province], especially in the winter, when the flocks are concentrated in the stables.”

5.103 Many vineyards and orchards were demolished. One grim photograph of the Afghan war shows a turbaned man holding an antique rifle, surrounded by an arid field filled with the cut-off stumps of apricot and almond trees. It was taken in the fall of 1982 north of Qandahar, where a representative of Amitié Franco-Afghane (AFRANE) was told that government troops had cut off the trees at a height of thirty centimeters in the autumn of 1980.<sup>126</sup>

5.104 Refugees from the Shamali plain north of Kabul told Human Rights Watch on September 23, 1984, how bombing had destroyed vineyards and orchards in that region. Sayyid Azim described the destruction of the apple orchards of Maidan:

“All the fruit trees are cut down. They cut them down when they shoot everywhere with bullets or BM-13s.”<sup>127</sup>

5.105 Shah Mahmud Basir, an economist interviewed in Quetta by Human Rights Watch on October 3, 1984, said:

“The Soviets are cutting down fruit trees in Qandahar. In the very place where the prison is located they cut five or six very good fruit trees—apples, pomegranates, apricots—just because the mujahidin may hide behind trees and attack them.”<sup>128</sup>

### **Theft of Property**

5.106 Viktor V. Bobrov, who served as a Soviet paratroop colonel in Afghanistan during 1983–1985, wrote, “There were many cases of looting, thefts and misappropriation done by Soviet soldiers and officers in Afghanistan. These deeds were stimulated not only by Soviet military but civilian leadership as well.”<sup>129</sup> At the

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Novosibirsk, 2002) 415. Reference supplied by Vladimir Plastun.

<sup>125</sup> Helsinki Watch, Tears, Blood, and Cries 79.

<sup>126</sup> Les nouvelles d'Afghanistan, No. 11, December 1982: cover and 16; cited in Helsinki Watch, Tears, Blood, and Cries 80.

<sup>127</sup> Helsinki Watch, Tears, Blood, and Cries 80. Interview in Peshawar, September, 25, 1984.

<sup>128</sup> Helsinki Watch, Tears, Blood, and Cries 80.

<sup>129</sup> Bobrov, 209–210. Thanks to Vladimir Plastun for this reference. Plastun, who worked in

1983 Norwegian Afghanistan Hearings in Oslo, Michael Barry told of a village in Logar that he saw at night in November 1982. It was completely deserted except for one dog, and yet undamaged. He later located the village's former residents in a Pakistan refugee camp, where they explained what happened. On August 30, 1982, Soviet forces surrounded the village for a cordon and search operation as described in the previous chapter. The soldiers did not kill anyone. Instead:

“They simply stripped every single person in the village that they could lay their hands on of anything valuable he had on, whether jewelry or wristwatches. Houses were searched, and all transistor radios were confiscated. The granaries were emptied, all sacks of grain, finally all the sheep, all the goats, all the cattle were loaded onto military lorries and taken away. By nightfall the population of Aochakan [Ab-i Chakan in standard Persian] had to take stock of the fact that they had nothing left with which to survive the coming winter. An assembly was held that evening. It was feared that the Soviets could come back this time to press-gang the young men into service, and it was decided that the best thing for the villagers to do would be to abandon everything and go to Pakistan.”<sup>130</sup>

5.107 Afghan villagers interviewed by Human Rights Watch in Peshawar in September 1984 described systematic theft and destruction of property by Soviet soldiers sweeping through their villages. Bibi Makhro of Chardara, Kunduz, told how Soviet soldiers had stolen sewing machines, watches, and money. Lala Dad of Baghlan said that Soviet soldiers “broke china and all expensive possessions.”<sup>131</sup> Kifayatullah of Kapisa said the Russians “took all the expensive things, tapes, watches, money, and fruits. They walked up to old men and said, ‘Give us bakhshish [literally “gift”: alms or a bribe].”<sup>132</sup> He added, “They also burned the mosque and tore apart the Holy Quran. They tore up my own copy of the Holy Quran! I found the torn pages in my house.”<sup>133</sup> A woman from Kapisa told Human Rights Watch: “The Russians came while I was cooking dinner. They asked, ‘Where is your husband?’ They broke dishes and glasses, killed animals, and burned the rugs.”<sup>134</sup>

## **G. Blocking Humanitarian Access**

5.108 Until 1987, the International Committee of the Red Cross (ICRC) was forbidden to work on Afghan soil. Both the DRA and the USSR refused all cooperation with the UN Special Rapporteur on Human Rights in Afghanistan until 1987, when Professor Ermacora was allowed to visit Afghanistan for the first time.

Afghanistan as a cultural official and journalist, noted, “There was something like a chain: [military] commission’s members forced officers to give ‘presents,’ officers in their turn forced soldiers to find money, and soldiers in their turn had to rob civilian Afghans.” Email, February 21, 2004.

<sup>130</sup> International Afghanistan Hearing 195. Cited in Helsinki Watch, Tears, Blood, and Cries 81.

<sup>131</sup> Helsinki Watch, Tears, Blood, and Cries 81.

<sup>132</sup> Helsinki Watch, Tears, Blood, and Cries 82.

<sup>133</sup> Helsinki Watch, Tears, Blood, and Cries 82. There are other accounts of the seemingly deliberate profanation of Muslim symbols. Edward Girardet reported seeing a mosque in Dasht-i Rawat, Panjshir, that Soviet soldiers had used as a latrine. U.S. News and World Report, October 15, 1984: 44.

<sup>134</sup> Helsinki Watch, Tears, Blood, and Cries 82.

The ICRC could not provide medical care to victims or visit prisoners to assure their safety, provide contact with their families, or work out exchanges between the two sides. It therefore confined its activities to running hospitals and other treatment centers in Pakistan, including one center where it fit many amputees, including children, with artificial limbs.

5.109 Soviet and Afghan military units reportedly searched for and arrested civilian medical personnel, both foreign and Afghan, working in resistance-held areas, including French doctors from medical associations based in Paris, as well as Afghan doctors operating clinics inside Afghanistan. On at least one occasion, described below, Soviet aircraft also bombed such clinics and hospitals even when they were marked with the insignia of the red cross.

### **International Committee of the Red Cross**

5.110 The ICRC rarely makes public statements criticizing a government for not living up to its obligations under the Geneva Conventions. Nonetheless, it felt compelled to issue the following statement on May 20, 1984:

(a) “Since 1979, the International Committee of the Red Cross has made every effort to provide protection and assistance to the civilian and military victims of the armed conflict in Afghanistan, in accordance with the mandate conferred upon it in the Geneva Conventions and the statutes of the International Red Cross.

(b) “On several occasions, it has reminded the parties whose armed forces are engaged in the conflict of their obligations under international humanitarian law. However, in spite of repeated offers of services to the Afghan government and representations to the government of the USSR, the ICRC has only on two occasions—during brief missions in 1980 and 1982—been authorized to act inside Afghanistan. Consequently, the ICRC has to date been able to carry out very few of the assistance and protection activities urgently needed by the numerous victims of the conflict on Afghan territory.”<sup>135</sup>

5.111 The two missions referred to were visits by the ICRC to inspect the Pul-i Charkhi Prison. The first, from April to July 1980, included interviews by representatives of the ICRC with people said to be prisoners in Pul-i Charkhi. No information was disclosed about the mission. When the ICRC delegation returned from Kabul in August 1982, it left before accomplishing its mission. François Zen Ruffinen, head of the ICRC delegation based in Pakistan at that time, participated in the second mission to Kabul. He told Human Rights Watch in an interview in Peshawar on September 22, 1984, “We don’t go on missions just to sit in our hotel rooms.”<sup>136</sup>

5.112 The ICRC announced in a communiqué of October 9, 1982, that the delegates who had arrived in Kabul on August 14 at the invitation of Afghan authorities had

<sup>135</sup> ICRC Bulletin, June 1984.

<sup>136</sup> Helsinki Watch, Tears, Blood, and Cries 177.

proceeded first to visit Pul-i Charkhi prison and were then requested by the authorities to interrupt their mission and leave Kabul temporarily. The ICRC had nonetheless received the assurance, during negotiations between its representatives and the Afghan authorities, that it would be able to visit all prisoners captured with arms or detained as a result of the events taking place in Afghanistan.<sup>137</sup>

5.113 According to a Human Rights Watch report, evidence presented by witnesses who were in Pul-i Charkhi prison at the time of the ICRC's August 24, 1982, visit indicates that the authorities had duly prepared for the visit.<sup>138</sup> According to several prisoners who were in Pul-i Charkhi at the time and later testified in Oslo, the ICRC was given access only to block one (of three). The authorities allegedly cleaned up the block by removing women and children prisoners along with the more outspoken inmates, leaving mainly Khalqi prisoners.<sup>139</sup>

5.114 In its June 20, 1984, press release, the ICRC noted that it had access to Soviet prisoners of war captured by the resistance but said nothing about access to resistance fighters captured by the other side. ICRC official François Zen Ruffinen told Human Rights Watch in an interview in Peshawar on September 22, 1984, "The leaders of the resistance groups understand our needs and try to cooperate with us, but they tell us they are under a lot of pressure from their men, since there is no reciprocation from the other side."<sup>140</sup>

5.115 Until 1987 the ICRC was forbidden to undertake within Afghanistan any emergency or long-term medical treatment for victims of the conflict. Instead, it had to open surgical hospitals in Peshawar and Quetta and establish border posts from which arriving Afghan patients could be transported quickly to the nearest hospital. Many victims, of course, never reached those border posts. They died or were permanently disabled due to the lack of swift, on-the-spot treatment.<sup>141</sup>

### **Medical Personnel in Resistance-Held Areas**

5.116 Some doctors and nurses undertook to provide medical services to resistance fighters and the civilian population in resistance-held areas. Among them were many French doctors and nurses associated with three medical associations based in Paris—Médecins sans Frontières, Aide Médicale Internationale, and Médecins du Monde.<sup>142</sup> Starting in 1980 they sent teams into areas in rural Afghanistan controlled by the resistance, where they established clinics that treated both general medical problems and problems stemming from the war. Afghan doctors also established clinics in resistance-held areas.

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<sup>137</sup> Agence France Presse, Geneva, October 9, 1982.

<sup>138</sup> Helsinki Watch, Tears, Blood, and Cries 177.

<sup>139</sup> Letter from Kabul, reprinted in Les nouvelles d' Afghanistan, December 1982: 9; Helsinki Watch, Tears, Blood, and Cries 179. Testimony of Mohammad Seddiq Mossadeq, former student at Kabul University, International Afghanistan Hearings 153. Seddiq was in Pul-i Charkhi during this visit.

<sup>140</sup> Helsinki Watch, Tears, Blood, and Cries 179.

<sup>141</sup> Helsinki Watch, Tears, Blood, and Cries 179.

<sup>142</sup> Helsinki Watch, Tears, Blood, and Cries 180.

5.117 According to human rights reports, the Afghan doctors were treated as enemy personnel by the Soviet-Afghan forces, who also conducted systematic searches for French doctors.<sup>143</sup> One Afghan doctor, for instance, was reported to have been sentenced to three years in prison for treating mujahidin.<sup>144</sup>

5.118 Dr. Laurence Laumonier and Capucine de Bretagne, a nurse, were working for Aide Médicale Internationale in the Panjshir Valley during the May 1982 Soviet-Afghan offensive there. Dr. Laumonier testified: “The Russians were looking for us specifically. In every village they went through, they asked the old men who had stayed behind, ‘Where are the two Frenchwomen?’”<sup>145</sup>

5.119 Dr. Juliette Fournot of Médecins sans Frontières said in an interview in Paris on June 8, 1984, “In the last two weeks of August last year, in the village where we had our northern dispensary in Badakhshan, the mujahidin arrested people at night. One of them had a walkie-talkie. Another had a map with our hospital and the homes where the doctors were living marked.”<sup>146</sup>

5.120 Dr. Marie-Paul Leveilhet recounted that on her way to the Badakhshan hospital in early July 1983, she stopped to have lunch in a mosque in a place called Bagh-i Sah. Immediately after she left, about eight helicopters flew over the village, fired on the mosque where she had eaten, and destroyed much of the village, killing sixteen civilians and wounding forty.<sup>147</sup>

5.121 Dr. Philippe Augoyard, who worked in Logar province, said that at the time of the Soviet-Afghan Logar offensive of January 1983, Soviet troops arrested some women and children and made them stand barefoot in the snow: “The Soviets told them they would not let them go until they were told where the French doctors were.”<sup>148</sup> During the same offensive, Soviet soldiers were reported to have summarily executed three old men and wounded another when they did not reveal the whereabouts of the French doctors.<sup>149</sup>

5.122 On January 16, 1983, a group of heliborne Soviet commandos captured Dr. Augoyard. He was first taken to a Soviet military base for a preliminary interrogation and then delivered in a Soviet vehicle to the headquarters of KhAD, the secret police modeled on the KGB (see the next chapter), where he was interrogated by an English-speaking Afghan. The interrogator offered him a choice: if he was stubborn, he would receive the death penalty or a long prison term; if he would say the right things

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<sup>143</sup> Helsinki Watch, Tears, Blood, and Cries 181.

<sup>144</sup> Helsinki Watch, Tears, Blood, and Cries 181. Testimony of Kifayatullah, farmer from Harioki Ulya, Kapisa province. Interview in Peshawar, September 23, 1984.

<sup>145</sup> Agence France Presse, Peshawar, June 19, 1984.

<sup>146</sup> Helsinki Watch, Tears, Blood, and Cries 181.

<sup>147</sup> Helsinki Watch, Tears, Blood, and Cries 182. Interview in Paris, June 8, 1984.

<sup>148</sup> Helsinki Watch, Tears, Blood, and Cries 182. Interview in New York City, January 31, 1984.

<sup>149</sup> International Afghanistan Hearing, cited in Helsinki Watch, Tears, Blood, and Cries 182.

at a press conference and a public trial, he would be released in five months.<sup>150</sup>  
Augoyard recalled:

“They told me what I had to do. The press conference (only for Communist journalists) was prepared the night before. The answers were prepared. The questions the next day were the ones for which they had prepared answers. . . . It is not easy to say completely false things about people that you have worked with or tried to help. . . . But it was the only way to escape. . . . In Kabul they always portrayed me as a spy who had come to supply arms. The trial was only for propaganda. It was directed and produced just like a play. It’s very difficult, it’s humiliating to have to say things one does not believe, that are not true. After the trial, I was freed [on June 9, 1983].”<sup>151</sup>

## Hospitals

5.123 On a number of occasions in the early 1980s, Soviet forces reportedly attacked medical facilities in resistance-controlled areas.

5.124 According to Médecins Sans Frontières, Soviet troops looted and destroyed a hospital built by the US in the 1970s in Yakaolang, Bamiyan, during an attack in September 1980. This was one of the best-equipped hospitals in Afghanistan, in a particularly deprived region. According to Médecins sans Frontières, which had been working in the facility:

“The medicines and the medical equipment, until then carefully guarded by the resistance, were systematically removed or destroyed. There is not a single usable capsule or pill. All that remain, scattered all over the floor, are the medical records, with a file on each patient. . . . A similar Soviet expedition in the fall of 1980 left numerous burned houses in the Turkmen region west of Kabul, where the small hospital of Lalenj suffered the fate of the hospital of Yakaolang.”<sup>152</sup>

5.125 In 1981, the Soviets began to bomb hospitals operated by the French medical organizations. Three small hospitals operated by Médecins du Monde were bombed early in the year. On November 4 MiG-27s and armored helicopters bombed the hospital of Aide Médicale Internationale in the Panjshir valley, razing the stone building to the ground. On November 5 at 7 A.M., three MI-24 helicopters razed the hospital of Médecins sans Frontières in Jaghori, Ghazni, in the southern part of Hazarajat. On November 6, three other helicopters destroyed a dispensary of Aide Médicale Internationale in Nangarhar province. Later in November the dispensary of Médecins sans Frontières in Waras was attacked. On March 14, 1982, the new hospital established by Médecins sans Frontières in Jaghori was bombed.<sup>153</sup>

<sup>150</sup> Helsinki Watch, Tears, Blood, and Cries 183.

<sup>151</sup> From Augoyard’s June 12, 1983, press conference upon his return to France, quoted in Les nouvelles d’Afghanistan, June–August 1983: 17, cited in Helsinki Watch, Tears, Blood, and Cries 183.

<sup>152</sup> “La situation dans le Hazarajat,” January 20, 1982: 19,9. Cited in Helsinki Watch, Tears, Blood, and Cries 183.

<sup>153</sup> Les nouvelles d’Afghanistan, February–March, 1982: 14; testimony of Dr. Juliette Fournot, Médecins sans Frontières, interview in Paris, June 8, 1984. All cited in Helsinki Watch, Tears, Blood, and Cries 184.



5.126 “After the first time they bombed our hospital in Panjshir,” Dr. Laurence Laumonier of Aide Médicale Internationale told Human Rights Watch, “I went to see [Panjshir Valley resistance Commander Ahmad Shah] Massoud. I told him we were going to make another hospital and put a red cross on the roof, so they would be sure to know it was a hospital. He told me I was crazy, it would just make it easier for the Russians to bomb it. But I did it anyway, and then the helicopters came and bombed it.”<sup>154</sup>

### **Restricting and Attacking Journalists**

5.127 “I warn you, and through you, all of your journalist colleagues: stop trying to penetrate Afghanistan with the so-called mujahidin. From now on, the bandits and the so-called journalists—French, American, British, and others—accompanying them will be killed. And our units in Afghanistan will help the Afghan forces to do it.”<sup>155</sup> So spoke Vitaly Smirnov, Soviet Ambassador to Pakistan, to two French journalists, Olivier Warin of French television and the Agence France Presse correspondent in Islamabad, October 5, 1984.

5.128 After the Soviet invasion and the accession to power of Babrak Karmal, foreign journalists were expelled from Afghanistan, and strict controls were established over future entry into the country. Though this policy, like many others, changed in the Gorbachev years, for several years after 1980 very few foreign journalists were allowed to visit Afghanistan, except for those from state- or party-controlled media of the Soviet bloc. The few independent journalists who were allowed to visit Kabul were taken on staged tours, accompanied by government interpreters. Their telephones were tapped, and some had their belongings inspected upon leaving. When an Agence France Presse correspondent, Yves Heller, and a colleague from radio received rare visas to Kabul in May 1983, much of Heller’s report concerned the restrictions placed on the reporters:

(a) “We are not free; there are spies everywhere. . . . The sentence is not even finished before the Afghan censor rewinds the tape to the beginning and erases it. This scene took place last May 3 in Kabul in the offices of Afghan films, where the special correspondent of Agence France Presse as well as the correspondent of France-Inter, Ulysse Gosset, had to submit all their films and tapes for censorship.

(b) “All tapes with information or comments hostile to the Afghan regime or the Soviets were erased. Similarly, everything sent by telex had to first be submitted for censorship.

(c) “Not only systematic censorship, but also continual control of their activity was imposed on the two French journalists—as well as on other Western journalists (British, Swedish, West German)—during their entire stay in Kabul.

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<sup>154</sup> Helsinki Watch, Tears, Blood, and Cries 185. Interview, Paris, June 16, 1984.

<sup>155</sup> Helsinki Watch, Tears, Blood, and Cries 188.

(d) “This surveillance of our activities, we learned in Kabul from an informed Afghan source, was supervised by the Soviet advisers, in particular those residing in the Hotel Intercontinental. These two advisers—one for political affairs and the other for security—were continually consulted by the Afghans, according to this source.

(e) “We managed to escape from this surveillance only through acrobatics. In theory, we had to be accompanied at all times by official ‘guide-interpreters,’ responsible for all our acts. . . . In view of this insistent surveillance, an Afghan communist finally asked, ‘But why did they give you a visa, only to prevent you from working?’”<sup>156</sup>

5.129 Some journalists tried to cover the war from the other side. Two French journalists, François Missen and Antoine Darnaud, were arrested by Afghan troops in Qandahar on September 9, 1980.<sup>157</sup> The arresting officers refused to examine the identity cards which the journalists were carrying in accord with Article 79, paragraph 3, of Protocol I Additional to the Geneva Conventions, and instead charged them with being CIA agents.

5.130 Transferred to Kabul, they were eventually interrogated by a Central Asian who referred to the Soviet Union as “my country.” He demanded they confess their ties to the CIA and threatened them with twenty years’ imprisonment. They were not allowed to see French diplomats or anyone else. Finally they were told they would be released if they gave an interview to Afghan television confessing their work for the CIA and their “crimes against the revolution.” They agreed and were released on November 2, 1980.<sup>158</sup>

5.131 On September 17, Jacques Abouchar, a French television reporter, entered Afghanistan from Pakistani Baluchistan escorted by members of the Afghan resistance. They were ambushed by regime militia, who captured Abouchar and took him to Kabul. There he was sentenced to eighteen years in prison. He was released on October 25, after concerted pressure from the French government and the warning cited above from the Soviet Ambassador to Pakistan that in the future such journalists would be killed.<sup>159</sup>

5.132 The treatment of Jacques Abouchar had a further chilling effect on efforts by the international press to cover this hidden war in Afghanistan. The New York Times decided that, in view of Soviet threats such as that mentioned above, it would not send a correspondent to Afghanistan. “If someone volunteers,” an editor told Human Rights Watch, “Fine. But we are not going to tell someone he has to go.”<sup>160</sup>

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<sup>156</sup> Agence France Presse special correspondent Yves Heller, Kabul, May 7, 1983; cited in Helsinki Watch, Tears, Blood, and Cries 188.

<sup>157</sup> Helsinki Watch, Tears, Blood, and Cries 188.

<sup>158</sup> François Missen, “50 jours dans les cachots d’Afghanistan,” Le Point 428, December 1, 1980: 58 and 429; December 8, 1980: 151; cited in Helsinki Watch, Tears, Blood, and Cries 189.

<sup>159</sup> Helsinki Watch, Tears, Blood, and Cries 189.

<sup>160</sup> Helsinki Watch, Tears, Blood, and Cries 189.

5.133 In 1986, the DRA permitted foreign journalists access to areas under government control. In 1989 the government removed restrictions on the unescorted movement of journalists in Kabul but reportedly continued to monitor their telephone and telex lines. Those captured with the mujahidin, however, continued to be arrested and tried. These included journalists from Spain, Saudi Arabia, Egypt, Jordan, the U.S., and France. The western journalists were generally released after a show trial and diplomatic appeals.<sup>161</sup>

### **Preventing International Inspection**

5.134 The decision by the UN Human Rights Commission to appoint a Special Rapporteur on Afghanistan was opposed by both the USSR and the DRA as interference in Afghanistan's internal affairs. Until 1987, the DRA did not even reply to Professor Ermacora's repeated letters requesting access to the country in order to carry out his mission. Afghan Permanent Representative Muhammad Farid Zarif claimed in the debate that consideration of human rights in Afghanistan was a clear violation of the United Nations charter and constituted interference in the internal affairs of the state. The Soviet delegate, Igor Yakolev, also said that such a decision "would infringe in serious fashion the sovereign rights of the state."<sup>162</sup> Special Rapporteur Felix Ermacora was first permitted to visit Afghanistan in 1987, three years after his first request.

5.135 In the 1980s, every year in its Annual Report, Amnesty International included a disclaimer in the entry on Afghanistan:

"The civil war itself and the continued denial of access to the country by the Afghan Government to international humanitarian organizations and most of the world press hampered Amnesty International's collection of such information and the verification of such allegations [of human rights violations by both sides.]"<sup>163</sup>

5.136 Other organizations faced the same problem. A request by Helsinki Watch to send a mission to Kabul in 1984 was met with polite evasion. A Human Rights Watch delegation finally went to Kabul in 1990 and met with President Najibullah and other officials.

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<sup>161</sup> Asia Watch, Afghanistan: The Forgotten War -- Human Rights Abuses and Violations of the Laws of War Since the Soviet Withdrawal (New York: 1991).

<sup>162</sup> United Nations, Press Release, ECOSOC/4756, May 17, 1984.

<sup>163</sup> Amnesty International, Annual Report (London: 1984) 205.

**VI. FROM THE SOVIET OCCUPATION TO THE FALL OF NAJIBULLAH  
(December 27, 1979–April 15, 1992 / Qaws 10, 1358–Hamal 26, 1371):  
ARBITRARY ARREST, TORTURE, EXECUTION,  
FORCED RECRUITMENT INCLUDING OF CHILD SOLDIERS,  
SEPARATION OF CHILDREN FROM FAMILIES**

*“The city is in the grip of fear, which was visible in all the Afghans we managed to meet. This fear, they said, is methodically maintained by the secret police of the Afghan regime, KhAD, ‘a veritable octopus which is continually spreading its tentacles’ over the capital. . . . Stories of disappearances, arrests, spying are plentiful in Kabul . . . where KhAD has become not just a state within a state, but the state itself.”*

*Yves Heller, Agence France Presse, 1983*

6.1 As described by human rights reports, the Afghan regime and its Soviet allies maintained and enforced control in the cities through the fear of a terrorized population aware of the ever-present possibility of arbitrary arrest, torture, imprisonment, and execution.<sup>1</sup>

6.2 The system was enforced by the largest agency of the Afghan state, the State Information Services, known as KhAD.<sup>2</sup> KhAD had a larger budget than even the military and was reported to be directly financed by the Soviet Union.<sup>3</sup> Organized in 1980 under the guidance of KGB advisers, it was under close Soviet supervision. KhAD informers sat in almost every office and classroom in Kabul. A former high official of KhAD told Human Rights Watch in Peshawar that KhAD aimed to have “a spy in every family.”<sup>4</sup> The torture of detainees by KhAD was probably the most fully documented form of grave abuse of human rights under the Soviet-DRA regime in the early to mid-1980s. Special Rapporteur Ermacora concluded in 1985, “Torture against opponents of the régime . . . is currently commonplace and . . . has almost assumed the character of an administrative practice.”<sup>5</sup> Amnesty International commented:

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<sup>1</sup> Helsinki Watch, Tears, Blood, and Cries: Human Rights in Afghanistan Since the Invasion 1979–1984 (New York: 1984) 123.

<sup>2</sup> KhAD was an acronym for Khidamat-i Itila’at-i Dawlati, Dari for State Information Services. In January 1986 KhAD was upgraded to a ministry, the Ministry of State Security, known as WAD (Wazarat-i Amaniyat-i Dawlati). Its successor today is called Riyasat-i Amaniyat-i Dawlati, the Directorate of State Security.

<sup>3</sup> French ethnologist Bernard Dupaigne learned this from high-level contacts in Kabul during 1980, as he told Human Rights Watch in an October 19, 1984, letter (Helsinki Watch, Tears, Blood, and Cries 85).

<sup>4</sup> Helsinki Watch, Tears, Blood, and Cries 85. During a May 1983 visit to Kabul, Agence France Presse correspondent Yves Heller was told by a PDPA official that KhAD had ten thousand employees in Kabul. Taking the maximum population figures for Kabul at that time, including close to a million internally displaced people, this would mean that one out of every 150 residents of Kabul (including children) was an employee of KhAD. Agence France Presse, Kabul, May 9, 1983.

<sup>5</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan”( A/40/843, 1985) para. 187.

“Although Amnesty International has received reports of torture under all three governments since the “Sawr” revolution of April 1978 . . . it was only after the formation of KhAD in late 1979 that the practice was reported to have become systematic.”<sup>6</sup>

6.3 Publications of both Human Rights Watch and Amnesty International contain pages and pages of verbatim testimony of torture victims. In addition, Amnesty International assisted Dr. Mohammad Azam Dadfar, a German-trained Afghan psychiatrist, in establishing a clinic in Peshawar to treat former torture victims for post-traumatic stress syndrome and other ailments. Dr. Dadfar, who was later elected deputy chairman of both the Emergency and Constitutional Loya Jirgas in 2002 and 2003, published his findings on torture in several places.<sup>7</sup> This chapter presents only a fraction of the available evidence.

6.4 Reports cited below from the UN Special Rapporteur, Amnesty International, and Human Rights Watch establish that interrogation involving the systematic use of torture was supervised by Soviet advisers. According to these reports, these advisers occasionally participated directly in the interrogations involving torture, particularly when important prisoners were involved. In its 1986 report, Afghanistan: Torture of Political Prisoners, Amnesty International published several pages of testimonies about the involvement of Soviet personnel in torture. It reported:

(a) “The KHAD is reported to have Soviet advisers at its main offices, and many of the testimonies available to Amnesty International refer to the presence of Soviet personnel when prisoners are being interrogated under torture.

(b) “In many of these cases, prisoners state that Soviet personnel are present during torture and participate in or direct interrogation while the physical application of torture is left to Afghans.”<sup>8</sup>

6.5 KhAD’s external affairs department also was reported to be responsible for an increasing number of acts of terrorism and sabotage carried out in Pakistan against targets associated with the mujahidin and refugees. Police in the North West Frontier Province registered fifty-two bomb blasts in 1986, killing forty-two. In the first eight months of 1987, sixty-four people died in fifty-five explosions. According to human rights reports, some of these may have been due to sectarian clashes in Pakistan, but most appear to have been the work of KhAD.<sup>9</sup>

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<sup>6</sup> Amnesty International, File on Torture ASA 12/12/84 (London: 1984).

<sup>7</sup> Mohammad Azam Dadfar, The Impaired Mind (Peshawar: Psychiatry Centre for Afghans, 1990); Mohammad Azam Dadfar, “Victims of Torture in Afghanistan,” in In Afghanistan: A Decade of Sovietisation, ed. Sayed Mohammad Yusuf Elmi (Peshawar: Afghan Jihad Works Translation Centre, 1988): 141-157.

<sup>8</sup> Amnesty International, Afghanistan: Torture of Political Prisoners ASA 11/04/86 (London: 1986) 17. Pages 17–19 of this report largely consist of testimonies about Soviet involvement in torture of detainees.

<sup>9</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict: Violations of the Laws of War in Afghanistan (New York: 1988).

6.6 Prison conditions continued to be abominable through the mid-1980s (notably at Pul-i Charkhi, where massive overcrowding continued), but reports of manipulation of those conditions to humiliate detainees, as was common under the previous régime, became less frequent. Executions reportedly continued on a large scale, though seemingly less frequently than under the Khalq-dominated regime in 1978–1979.<sup>10</sup> Under the Soviet-installed regime, executions were carried out in accord with “socialist legality,” rather than on the whim of the authorities. Accused prisoners were “tried” by a Special Revolutionary Court. According to reports, prisoners were always found guilty—those finally determined to be no threat to the regime were released without trial—but this court would decide upon the sentence, including death.<sup>11</sup> There was no judicial appeal from the sentence of the Special Revolutionary Court. Prisoners could escape punishment, however, by agreeing to cooperate with the government by becoming spies themselves. Even if they were not executed, they were threatened with incarceration with common criminals if they refused.<sup>12</sup>

6.7 As the DRA became more desperate for recruits to fill the ranks of its desertion-riddled army, it began to practice forced conscription on a mass scale. The government forcibly conscripted child soldiers, as the age of conscription was lowered to fifteen in 1982, and escaping such enrollment became a common motive for flight abroad by boys and young men. Children of party members, however, were exempted from conscription until they completed their schooling.<sup>13</sup> The government ultimately became so desperate that it began forcibly enrolling in the army young men whom it had first arrested and tortured for fighting against it.<sup>14</sup>

6.8 Starting in 1984, the government established an institution called the Homeland Nursery (Parwarishgah-i Watan) for orphans and other neglected children. Some of these children reportedly still had one or both parents or other family members and were recruited and separated from their families forcibly or under pressure. Children from these institutions were sent to the USSR for both short- and long-term tours of work and study. Both the UN Special Rapporteur and Human Rights Watch reported cases where children were sent to the USSR against their will or without permission from their parents.<sup>15</sup> There were some reports that Afghan children who were sent on short tours to Central Asia were forced to engage in labor.<sup>16</sup> Such “voluntary labor” by schoolchildren, particularly in harvesting cotton, was a common practice in Soviet Central Asia and remains so in parts of the region today.<sup>17</sup>

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<sup>10</sup> Helsinki Watch, Tears, Blood, and Cries 161.

<sup>11</sup> Helsinki Watch, Tears, Blood, and Cries 158.

<sup>12</sup> A/40/843 (1985) para. 59.

<sup>13</sup> A/40/843 (1985) para. 61.

<sup>14</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict.

<sup>15</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/41/778, 1986); Asia Watch and Helsinki Watch, To Die in Afghanistan (New York: 1985); Helsinki Watch and Asia Watch, To Win the Children.

<sup>16</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan.

<sup>17</sup> See Boris Z. Rumer, Soviet Central Asia: A Tragic Experiment (Boston: Unman Hyman, 1989); Turkmenistan Helsinki Initiative, “Education in Turkmenistan” (Vienna, 2004), at [http://eurasianet.org/turkmenistan.project/files2/040611eduTHI\(eng\).doc](http://eurasianet.org/turkmenistan.project/files2/040611eduTHI(eng).doc); Chemen Ashirova, “The ‘Golden’ Life of Turkmen Children,” November 13, 2002, Prima News (Moscow) at

No such forcible separation of children from parents or forced travel abroad was reported after 1986.

6.9 In 1986 the overall human rights situation in government-controlled areas started to improve. Professor Ermacora summarized these changes in the report he presented to the UN General Assembly in 1987 after his first visit to Afghanistan, in August of that year:

“In areas under government control, the number of political prisoners has been reduced, prisoners have been released as a result of amnesties, religious manifestations are not restricted, no new reports of torture within the meaning of international instruments have been received in the last six months, ICRC has been permitted to inspect Pol-i-Charkhi prison and closer collaboration with ICRC is being studied. The Government is making efforts to persuade refugees to return and to facilitate their integration in Afghan society; when possible, released detainees are reinstated in their former occupations, and in certain areas the Government is trying to convince opponents of the régime’s sincerity through discussions rather than military confrontation.”<sup>18</sup>

6.10 As documented below, political prisoners were still serving sentences based on unfair trials, and mistreatment of detainees continued, as did some incidents of torture.

#### **A. House Searches and Arrests**

6.11 KhAD arrested people in a variety of ways. According to human rights reports, sometimes the militia surrounded a house at night and proceeded to search it before making arrests, ripping apart pillows, tearing clothes, and going through all books and papers. In another common procedure, boys and young men were stopped by street blockades and whisked away to join the army. Troops were known to blockade an entire neighborhood while KhAD agents searched the houses.<sup>19</sup>

6.12 Most arrests in central Kabul were made by KhAD agents in plainclothes, sometimes assisted by the militia of the Ministry of Interior (Sarandoy) or Afghan soldiers. In some cases, according to testimonies given to Human Rights Watch, Soviet agents were also present.<sup>20</sup>

6.13 In outlying areas or in massive searches, Soviet troops reportedly sometimes conducted house-to-house searches themselves, as they did in the countryside.<sup>21</sup>

6.14 There was no due process at the beginning of the 1980s, though this improved later. Amnesty International stated:

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<http://www.prima-news.ru/eng/news/articles/2002/11/13/21542.html>.

<sup>18</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/42/667, 1987) para. 111.

<sup>19</sup> Helsinki Watch, Tears, Blood, and Cries 124.

<sup>20</sup> Helsinki Watch, Tears, Blood, and Cries 126.

<sup>21</sup> Helsinki Watch, Tears, Blood, and Cries 125.

“Arrests take place for the most part without warrant or even identification of the arresting officer. These arrests usually take place at night. No reasons are given for the person’s arrest, and the family is not informed of where the prisoner is taken.”<sup>22</sup>

6.15 When people were arrested outside their homes, according to reports, their families might not even know that they had been arrested. The elder brother of Razia, a university student arrested in 1981, told Human Rights Watch in Peshawar in a September 23, 1984, interview, “Nobody in the house knew where she was.” A classmate told the family that the “KGB” (KhAD) had arrested her, and they located her in the woman’s detention center in KhAD headquarters.<sup>23</sup>

6.16 An Afghan woman in Kabul wrote to a friend in France about a case in which a woman and two children died and two other children went into comas because soldiers arrested the husband and father:

“The following summer [1982] a husband had to take his wife to the maternity hospital to give birth. Since he had no one to leave them with, he locked his 3 children (1, 3, and 4 years old) in the house. At the hospital, when complications arose during the birth, the doctors asked the husband for certain medicines, which he had to go to the pharmacy to buy. Between the hospital and the pharmacy the husband was arrested by soldiers who demanded his papers. The soldiers did not listen to any explanation or plea, and he was sent off. After three days, he had the good fortune to find an understanding officer, who let him go. When he returned to the hospital, the poor man found that his wife and newborn child had died, for lack of the medicines. At home the one-year-old had died, and the other two children were in comas from lack of food. I must stop; I do not have the courage to go on.”<sup>24</sup>

6.17 According to accounts of former prisoners analyzed by Human Rights Watch, arrests were based on reports from spies and informers, suspects interrogated under torture, or, occasionally, electronic eavesdropping.<sup>25</sup> According to human rights reports, KhAD monitored the spoken word through a network of spies.

6.18 Sometimes KhAD arrested people for the sole purpose of obtaining information from them about another member of their family. Torture was reportedly used to get them to talk. Amnesty International reported one such case:

“Shahnaz and Natila Ulumi, believed to be 21 and 18 years old respectively, were arrested with 11 other members of their family in the first week of June 1983. The 13 members of the family were taken to KhAD interrogation center in the Sedarat in Kabul. The family is said to have been closely questioned about the activities and whereabouts of Khozhman Ulumi, the brother of Shahnaz and Natila, who is reputed to be a leader of Rahayee, a Maoist group

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<sup>22</sup> Amnesty International, *Torture in the Eighties* (London: 1984) 182.

<sup>23</sup> Helsinki Watch, *Tears, Blood, and Cries* 125.

<sup>24</sup> Letter reprinted in *Les nouvelles d’Afghanistan* 14, June–August 1983: 6, cited in Helsinki Watch, *Tears, Blood, and Cries*.

<sup>25</sup> Helsinki Watch, *Tears, Blood, and Cries*.



that is active in the resistance to the government of President Babrak Karmal. . . . Amnesty International has received allegations that Shahnaz and Natila Ulumi were ill-treated and tortured with electric shocks whilst they were detained at the Sedarat.”<sup>26</sup>

6.19 House searches accompanying arrests were reportedly thorough and vindictive.

“They did not say who they were, but we knew they were KhAD because we saw they had a Volga car with a double antenna and a license plate 22000. . . . They sent someone to search every room, but they could not find anything. Then they called with a radio to their central office. They waited at the house, and after some time a second group of men came, all in some uniform, and they made a more precise investigation. They tore open everything in the house, pillows, cushions, mattresses. They took all these things off the beds and cut them open. They tore all of the clothes hanging in the closets. They made a complete search of the kitchen. They looked in the sink, the chimney, the well. And they went over the whole inside and courtyard of the house with some electric machines [apparently metal detectors]. They were doing this for four hours, until three o’clock in the afternoon.”<sup>27</sup>

6.20 When the resistance carried out an assassination or some other operation in a city, the security forces reportedly often responded by searching houses or shops in the area and arresting people who were then sent to jail or, in the case of boys or young men, to the army. An Afghan economist reported that during Ramazan 1363 (June–July 1984), after mujahidin killed a soldier in Topkhana bazaar of Qandahar, he saw troops from the Ministry of the Interior arrest an old man and a small boy a few shops away in the bazaar.<sup>28</sup> A former student from Kabul described being stopped on the street every five or ten minutes by soldiers engaged in house searches or checking people’s papers.<sup>29</sup> An Agence France-Presse correspondent observed one of what he described as “daily occurrences”:

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<sup>26</sup> Amnesty International, Democratic Republic of Afghanistan: Background Briefing on Amnesty International’s Concerns (London: 1983) 7–8.

<sup>27</sup> Helsinki Watch, Tears, Blood, and Cries 128. Testimony of a former accountant from Kabul whose brother was arrested in August 1982; interviewed in Alexandria, Virginia, March 22, 1984.

<sup>28</sup> Helsinki Watch, Tears, Blood, and Cries 129. Shah Mahmud Baasir, economist; interviewed in Quetta, October 3, 1984.

<sup>29</sup> Helsinki Watch, Tears, Blood, and Cries. Muhammad Gul, former student at Vocational High School, Kabul; interviewed in Peshawar, September 30, 1984.

“With all of its doors flung open, the antediluvian yellow Volga is blocked up against the sidewalk: its occupants are pulled out by 3 armed soldiers who check their identity papers. A few meters away, in a military truck, two young Afghans are prostrated. Captured several hours earlier in a taxi that resembled the old Volga, they will end up in an army barracks that same day. . . . Every young man is treated as a suspect.”<sup>30</sup>

6.21 Association with foreigners, especially Americans, was sometimes considered *prima facie* evidence of criminality. Anwar, a former government employee interviewed by Human Rights Watch, was questioned under torture by Soviet officers about his friendship with an American Peace Corps worker who had been his English teacher when he was fifteen years old.<sup>31</sup>

6.22 In May 1982 KHAD arrested all Afghan clerical employees at the US Embassy. Anwar-ul-Haq, the former physics student from Kabul whom Human Rights Watch interviewed on September 29, 1984, in Peshawar, told Human Rights Watch that he had met two of them in jail and that they were being interrogated under torture by Soviet officers who accused them of being CIA agents.<sup>32</sup>

6.23 Fr. Serge de Beaurecueil, a French Dominican monk who taught at a lycée in Kabul until he returned to France in August 1983, had educated many abandoned children in his home over the years.<sup>33</sup> In June 1983 six of these boys and two of their friends were arrested by KhAD agents and accused under torture of being spies for Fr. de Beaurecueil. One, who was found with a resistance party membership card, was sentenced to ten years in prison, the others to several months.<sup>34</sup>

6.24 The Afghan government prohibited all forms of public demonstration against the government. Demonstrators were fired upon and killed or wounded; they were also arrested and interrogated to elicit information about organizations responsible for the demonstrations. In 1980 and, to a lesser extent, in 1981, hundreds were killed and many thousands arrested as the Kabul government, with Soviet help, suppressed mass public demonstrations.<sup>35</sup> Professor Ermacora reported:

“The situation was described as being particularly tense, and the reaction of the population to occupation appears to have resulted on 21 February 1980 in an uprising at Kandahar and Kabul, and subsequently in student demonstrations at the end of April and the beginning of May 1980, during

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<sup>30</sup> Yves Heller, Agence France-Presse, Kabul, May 10, 1983, cited in Helsinki Watch, Tears, Blood, and Cries 95.

<sup>31</sup> Helsinki Watch, Tears, Blood, and Cries 95.

<sup>32</sup> Helsinki Watch, Tears, Blood, and Cries 95.

<sup>33</sup> His memoirs constitute a unique first-hand account of 1979–1983: Etienne Gille and Sylvie Heslot (eds.), Lettres d’Afghanistan de Serge de Beaurecueil: Chronique d’un Témoin Privilégié, I (1979: la Terreur), II (1980: Au bord du désespoir), III (1981-1983: L’impasse), (Paris: Centre de Recherches et d’Études Documentaires sur l’Afghanistan, 1992).

<sup>34</sup> Gille and Heslot, vol. III, 161–163. Helsinki Watch interviewed one of the boys in Peshawar after his release, but to protect his identity wrote only, “We were able to confirm this [published] report in Peshawar.” (Helsinki Watch, Tears, Blood, and Cries 95.)

<sup>35</sup> Helsinki Watch, Tears, Blood, and Cries 96–97.

which unarmed schoolgirls who thought that they had a certain measure of immunity were shot by the militia.”<sup>36</sup>

6.25 The strike by shopkeepers on February 21, 1980, (Hut 3, 1358) led to a week of mass demonstrations in Kabul in which hundreds of thousands of people participated. People went up on their roofs at night to chant Islamic slogans, leading to the naming of this date as the “night of Allahu Akbar.” Afghan Army troops fired on the crowds with machine guns and tanks as Soviet helicopters hovered overhead.<sup>37</sup> The Afghan government officially acknowledged a death toll of five hundred. A number of Shi’a religious dignitaries were reportedly arrested and summarily executed, including the scholar Maulana Zabibullah. Thousands of others were arrested as well.<sup>38</sup>

6.26 In March 1980 demonstrations continued, mainly organized by Kabul University students. A former student, Qadir, whom Human Rights Watch met in Peshawar on September 29, 1984, described the government’s suppression of a demonstration by surrounding students with horsemen and tanks while helicopters flew overhead. Several students died of gunshot wounds and hundreds were arrested.<sup>39</sup>

6.27 In April 1980, on the second anniversary of the coup, hundreds of high school girls organized their own demonstrations and were soon joined by other students. According to Human Rights Watch, throughout April and May, troops fired on these demonstrators and arrested participants by the thousands. About fifty students were killed, more than half of them schoolgirls.

6.28 Schoolgirls called anti-Soviet demonstrations again in September 1981 to protest the mobilization of reserves. At Pul-i Bagh-i Umumi in central Kabul, they were met by a line of Soviet and Afghan tanks and told to stop. Anwar, a former official, witnessed the scene:

“It was coming from inside a tank like a tape through loudspeakers, announcing, ‘Stop the demonstration, don’t go ahead, go back to your classes, otherwise you’ll be shot.’ There was a small speech like ‘You are the property of the country, and you young girls don’t know that this is the hand of imperialism, and imperialism is never happy for you to have a happy life, and you shouldn’t be fooled to listen to imperialism, and Russians are here to help us, and Russians are here to support revolution,’ and stuff like this. The girls continued shouting, ‘We know you Russians! We know you, sons of Lenin! We know you are murderers, and we don’t want to go back! We’d rather prefer to be killed than to go back to our classes. We want you Russians to get out of Afghanistan.’ That’s what they were shouting. Then there was firing from the Russian tanks. Six girls were killed. The six bodies, I saw that they

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<sup>36</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1985/21) para. 85.

<sup>37</sup> Helsinki Watch, Tears, Blood, and Cries 96.

<sup>38</sup> Le Monde, February 23, 24, 26, 27, 28, 29 and March 1, 1980, cited in Helsinki Watch, Tears, Blood, and Cries 96.

<sup>39</sup> Helsinki Watch, Tears, Blood, and Cries 97.

were not able to move. Their hands and legs stopped moving, and they put them in a Russian jeep.”<sup>40</sup>

6.29 The Afghan militia and KhAD also arrested refugees en route to Pakistan. They were reportedly imprisoned in KhAD detention centers and sometimes tortured. Those that were released (sometimes after paying large bribes) were sent back to their villages or forcibly resettled. According to Human Rights Watch, some internally displaced people, including some from the Panjshir Valley, were imprisoned for resisting forced resettlement.<sup>41</sup> Others were arrested during rural searches. A former Soviet soldier recalled such operations in a Human Rights Watch Report:

“We received information that there were ‘dushmans’ or ‘Islamic Committees’ in a village. Usually we used a whole battalion. We drove in APCs to the village, and the infantry would sweep the village in a house-to-house search, looking for weapons. If we found people with weapons, we took them. The second time we arrested four men in their forties. The soldiers were pushing them and beating them, just because they were angry. We brought them to a post of the Afghan militia [run by KhAD]. We were told that the militia ‘would know what to do with them.’”<sup>42</sup>

6.30 Dr. Ghazi Alam described the results of such operations from the other side:

“I knew a young man from my village, I know his mother, I know his wife and child. I treated his child several times. This boy was taken with other people during the searching of the houses by the Russians [in Logar province in September 1982]. He was taken to the area of Shikar Qala. They made a camp there for a few days. When they took the people—hundreds, maybe—they started to torture them there. This boy I knew was crying because of the beating. And there was someone else in another tent, and he heard his voice, he was crying, shouting in a very loud voice, ‘Anyone who hears this should get a message to my family. I have an old mother and a wife and small child. I’m sure they are killing me. My small amount of money is with such-and-such a shopkeeper. Anyone who hears my voice should inform my family so my wife can get the money.’ And so he was killed there. After they left the area, the people went and got his body. The man I knew was taken to Kabul and sent to the military, and he slipped back from the military. Then he brought this message.”<sup>43</sup>

## **B. Torture**

6.31 In his first report, UN Special Rapporteur Felix Ermacora, stated that “concordant testimony” showed that “the special police [KhAD] and the members of the armed forces regularly practiced torture.” A former KhAD officer whom he

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<sup>40</sup> Helsinki Watch, Tears, Blood, and Cries 97. Testimony of Anwar, Chicago, Illinois, April 15, 1984.

<sup>41</sup> Helsinki Watch, Tears, Blood, and Cries 65.

<sup>42</sup> Helsinki Watch, Tears, Blood, and Cries 65. Pvt. Sergei Zhigalin, Soviet Army defector; interviewed in New York City, May 3, 1984.

<sup>43</sup> Helsinki Watch, Tears, Blood, and Cries 66. Dr. Ghazi Alam; interviewed in New York City, March 30, 1984.

interviewed named four professional torturers: Muhammad Rahim, Samad Azhar, Abdul Ghani, and Faruq Miakhail.<sup>44</sup> Amnesty International described torture since December 1979 as “systematic”:

“Amnesty International has received persistent reports of widespread and systematic torture of political suspects in Afghanistan under the government of President Babrak Karmal, who came to power in December 1979. Testimonies and other information received by the organization indicate that torture is inflicted in detention centres throughout the country which are administered by the State Information Services, Khedamat-i Etela ‘at-i Dawlati, known as KhAD. . . . Although Amnesty International has received reports of torture under all three governments since the ‘Sawr’ revolution of April 1978 . . . it was only after the formation of KhAD in late 1979 that the practice was reported to have become systematic.”<sup>45</sup>

6.32 An engineer named Muhammad Nabi Umarchel, who was arrested three times (under Taraki, under Amin, and again under Babrak Karmal and the Soviets) compared his treatment under different regimes in a report by Human Rights Watch. Under Taraki and Amin, he said, “They were killing a lot of people without any investigation.” But under Karmal and the Soviets, “It is much better organized, because of the Russians.”<sup>46</sup>

6.33 All political prisoners were subjected to interrogation by KhAD, which was sometimes protracted. Reports cited below from both Amnesty International and Human Rights Watch indicated that interrogation procedures invariably involved torture. Amnesty International described the pattern of torture as follows:

(a) “Numerous reports have indicated that the treatment meted out to suspects by KhAD agents has followed a pattern: they are arrested and taken to one of many KhAD detention centres—Amnesty International knows of eight in Kabul alone—where they are first subjected to various forms of deprivation and then soon afterwards intensively tortured.

(b) “Suspects are reportedly deprived of all contact with family, lawyers or doctors, or even other prisoners, by being held incommunicado and in solitary confinement. During this period they may be continuously interrogated, threatened, and be deprived of sleep or rest; cases have also been reported of detainees having been deprived of food.

(c) “Former detainees have told Amnesty International that suspects who fail to cooperate with KhAD are then tortured—the methods reported have included electric shocks, beatings, burning with cigarette ends, and dousing with water.

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<sup>44</sup> E/CN.4/1985/21 para. 86, 87.

<sup>45</sup> Amnesty International, File on Torture.

<sup>46</sup> Helsinki Watch, Tears, Blood, and Cries 132. Muhammad Nabi Umarchel, civil engineer; interviewed in Peshawar, September 27, 1984.

- (d) “Detainees are also known to have been kept in shackles or bound hand and foot for prolonged periods. In some cases prisoners are reported to have been forced to watch their relatives being tortured.”<sup>47</sup>

6.34 According to the Special Rapporteur, torture took place in “the Ministry of the Interior, the Kabul prisons and all the Khâd detention centres.” Among the latter, he specifically mentioned the “headquarters of KhAD, . . . eight detention centres at Kabul controlled by the Khâd; [and] some 200 individual houses in the region of Kabul used as detention centres and controlled by the Khâd.”<sup>48</sup> The largest KhAD detention center in the country, the headquarters mentioned by the Special Rapporteur, was in the Sedarat compound in Kabul.<sup>49</sup> Sedarat contained the central interrogation office. Another major KhAD interrogation center was in the Sheshdarak District. The Khalqi-dominated Ministry of the Interior had its own security force, the Sarandoy, in whose offices torture was also reported. Besides these three, Amnesty International listed other detention centers in Kabul where prisoners were reportedly tortured: the office of the military branch of KhAD, KhAD-i Nezami; KhAD “Office Number Five,” responsible for counterinsurgency, in Dar-ul-Aman; other departments called offices three and four; two private houses near the Sedarat, the Ahmad Shah Khan house and one in the Wazir Akbar Khan neighborhood; and the KhAD office in Hawzai Barikat district.<sup>50</sup> Amnesty International also reported torture in Pul-i Charkhi prison. Former prisoners interviewed by Human Rights Watch had been tortured in various places: Sedarat, Sheshdarak, KhAD Office Number Five, the house in Wazir Akbar Khan, and Pul-i Charkhi.<sup>51</sup>

6.35 As the Special Rapporteur mentioned, there were other centers in Kabul as well. A former bank employee whom Human Rights Watch interviewed in Peshawar on September 25, 1984, reported being taken to a KhAD center in Kart-i Seh, in southwest Kabul. A former KhAD agent described a new detention center: “In Shahrara there is a hill, and they have made rooms inside by digging tunnels. There is an underground jail there.”<sup>52</sup>

6.36 Amnesty International reported that each provincial center had its own KhAD office and detention center.

- (a) “Amnesty International has also received reports of torture at KhAD centres in the provincial cities of Bamian, Ghazni, Jalalabad, Kandahar, Lashkargah and Pul-i Khomri, and in the prisons of Kunduz and Mazar-i

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<sup>47</sup> Amnesty International, File on Torture.

<sup>48</sup> E/CN.4/1985/21 para. 87n.

<sup>49</sup> “Sedarat” means “Prime Ministry.” KhAD, before becoming a ministry in 1986, was formally part of the prime minister’s office. The principal office of KhAD was on a large compound formerly belonging to a member of the royal family in central Kabul between the main Sedarat compound and the Embassy of Iran.

<sup>50</sup> Amnesty International, Afghanistan: Torture of Political Prisoners 6–7.

<sup>51</sup> Amnesty International, Afghanistan: Torture of Political Prisoners; Helsinki Watch, Tears, Blood, and Cries; Asia Watch and Helsinki Watch, To Die in Afghanistan.

<sup>52</sup> Helsinki Watch, Tears, Blood, and Cries 134. Interview in Peshawar, September 30, 1984. Name withheld on request.

Sharif, although some people arrested in other cities were taken immediately to Kabul for interrogation in Sedarat.

(b) “In Kandahar, the headquarters of KhAD are said to be in the former house of Abdul Rahim Latif in Shahr-i Nau district, but most torture is reported to be practiced in a building known as the Musa Khan building. Another KhAD center in Kandahar from which torture was reported was described as Darwazan (Herat Gate).

(c) “In addition to KhAD centres and prisons, Amnesty International has interviewed people who said they were tortured in military posts.”<sup>53</sup>

6.37 Dr. Mohammad Azam Dadfar reported treating former detainees who had been tortured in twenty-four of what were then twenty-nine provinces in the country.<sup>54</sup>

6.38 According to these human rights reports, people arrested in Kabul were usually taken first to one of the smaller detention centers for a preliminary investigation. They were asked to confess their crimes and were left alone for various periods of time. If they did not confess, the torture began, sometimes immediately, sometimes after a few days.<sup>55</sup> Usually, the prisoner was transferred to Sedarat after a relatively short period of time (perhaps only a few days).<sup>56</sup> In Sedarat the prisoner might again be given a chance to confess, but, according to a Human Rights Watch report, sooner or later there was likely to be more intensive torture.<sup>57</sup>

6.39 Prisoners were reported to be held completely incommunicado throughout the interrogation. According to a report from Human Rights Watch, the frequency and intensity of the torture appeared to be calibrated to the political importance and physical stamina of the prisoner. When KhAD finished the interrogation, the prisoner was transferred to Pul-i Charkhi Prison. In some cases, the interrogation continued there. Some of the most important prisoners were apparently interrogated in a special section of Pul-i Charkhi Prison. Some were kept in tiny cells where they could not stand up or stretch out and were tortured daily for as long as a year by Soviet officers aided by a few Afghans.<sup>58</sup>

6.40 In the provinces, arrested persons were brought first to the local KhAD office for preliminary interrogation. The more important prisoners were then transferred to a

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<sup>53</sup> Amnesty International, Afghanistan: Torture of Political Prisoners 7.

<sup>54</sup> Dadfar, Impaired Mind 11. The absent provinces were Kapisa, Paktika, Farah, Nimruz, and Badghis. These all had small populations, and three were extremely far from Peshawar, where Dadfar's clinic was located.

<sup>55</sup> Helsinki Watch, Tears, Blood, and Cries 135.

<sup>56</sup> Women and some other prisoners went immediately to Sedarat, while a few prisoners apparently stay for long periods of time in other detention centers. “Amnesty International was told of a man who was arrested by KhAD in June 1981 and held in Sheshdarak detention centre incommunicado until 1983” (Amnesty International, File on Torture).

<sup>57</sup> Helsinki Watch, Tears, Blood, and Cries 135.

<sup>58</sup> Helsinki Watch, Tears, Blood, and Cries 135.

detention center in Kabul for intensive interrogation. Most were sent to Sedarat, but some apparently went to the special section of Pul-i Charkhi.<sup>59</sup>

6.41 Dr. Dadfar's case histories documented a large range of torture techniques, listed in Box 6.1. The UN Special Rapporteur also received reports of various techniques of torture:

“With regard to the nature of the torture, the Special Rapporteur was apprised of a whole series of torturing techniques applied. A former officer of the security police in his testimony listed the following eight types of torture: giving electric shocks, generally to the genitals in men and the breasts in women; tearing out nails and introducing electric shock; preventing the prisoners from doing their business, so that after a time they are obliged to do it in the presence of other co-detainees (a technique designed to humiliate the prisoner); sticking pieces of wood in the men's anus (particularly applied to old and highly-respected prisoners); plucking out the beard of some prisoners, especially elderly men or religious figures; pressing on the prisoners' throats to force them to open their mouths while the guards urinate into them; setting police dogs on detainees; hanging them by the feet for an indeterminate length of time; raping women, tying their hands and feet and introducing a variety of objects into the vagina. The witness gave the following names of torturers he had known himself: Mohammed Rahim, Samad Azhar, Abdul Ghani and Farouq Miakhail.”<sup>60</sup>

6.42 Dr. Dadfar reported that ninety-eight percent of the victims he treated had been subjected to “beating with heavy whips, wooden sticks, cable wire, kicks, and punches.” Sixty-one percent reported being kept in isolation for periods of four days to nine months. Seventy-four percent were tortured with electric shocks. Forty-seven percent reported trauma to the head, leading to lasting headaches or dizziness, as well as two cases of post-traumatic epilepsy. Sexual torture was reported by seventeen percent of the patients.<sup>61</sup> He also reported on the lasting effects of the torture:

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<sup>59</sup> Helsinki Watch, Tears, Blood, and Cries 136.

<sup>60</sup> E/CN.4/1985/21 para. 86.

<sup>61</sup> Dadfar, Impaired Mind 12.



**Box 6.1** Methods of torture used by KhAD

Physical Torture	Psychological Torture
<ol style="list-style-type: none"> <li>1. Systematic beatings with wooden sticks, heavy whips and cable wire.</li> <li>2. Non-systematic beatings, punching, kicking, slapping and beating with rifle butts.</li> <li>3. Electric torture on sensitive parts of the body viz: tongue, etc.</li> <li>4. Direct trauma to the head.</li> <li>5. Suspension of the body by one hand or leg.</li> <li>6. Burning with lighted cigarettes.</li> <li>7. Genital torture (direct trauma to the sexual organ, hanging weight on testicles or blocking the urinary duct.)</li> <li>8. Phalanga torture.</li> <li>9. Pulling out of the hair.</li> <li>10. Placing the victim on barbed wire.</li> <li>11. Wrapping wire around fingers.</li> <li>12. Introducing a bottle, a hot egg or bullets into the rectum.</li> <li>13. Knocking out teeth.</li> <li>14. Pulling out nails.</li> <li>15. Fracturing different bones.</li> <li>16. Suffocating, burning.</li> <li>17. Burning the beards and pulling out the beards.</li> <li>18. Injuring the skin and putting salt on wounds.</li> <li>19. Pouring boiling water on head.</li> <li>20. Putting hot steel in the palms.</li> <li>21. Using chemical substances to cause irritation and itching.</li> <li>22. Pricking the tongue with pins.</li> <li>23. Tying to a tree for a long time and at the same time kicking and punching.</li> <li>24. Pulling the victim by vehicle with his hands and feet tied.</li> <li>25. Putting weights on the head.</li> <li>26. Putting the prisoner in cubic blocks.</li> <li>27. Drilling the thigh bone.</li> </ol>	<ol style="list-style-type: none"> <li>1. Verbal abuses, insult, humiliation.</li> <li>2. Sleep deprivation.</li> <li>3. Food deprivation.</li> <li>4. Water deprivation.</li> <li>5. Forcing the victim to witness others being tortured.</li> <li>6. Hard labour.</li> <li>7. Forcing him to eat contaminated food.</li> <li>8. Threatening the victim's family.</li> <li>9. Placing the victim in a dark room, where a bad smell provokes vomiting.</li> <li>10. Forcing him to stand for a long time in severe cold and snow or in the hot sun.</li> <li>11. Nakedness.</li> <li>12. Forcing him to walk while blindfolded.</li> <li>13. Taking blood from victims for military purposes.</li> <li>14. Isolation in bathrooms.</li> <li>15. Forcing him to look directly towards a 500 watt bulb for a long period.</li> <li>16. Keeping the victim in a damp cell with many kinds of insects.</li> <li>17. Forcing him to stand on one leg and to raise his hands.</li> <li>18. Showing execution and torture scenes to intimidate the victim.</li> <li>19. Deprivation of normal water and giving salty water.</li> <li>20. Forcing the victim to take unknown medicines.</li> <li>21. Threatening the victim with execution.</li> <li>22. Threatening the victim with long-term imprisonment.</li> <li>23. Preventing the victim from carrying out his bodily functions.</li> <li>24. Threatening to shoot the victim and shooting around him.</li> <li>25. Burying the victim up to his neck.</li> </ol>
Source, Mohammad Azam Dadfar, M.D., <u>The Impaired Mind</u> .	

“Physical symptoms like scars, burns, fracture, missing teeth, deformed finger joints, hemiparesia and deafness etc. are found in 61% of the victims. 89% of the victims are suffering from somatic pains such as headaches, migraine attacks, pain in the joints and bones, muscle cramps, gastric pains, dysurea etc. All of these victims suffer from mental disorders like irritability, aggressiveness, startle reaction, emotional disturbances, anxiety, depression, intellectual disorders and psychosomatic complaints.”<sup>62</sup>

6.43 Those Afghans who experienced torture did not view themselves only as victims. Dr. Dadfar described the interaction of the torturer and the tortured this way:

(a) “It is a challenge between the brutality and human dignity. There exist two poles, one side the torturer and his brutality and on the other side the suffering and dignity of the victim. The resistance of the victim against the act of torture is not just safeguarding the secrets but also a protest of human dignity and innocence. . . .

(b) “A prisoner who had been detained in Pul-e-Charkhi for five years says: ‘I did not have very important information to conceal. I was innocent (even for the enemy) but I did not want to speak. I chose to keep silent. I was subjected to terrible torture. I suffered a great deal. The torture was beyond the limits of normal human resistance but I bore it because I think my resistance to torture was a resistance to tyranny and to the suppression of free thought and free speech. I chose to resist torture and I considered my resistance a small part of the resistance of my people to invasion.’”<sup>63</sup>

6.44 Appendix 6.A contains a selection of testimonies about torture by victims, perpetrators, and other witnesses.

6.45 Specialized devices used for administering electric shocks were reportedly not manufactured in Afghanistan. One of the patients treated by Dr. Dadfar drew a diagram of one of these devices (Figure 6.1). A former police official from Qandahar told Human Rights Watch that during the monarchy, the Afghan police had imported electric shock batons from West Germany for use in controlling demonstrations. Sometimes, he said, they had also been used to torture criminal suspects. Col. Mohammad Ayoub Assil, a professor of criminology at the Kabul Police Academy until his defection in 1982, told Human Rights Watch in an interview in New York City on April 21, 1983, that shock batons had been imported from East Germany since 1978. The “earphones” and the “telephone box” described by various torture victims and depicted in Figure 6.1 were manufactured in the Soviet Union or East Germany, according to a former KhAD agent interviewed by Human Rights Watch in Peshawar on September 30, 1984. He said that he had seen markings on the equipment indicating their country of origin.<sup>64</sup>

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<sup>62</sup> Dadfar, *Impaired Mind* 15.

<sup>63</sup> Dadfar, *Impaired Mind* 6–7.

<sup>64</sup> Helsinki Watch, *Tears, Blood, and Cries*.

6.46 Several witnesses also described a torture device allegedly imported from the USSR or East Germany for the first time in 1984. An eighteen-year-old girl said she was tortured with it in Sheshdarak for fifteen days after her arrest in the fall of 1984 for distributing opposition leaflets.

“For the electric shocks there was a new machine brought from the Soviet Union. They fixed wires around the wrist. There was a chair on which they made you sit. They tied us to it and connected the wires to the electricity. Then they pushed a switch. The chair turned around in a circle. When they connected it to the electricity, the chair moved so fast it made me dizzy. I was tortured like this for fifteen days, between one and four in the morning. . . . We felt it was a Soviet-made machine, because the members of KhAD were talking about it among themselves, saying that the new imported machine works well and really makes the people confess easily.”<sup>65</sup>

6.47 Several former police and security officials also described this device. Col. Assil claimed it was imported from East Germany in 1984.<sup>66</sup> A former KhAD official had heard about it from friends who worked in detention centers: “There are wires, lines in the chair. You push the button, and the electricity starts. The chair also turns at 1,000 RPM.”<sup>67</sup>

6.48 Many testimonies described the role of KhAD’s Soviet advisers. A former KhAD official explained to Human Rights Watch:

“The Soviets have an office in Kabul controlling KhAD. The ordinary work, like collecting information, can be done by Afghans. Then they take it for analysis by Soviets. The office is in a former private house on Dar-ul-Aman Road, between Habibia High School and the Soviet Embassy.”<sup>68</sup>

6.49 According to some reports, Soviet advisers were also present in the interrogation centers. Amnesty International reported, “Many of the testimonies available to Amnesty International refer to the presence of Soviet personnel when prisoners are being interrogated under torture. In many of these cases, prisoners state that Soviet personnel are present during torture and participate in or direct interrogation while the physical application of torture is left to Afghans.”<sup>69</sup> Amnesty added, “In a few cases, allegations extend to some actual participation by Soviet personnel in the physical application of torture. . . . Allegations that Soviet personnel are present during torture and give orders for it to be inflicted have been made not

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<sup>65</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 57–58. Testimony of former student from Zarghuna High School; interviewed in Islamabad, August 28, 1985.

<sup>66</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 57–58. Testimony of Col. Mohammad Ayoub Assil, former professor at the Police Academy and director of the passport department, Ministry of the Interior; interviewed in Peshawar, August 17, 1985.

<sup>67</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 59. Testimony of a former official of the security apparatus; interviewed in Peshawar, August 17, 1985.

<sup>68</sup> Helsinki Watch, Tears, Blood, and Cries 146. Interview in Peshawar, September 20, 1984.

<sup>69</sup> Amnesty International, Afghanistan: Torture of Political Prisoners 17.

only regarding those present in KhAD centers but also regarding military personnel in the field.”<sup>70</sup>

6.50 Human Rights Watch cited some examples. A bank employee who was detained reported:

“The very important people are taken to be questioned by the Russians. There was someone like that in my room in Sedarat. He was a Khalqi. Part of his family was captured by the Russians, and they said that he was active with the mujahidin. They searched his house and found some acids.”<sup>71</sup>

6.51 According to a former physics student:

“Two of the people with me in the cell in Sedarat were interrogated by Soviets. They were more ‘guilty’ than I was. They had been employees of the U.S. Embassy, and they took them for CIA agents. Of course, they were just typists, and they had been working there with the consent of the Afghan government.”<sup>72</sup>

6.52 Qadratullah, a farmer from Qala-i Murad Beg, north of Kabul, told Human Rights Watch that he had been tortured by two Soviets with an Afghan interpreter, and the former bank employee reported that the head of KhAD office in Kart-i Seh was a Russian who spoke Pashto and Persian.<sup>73</sup>

6.53 A resistance fighter under Commander Abdul Haq of Kabul Province was arrested around February 12, 1983, the morning after he had helped destroy an electric pylon. According to Human Rights Watch, he was allegedly tortured first in the Fifth Office of KhAD (the counterinsurgency office) and then in Sedarat. He described the role of Soviets as follows:<sup>74</sup>

(a) “In KhAD Fifth Office Russians were coming and interrogating us. The Russians asked, ‘Where is your base? Why did you join the ashrrar [evil ones]? Why did you use rifles against the government?’ He had a translator, but he spoke Persian. I said, ‘I don’t have a base.’ He asked, ‘Why are you an ashrrar?’ I said, ‘We are not ashrrar, we are people working the land.’ If we agreed we are ashrrar, they would have killed us. During that session I was not tortured. The Soviets gave the order, and then the Afghans gave the torture.

(b) “In Sedarat there were many, many Soviets. There were many Soviet advisers supervising the interrogators, giving advice on how to give torture. They were working as sort of inspectors of the interrogators. One adviser

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<sup>70</sup> Amnesty International, Afghanistan: Torture of Political Prisoners 18–19.

<sup>71</sup> Helsinki Watch, Tears, Blood, and Cries 147. Testimony of a bank employee interviewed in Peshawar, September 25, 1984.

<sup>72</sup> Helsinki Watch, Tears, Blood, and Cries 147. Anwar-ul-Haq, former physics student in Kabul; interviewed in Peshawar, September 29, 1984.

<sup>73</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 147. Interviews in Peshawar on September 25 and 30, 1984.

<sup>74</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 64.

interviewed me there. He asked me, 'Why did you oppose the government and join the ashrrar? What was the main reason?' But if I told him, they would execute me. So I said, 'I am poor, a peasant's son, and I have never been an ashrrar.' He had an interpreter who spoke Persian. That time I was beaten, slapped, and kicked. The Soviet adviser beat me with his hand and kicked and punched me. Only Afghans gave the electric shocks, but the Soviets were ordering them to do it.

(c) "The Soviets asked more complicated questions. The Soviets would ask, 'Why did you destroy the pylons? Why did you want to cut off the electricity? Why did you become an ashrrar? Why do you destroy mosques, villages, government buildings?' The Afghans only asked simple questions, like, 'Where is your base? Why are you against the government?'"<sup>75</sup>

6.54 Several sources reported that many KhAD agents learned their trade during three- to six-month training courses in the Soviet Union.<sup>76</sup> A former KhAD agent also told Human Rights Watch that the Soviets had established a school near Kabul to teach interrogation techniques.

"I saw torture in Sheshdarak, and I also saw that some people are trained how to torture. The class was somewhere between Kabul and Paghman, in 'Company.' [An area where the headquarters of the American company that built the Kabul-Kandahar highway was located, which had come to be known as 'Company.'] I went there with someone important and saw them writing something on the blackboard. There are soundproof rooms where they beat and torture people there. They have these in the Ministry of the Interior, too. They show them theoretically and practically, and some have also gone to the Soviet Union."<sup>77</sup>

6.55 A Human Rights Watch Report quoted a mullah from Qandahar, Fida Muhammad describing his experience when he was taken to a temporary command center near Qandahar:

"After some beating the [Soviet] soldiers took me to a small container. There they put several straps around my ankles and wrists, then they put a small box on my head and tied it there. After that they put one string [wire] in one black box, and immediately I felt a strong shock. The shock was so huge that I shouted loudly, without any shame from my fellow villagers who were still outside in the Qila [small fort]. They repeated the shocks several times, then

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<sup>75</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 65. Testimony of Nader Khan, son of Muhammad Anwar Khan, twenty-three, of Tangi Gharo area, Deh Sabz District, Kabul Province; interviewed in Peshawar, August 21, 1985.

<sup>76</sup> See interview with Abdul Majid Mangal, charge d'affaires at the Afghan Embassy in Moscow until his defection in March 1984, Afghan Realities, May 15–31, 1984. See also Olivier Roy, "La politique de pacification soviétique en Afghanistan," in La guerre d'Afghanistan, ed. André Brigot (Paris: Documentation Française, 1984); and Edward Girardet, Afghanistan: The Soviet War (New York: St. Martin's Press, 1985).

<sup>77</sup> Helsinki Watch, Tears, Blood, and Cries 148. Testimony of a former KhAD agent; interviewed in Peshawar, September 30, 1984.

the translator came to the small room and told me, if you do not cooperate with us, we will kill you in such a terrible way.”

6.56 The Soviet soldiers also tied a noose around his neck, threw the rope over a mulberry tree, and pretended they were about to hang him. This went on for twenty minutes.<sup>78</sup>

6.57 In a July 23, 1984, interview, Dr. Robert Simon, an American specialist in emergency medicine who ran a clinic in Kunar Province in May 1984, described an old man who had lost his toes:

“He actually came for another complaint, but I asked him how he had lost his toes. He told me that the Russian soldiers made him stand barefoot in the snow while they asked him where the mujahidin were.”<sup>79</sup>

6.58 Human Rights Watch also reported that a French doctor, Gilles Albanel, treated a victim of interrogation during the Logar offensive of January 1983. The patient, a fifty-year-old man, had three gunshot wounds over a week old, in the wrist, leg, and arm. The doctors had to amputate (he did not specify which limb, or both). The man had been interrogated by a Soviet officer through an interpreter about the whereabouts of the “French doctors” in Logar: “After the questioning, these four old men did not reveal the information which was required, they were put up against the wall and executed.” The patient had been wounded but escaped with his life.

6.59 According to various reports, these policies changed for the better after the start of the policy of National Reconciliation under President Najibullah. In September 1987, after his first visit to Afghanistan, during which he reported that he received full cooperation from the authorities, Professor Ermacora reported that he had “received information from very reliable witnesses residing in Afghanistan that no cases of torture of the kind described in . . . previous reports had been reported during the past six months,” though ill-treatment in the prisons continued.<sup>80</sup> He reported some instances of torture the following years, but the policy did not appear to be systematic. In 1990 Human Rights Watch reported that “the practice of torture, which was systematic and widespread, has also declined but some forms of torture and mistreatment persist.”<sup>81</sup>

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<sup>78</sup> Yusuf Pashtun, the current governor of Qandahar who was then using the pseudonym “Engineer Ayoubi,” interviewed Fida Muhammad. He reported: “He showed the signs of blue scars and some bloodstained areas, and his ankles and wrists, which had scars like stripes due to electrification effects. He showed wounds on the head.” (Cited in Helsinki Watch, Tears, Blood, and Cries 148.) Amnesty International cited a former prisoner from Qandahar who was tortured with a “small device which looked like a microphone” hooked up to “a machine that looked like a computer screen.” A Soviet officer supervised the torture. See Amnesty International, Afghanistan: Torture of Political Prisoners 39.

<sup>79</sup> Helsinki Watch, Tears, Blood, and Cries 148.

<sup>80</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/42/667, 1987) para. 42.

<sup>81</sup> Asia Watch, Afghanistan: The Forgotten War -- Human Rights Abuses and Violations of the Laws of War since the Soviet Withdrawal (New York: 1991).

6.60 One exception was the treatment of those arrested in connection with the Tanai coup in March 1990. The UN Special Rapporteur, Amnesty International, and Human Rights Watch received reports that some of these detainees were tortured. Ermacora reported an allegation that Brigadier Abdul Sami Azizi had been tortured to death.<sup>82</sup> Amnesty International reported an incident as late as 1989, described by a former security officer, “in which a prisoner’s children were reportedly fetched and tortured in front of him in order to extract his ‘confession’ to alleged anti-state activity.”<sup>83</sup>

### **C. Forced Conscription, Including of Child Soldiers**

6.61 Professor Ermacora reported:

(a) “61. [I]n 1982, the regulations concerning the age for drafting into the army had been lowered to 15 years. There was forced conscription and the term of military service went up first from two to three years in 1982 and then to four years in 1984.

(b) “62. The Special Rapporteur had learned that the conscription goes on, depriving universities and schools from male students. In addition, it would appear that the conscription system is governed by severe discriminatory methods: for example, students belonging to families that adhere to the communist party or sympathize with it have the privilege of not becoming a member of the army at the age of 15, thus having the chance to continue their studies, at home or abroad.”<sup>84</sup>

6.62 According to human rights reports, those captured in such dragnets could be imprisoned in temporary detention camps in the field or turned over to KhAD for interrogation about the resistance. Most of them were ultimately inducted into the Afghan Army, often regardless of age or previous military service. Men and boys were reportedly forcibly enrolled and even killed in action without their families knowing anything, other than that soldiers took them away one day.<sup>85</sup>

6.63 Human Rights Watch reported on a number of forced conscriptions. Qadratullah, thirty-nine, a farmer and mujahid from Qala-i Murad Beg, a village just north of Kabul, was arrested by a mixed Soviet-Afghan army unit in his village in the summer of 1983 and taken in a Soviet armored vehicle to the KhAD headquarters in Sedarat. In an interview in Peshawar on September 29, 1984, conducted by Human Rights Watch, Qadratullah reported that he was tortured by a team of two Russians and a Parchami. He was sentenced to a year in prison. Upon his release from prison he

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<sup>82</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/45/664, 1990) para. 52; Amnesty International, Reports of Torture and Long-term Detention Without Trial ASA 11/01/91 (London: 1991) 4.

<sup>83</sup> Amnesty International, Reports of Torture and Long-term Detention Without Trial 4.

<sup>84</sup> A/40/843 (1985) para. 61–62.

<sup>85</sup> Helsinki Watch, Tears, Blood, and Cries 140.

was inducted into the army and sent to Qandahar, from which, after three months, he escaped with a group of twenty-six other soldiers.<sup>86</sup>

6.64 A student from Qandahar reported his detention, mistreatment, and forced conscription:

“They took us to Kandahar Jail in the Sarpuza quarter. Inside the prison they had a separate place for those arrested for military service. There were about 150 people there. Then they took us to another room, with about 40 to 45 other people. There was no carpet, and the floor was wet. It was Ramazan; we were fasting and could eat only at night, but they did not give us any food. For about twenty days we were just given a piece of bread in the evening, nothing else. Then some Russian advisers along with Afghan soldiers registered us for military service. We were sent to Mazar-i Sharif. We spent four days there, and then twelve of us escaped. We came back to Kandahar—it took us twenty-four days.”<sup>87</sup>

6.65 In 1986 and 1987, though political persecution and torture reportedly became less severe, according to human rights reports, forced conscription of prisoners remained an extremely common practice, even for prisoners arrested for anti-regime activity. A Human Rights Watch report noted that on April 26, 1987, the DRA published a decree providing for certain categories of prisoners to be pardoned and then conscripted rather than released. Human Rights Watch recounted several cases of such forced conscription in detail.<sup>88</sup>

6.66 As noted above, the DRA lowered the age of conscription to fifteen years and sometimes forcibly enrolled children who were even younger in the army. In addition to child soldiers, however, both sides in the Afghan conflict allegedly also used children to spy and assassinate. According to reports, sometimes children trained by the Soviets were captured, deprogrammed, and sent to spy for the resistance. In 1986, Ermacora reported to the General Assembly:

“A 16-year-old boy informed the Special Rapporteur that he had been sent to the Soviet Union against his will, trained for two months in espionage and forced to collect information on the activities of opposition movements based at Peshawar.”<sup>89</sup>

6.67 As reported by Human Rights Watch, a former KhAD official claimed:

“They have an organization called Pioneers, for teenagers or younger children. They send them to the Soviet Union. Then after six months’ training or so they come back, and then they are sent to different areas to collect information.

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<sup>86</sup> Helsinki Watch, Tears, Blood, and Cries 140.

<sup>87</sup> Helsinki Watch, Tears, Blood, and Cries 130. Muhammad Ashraf, eighteen, former high school student from Qandahar; interviewed in Quetta, October 3, 1984.

<sup>88</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict.

<sup>89</sup> A/41/778 (1986) para. 51.



Last year about ten of them were captured in Panjshir, and some were also captured in Ghazni and Herat, and other places.”<sup>90</sup>

6.68 Mohammad Eshaq, representative of Ahmad Shah Massoud in Peshawar and a political officer of Jamiat-i Islami, also referred to the cases of child spies captured by Massoud in Panjshir:

“They are using children. And mujahidin are setting them free. The Communists are using them against mujahidin, but after some time the mujahidin are giving them back to their families, in Kabul. So this is a very humanitarian gesture, but it is one-sided, because they are not stopping that. They are doing it over and over and over. And some of these children are under the age of twelve, or ten, so it’s very difficult to try them. And when they send them, they don’t think about their safety at all. A boy who is from Paktia [a Pashtun area] is sent to Panjshir [a Tajik area]. He is immediately recognized. These people have been sent to the Soviet Union as Pioneers, and these people have been sent to Peshawar as well, and these people have also been captured. But this is a problem. Because some of them, their families do not know about them. They have been taken by force and sent somewhere.”<sup>91</sup>

6.69 A number of these children were allegedly captured by the resistance and were being held in re-education centers in Pakistan. Human Rights Watch had the opportunity to interview some of them, and documented their cases. As one example of such documented cases, a boy named Naim, by then about twelve years old, told Human Rights Watch in Peshawar on August 18, 1985,<sup>92</sup> that he had been attending school in Qandahar when a Soviet officer took him and three other students to an office of the Youth Organization behind the Qandahar garrison, where he lived for seven months, going home only on Fridays. He then went to a location outside Tashkent, then in the USSR, together with six other Afghan boys: “Some of them said that their fathers forced them to go, and some of them said that they were there without the permission of their parents. They were taken from schools. They were not orphans. The parents didn’t know they were there.” He stayed in the USSR for six months. He learned to use weapons and was taught to spy on and assassinate mujahidin:

“After breakfast, we were taken by vehicles to an army base. There they taught us to use pistols, Kalashnikovs. We learned that we should go to the centers of mujahidin and tell them that we are orphans, ask for money from them, spend the night there with them, and then come and report. They taught us that the

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<sup>90</sup> Helsinki Watch, Tears, Blood, and Cries 190. Testimony of a former KhAD agent, interviewed in Peshawar, September 30, 1984.

<sup>91</sup> Helsinki Watch, Tears, Blood, and Cries 190. Engineer Mohammad Eshaq, representative of Panjshir Valley resistance commander Ahmad Shah Massoud; interviewed in Peshawar, September 24, 1984. Eshaq represented Massoud in Washington in 2000–2001 and served as director of Radio-Television in Afghanistan 2003.

<sup>92</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 85–87. Reuters, London, June 12, 1984, had previously carried an account of Naim, who was interviewed by a young Briton named Adam Holloway.

Americans and the Chinese were in Afghanistan. In the afternoon they took us for volleyball.”

6.70 When he returned to Afghanistan, he went back to living in the Youth Organization office behind the Afghan division in Chawk-i Shahidan in Qandahar. He was paid af. 1,000 (\$20 at the official exchange rate at the time) per month. He claimed to have been the commander of other boys who had not gone to the USSR. He reported that they were seven to nine years old. He claimed that they would try to ambush mujahidin, and that he would take wounded children from his group to the hospital. He told of one battle on the outskirts of Qandahar where some of the boys were killed:

“One time there were two hundred kids, and one hundred of them were wounded by bombs. I was hit here [indicating over left eyebrow]. Some of them were killed, I don’t know how many. This was in Mahalajat, three kilometers from Kandahar. We were going in front of a Soviet convoy. The Soviet forces were going after the mujahidin, and we were going in front. Then fighting started between the mujahidin and the Russians. And all of a sudden the jet fighters came and bombed that area. We were just walking in front of the Russians, with our pistols out. The secretary of the Youth Organization told us to go to Mahalajat, because the Russian forces were going there, to get reports about where the mujahidin were. I remember a few names of boys who were killed: Nasir, Bashir, Wali Mohammad, Torialai, Gol Jan, Gholam Ali, Nangialai.”<sup>93</sup>

#### **D. Conditions of Detention and Imprisonment**

6.71 Interrogation and torture took place in KhAD detention centers, where abysmal conditions reportedly became an integral part of the torture process designed to break the prisoner. Detainees held in Sedarat described conditions similar to those that prevailed in Pul-i Charkhi in 1978–79: overcrowding to the point where the prisoners could not sit, no furnishings, lice and bedbugs everywhere, toilet visits in groups once a day, prisoners with diarrhea who soiled the cell.<sup>94</sup>

6.72 Amnesty International also reported on a provincial prison in the far northwest of the country:

“I was arrested in Daulatabad [Faryab] on February 28, 1982. They took 80 peasants to Andkhoy prison. Throughout the journey we were blindfolded, and for the whole month I was imprisoned in Andkhoy it was the same. My cell was dark, without any light, 3 m by 2 m. . . . Then [after beatings] they took me to a subterranean prison, also in Andkhoy. There were five cells underground. There were 130 prisoners in my cell. We did not wear blindfolds, but the cell had no light. All we had to eat was dry bread.”<sup>95</sup>

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<sup>93</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 85–87.

<sup>94</sup> Helsinki Watch, *Tears, Blood, and Cries* 150. Anwar-ul-Haq, former physics student; interviewed in Peshawar, September 29, 1984.

<sup>95</sup> Testimony of a shepherd from Faryab Province. Quoted in Amnesty International, *Amnesty International Newsletter* 5, *File on Torture*.

6.73 After interrogation by KhAD, most prisoners were reportedly transferred to Pul-i Charkhi Prison, where they often waited for many months without being charged or tried. The exact number of prisoners in Pul-i Charkhi Prison in the early and mid-1980s was not certain. According to an Amnesty International report published in 1986, “estimates of the total number of prisoners vary, but Amnesty International believes that it is probably well in excess of 10,000. One block is said to be occupied by ordinary criminal prisoners, but they were estimated to be not more than about 1,000 of the total in prison.”<sup>96</sup> In 1989 the UN Special Rapporteur reported that the government claimed to have released 16,110 prisoners since 1986.<sup>97</sup>

6.74 Conditions varied among the blocks, which were (are) arranged like the spokes on a wheel. There was a separate section for women. Testimonies from former prisoners give some idea of the miserable conditions to which prisoners were subjected before the prison population was reduced after 1986. Journalist John Fullerton described the experience of Tobah Hamid, a former university student who had been imprisoned in the women’s section of Pul-i Charkhi after forty-six days in KhAD detention:

“She joined 34 other women in a large cell, including a nine-year-old girl and two female informers. The place was bare save for the constantly burning light bulb and a few blankets the more fortunate inmates had managed to obtain on the all-too-rare family visits to the jail. Washing was not permitted. All the women suffered from body sores. Tobah still bears the scars. Most of them were sick most of the time. All had been tortured with varying degrees of severity. They were forbidden to talk to each other. They could not see out of the room and sunlight did not penetrate the small, barred window. The highlight of their existence consisted of a twice-daily visit to the lavatory.”<sup>98</sup>

6.75 Qadir, a former university student who was imprisoned in Pul-i Charkhi Prison in 1980, told Human Rights Watch in an interview in Peshawar on September 29, 1984, about humiliation associated with access to toilet facilities and severe overcrowding:

(a) “There were a lot of strange and criminal stories. There was a retired army officer, an old man. One day he had blood diarrhea. The diet gave everyone diarrhea; it was rare to have a normal stomach. Once he tried to go to the bathroom, but it was morning. The guard told him, ‘Shut up! You are ashraf! You burned schools and the Holy Koran.’ The old man was nearly dying. He forced open the door and ran to the bathroom. The guard took a belt and hit him, and when he came back, his face was all covered with blood.

(b) “For seven or eight nights I was alone in a very dark room. I couldn’t see anyone but the guard, who threw me a piece of bread now and then. Then I

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<sup>96</sup> Amnesty International, *Afghanistan: Torture of Political Prisoners* 22.

<sup>97</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1989/24.) para. 34.

<sup>98</sup> John Fullerton, *The Soviet Occupation of Afghanistan* (Hong Kong: Far Eastern Economic Review, 1983) 141.

was brought into a room with about twelve people. Once one of them had his whole back on the ground, and this caused a quarrel. People asked, 'Why are you putting your whole back on the ground?' There was not enough room! At night, when we wanted to turn on our shoulder, we had to wake all the other prisoners.

(c) "In twenty-four hours we could go once to the bathroom for five minutes, at six o'clock. You know, defecation is a natural thing. Some people were in urgent need of it, so we stood up and held our patous [a type of cloak worn in the winter] around them, and they did it in the cell."<sup>99</sup>

6.76 As reported by Human Rights Watch, a former official of Pul-i Charkhi told Human Rights Watch of a special block of cells where "dangerous" prisoners were kept chained in cages, with no room to stand up. He drew a diagram, showing a three-story building inside and to the left of the main gate. He knew these cells from various perspectives:

"I was the commander there, and then I was imprisoned there [under the Taraki regime]. I spent eight months there, because I permitted some prisoners to walk in the sun. At that time the construction had not been completed, but now it is completed. There is no central heating. Actually, it has a heating system, but they don't turn it on, because they want the prisoners to be cold."<sup>100</sup>

6.77 In a separate interview in a different year, a former prisoner confirmed the description to Human Rights Watch: "We were in a cage in Pul-i Charkhi. In this cage, you can't stand up, and we were handcuffed to the side of the cage."<sup>101</sup>

6.78 These conditions set off a hunger strike by some of the prisoners in May 1982. Two of the former prisoners Human Rights Watch met, civil engineer Muhammad Nabi Umarmhel and high school teacher Dad Mohammad, had participated in the strike. Dad Muhammad was considered a leader, and hence his sentence was lengthened by six months. He described it as follows in the Human Rights Watch report:

"In Jauza 1361 [May–June 1982] we started a movement in jail over the difficulties in prison. There was no good food, too many were sick, there was no medicine. There was one bathroom for five hundred people. The condition of the food was so bad that many had dysentery. The electricity didn't work because the mujahidin had cut the power lines. The water was scarce, and we couldn't wash. In each block there was one doctor, and he was for the KGB agents, not the prisoners. The worst torture was the lack of bathrooms. Prisoners could not speak to each other. Every Friday night we were all searched. There was psychological torture: they would wake us up at night and

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<sup>99</sup> Helsinki Watch, *Tears, Blood, and Cries* 152–153.

<sup>100</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 67–68. Testimony of former official of Pul-i Charkhi Prison; interviewed in Peshawar, August 25, 1985.

<sup>101</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 68. Testimony of Muhammad Hasan, former employee of the Ministry of Water and Power in Kabul, where he worked as an agent of the Jamiat-i Islami resistance party; interviewed in Islamabad, August 28, 1985.

check us. There were so many prisoners we could not lie on the floor. Most couldn't walk, from sitting on their knees for a long time on the concrete floor. There were many parasites, lice. We started a hunger strike. Twenty of us were punished our sentences were increased. Most of the people were just beaten.”<sup>102</sup>

6.79 When the prisoners started a hunger strike, Engineer Umarchel said, the guards threatened them:

“They warned us, ‘If you don’t eat the food, you will be responsible for what the government will do.’ Soldiers came with guns and started beating us in the rooms. They moved people from the second block [where the strike began] to the third block. They tortured people in the first and second blocks. Then they started the investigation. They put about seventeen persons they considered leaders in a small room. They took their patous [cloaks, used for warmth and as blankets] and shoes away. The room was all wet with water. They brought more water two or three times. In the morning they started the investigation. But they punished us before the investigation.”<sup>103</sup>

6.80 Starting in 1987, the Special Rapporteur reported a series of amnesties that reduced overcrowding in the prisons and continual, if gradual, improvement in prison conditions. Human Rights Watch echoed these observations.<sup>104</sup> These trends generally continued until the collapse of the government in April 1992, though there were instances of repression in relation to specific events, such as the Tanai coup in March 1990.

6.81 After the attempted coup by Defense Minister Shahnawaz Tanai in March 1990, Human Rights Watch reported arrests of 644 people held without any legal procedure for up to several months. In marked contrast to previous years, Human Rights Watch was able to discuss these arrests in Kabul with President Najibullah and the Minister of State Security (WAD, the new name of KhAD), Ghulam Faruq Ya’qubi.<sup>105</sup>

## **E. Trials, Sentences, and Executions**

6.82 According to testimonies given to Human Rights Watch, some prisoners—presumably judged “not guilty”—would wait in prison, often for months, without charges or a trial, and then be released without explanation.<sup>106</sup> Reportedly, they often had to sign a pledge not to oppose the government as a condition of release.

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<sup>102</sup> Helsinki Watch, Tears, Blood, and Cries 154. Dad Muhammad, interviewed in Peshawar, September 26, 1984.

<sup>103</sup> Helsinki Watch, Tears, Blood, and Cries 154. Muhammad Nabi Umarchel, interviewed in Peshawar, September 27, 1984.

<sup>104</sup> E/CN.4/1989/24 para. 25, 34–36, 40; Asia Watch, The Forgotten War.

<sup>105</sup> Asia Watch, The Forgotten War.

<sup>106</sup> Helsinki Watch, Tears, Blood, and Cries 156.

6.83 Those considered guilty were presented with a document called the surat-i da'awa, a "statement of accusation" or indictment issued by KhAD. Former high school teacher Dad Muhammad showed Human Rights Watch his surat-i da'awa. Under KhAD letterhead, it listed the conclusions of the investigation, named the laws under which the defendant was charged, and recommended a sentence to the Revolutionary Court.<sup>107</sup>

6.84 A prisoner could not meet with family members or lawyers, confront witnesses, or prepare a defense. According to human rights reports, in many cases the main evidence was a confession obtained under torture, and prisoners were at times not informed of their trial until the night before it was to begin. They were reported to have been transferred to Pul-i Charkhi Prison to the KhAD's headquarters in Sedarat, where the Special Revolutionary Court held its sessions.<sup>108</sup>

6.85 Amnesty International commented on the lack of due process:

"No accounts suggest that prisoners tried by special revolutionary courts have had access to defence counsel or that either defence or prosecution witnesses are present. . . . Members of special revolutionary courts are PDPA members and in some cases recruited from KhAD itself; most do not have a legal or judicial background. Hearings are not public and relatives are unaware that trials are taking place, although a few trials are filmed for showing on television."<sup>109</sup>

6.86 KhAD, rather than the court, determined innocence or guilt. The court reportedly confirmed KhAD's guilty verdict and determined the sentence in accord with the recommendation of KhAD. Human Rights Watch reported that they had not heard of a single case in which someone judged guilty by KhAD was found not guilty by the court.<sup>110</sup>

6.87 The procedure was reported to be similar in the provinces, except that there were no regular sessions of the revolutionary courts there. From time to time judges of the Special Revolutionary Court came from Kabul to hold sessions. Abdul Wahid, who was in prison in Jalalabad for two years and seventeen days, described to Syed Fazl Akbar (former director of Radio Kabul and, in 2004, governor of Kunar province) a visit by members of the special revolutionary court to the Jalalabad central jail:

"The Communist judges ordered the execution of the 12 detainees who were lying there without trial for the last more than two years. . . . 200 more detainees were punished with from 3 to 20 years of imprisonment because they defected from the army. With some of them they had captured cards of the mujahidin groups. I was also imprisoned for 3 years without knowing the

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<sup>107</sup> Helsinki Watch, Tears, Blood, and Cries 156.

<sup>108</sup> According to Human Rights Watch, "A number of people we interviewed referred to it as 'KhAD court.'" Helsinki Watch, Tears, Blood, and Cries 157.

<sup>109</sup> Amnesty International, Afghanistan: Torture of Political Prisoners 21.

crime and the charge of my imprisonment. All the comments by KhAD department regarding these detainees were confirmed by the judges.”<sup>111</sup>

6.88 These courts could also impose the death penalty, which had to be confirmed by the Revolutionary Council, but which could not be appealed by the defendant. The Special Rapporteur noted in 1985 “that there is no judicial appeal against death sentences handed down by the Special Revolutionary Court in Afghanistan and that there is no record of amnesty, pardon or commutation of the death sentence,” which contradicted the International Covenant on Civil and Political Rights, to which Afghanistan was a party.<sup>112</sup>

6.89 When Babrak Karmal became President of the Revolutionary Council of the DRA in 1980, he stated that the government deemed it its urgent duty to “abolish executions under favorable conditions.”<sup>113</sup> He repeated these assurances to representatives of Amnesty International in Kabul in February 1980.<sup>114</sup> Nevertheless, the government continued to announce executions for several years, and the number increased dramatically after September 1984.<sup>115</sup> Moreover, reports cited below from former prisoners, defecting officials, and defecting prison personnel all claimed that actual executions far outnumbered those publicly announced.

6.90 In 1980 the Kabul government announced eighteen executions, including seventeen former officials of the government of Hafizullah Amin and Abdul Majid Kalakani, leader of SAMA, the largest leftist party in the armed resistance, which also organized many of the student demonstrations in Kabul. The Alimyar brothers, Muhammad Siddiq and Muhammad Arif, who were reportedly charged with killing Mir Akbar Khyber and other “terrorist acts” on behalf of Hafizullah Amin, were among those reported executed at that time.<sup>116</sup> In July 1982 KhAD succeeded in capturing nineteen members of SAMA’s central committee. The family of one, Engineer Zamari Sadiq, subsequently learned of his execution; the fate of the others was presumed to be the same by human rights organizations.<sup>117</sup>

6.91 In 1981 Kabul identified fourteen people who were executed. Sixteen executions were announced in 1982 and thirteen in 1983.<sup>118</sup> In 1984 the government announced sixty-eight executions and seventy-seven death sentences. In 1985 the

<sup>110</sup> Helsinki Watch, Tears, Blood, and Cries 158–160, has several examples.

<sup>111</sup> Afghan Realities, May 1–15, 1984: 5.

<sup>112</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1986/24) para. 53.

<sup>113</sup> Kabul Times, January 1, 1980.

<sup>114</sup> Amnesty International, Annual Report 1980 179.

<sup>115</sup> Helsinki Watch, Tears, Blood, and Cries 159.

<sup>116</sup> According to Afghanistan Justice Project, Candidates and the Past: The Legacy of War Crimes and the Political Transition in Afghanistan (October 2004) 17, a former Khalqi, Muhammad Siddiq Alimyar, who was involved with the killings in Kilara/Kerala, Kunar is alive and living in the Netherlands.

<sup>117</sup> Amnesty International, Democratic Republic of Afghanistan: Background Briefing, October 1983. SAMA is an acronym for Sazman-i Azadbakhsh-i Mardum-i Afghanistan (Liberation Organization of the People of Afghanistan). It is often described as Maoist.

government announced forty death sentences but seemed to stop announcing executions. Amnesty International believed that “these represented only a proportion of the total number of cases in which death sentences were imposed and carried out.”<sup>119</sup>

6.92 Professor Abdul Ahad of the Agricultural Faculty of Kabul University was reported to have stated that, during his seven-month stay in Pul-i Charkhi from June 1982 to January 1983, he saw a total of three hundred men taken out for execution at night, their mouths gagged and their hands tied behind them.<sup>120</sup> As’ad, an engineering student at Kabul University, was in Pul-i Charkhi twice, with a hiatus between December 1982 and April 1983. When he returned in April 1983, prisoners allegedly told him four hundred people had been executed while he was gone.<sup>121</sup> K., a high school student, told Human Rights Watch on September 24, 1984, that he saw twenty-five people executed at the Polygon field in fifteen days while he was in prison in 1981.<sup>122</sup> Engineer Muhammad Nabi Umarchel, interviewed in Peshawar on September 27, 1984, told Human Rights Watch, “Under Babrak many of the prisoners have been killed. . . . Silently, during the night, they were transferred for killing. Only a few persons are announced, the most famous. Sometimes they don’t inform the person he is to be killed. At the trial the judges say, ‘We will deal with your case later.’ Then they come and kill them. Thousands have been killed. This process is current.”<sup>123</sup>

6.93 On April 26, 1985, Reuters reported from New Delhi that Muhammad Yusuf Azim, a Supreme Court judge who had fled to India, “said he knew of at least 100 cases in which it had been announced that people had been sentenced to death by the special courts. Many others were executed and their sentences recorded by the courts after the executions.” He added, “Many of these victims never appear in court, and in these instances the special courts do not even know them.”

6.94 As reported in human rights documentation, former prisoners indicated that dozens of prisoners (perhaps as many as a hundred or more a week) were taken at night from Pul-i Charkhi for execution, and that executions (sometimes including extra-judicial executions) continued in other prisons around the country. Additional testimonies about these executions selected from human rights reports published in the 1980s are presented in Appendix 6.B.

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<sup>118</sup> Based on Amnesty International, Democratic Republic of Afghanistan: Background Briefing, October 1983, Appendix 2, and wire service reports, cited in Helsinki Watch, Tears, Blood, and Cries 160.

<sup>119</sup> Amnesty International, Annual Report 1985 (London: 1985) 197; Amnesty International, Annual Report 1986 (London: 1986) 207; Amnesty International, Afghanistan: Torture of Political Prisoners 3.

<sup>120</sup> Unpublished interview with Börje Almquist, Swedish journalist, cited in Helsinki Watch, Tears, Blood, and Cries 160. Professor Abdul Ahad was later the principal author of the Agricultural Survey of Afghanistan, carried out by the Swedish Committee for Afghanistan. He now lives in the US.

<sup>121</sup> Afghan Information Centre Monthly Bulletin, 35, February 1984: 2–4, cited in Helsinki Watch, Tears, Blood, and Cries 160.

<sup>122</sup> Helsinki Watch, Tears, Blood, and Cries 162.

<sup>123</sup> Helsinki Watch, Tears, Blood, and Cries 162.



6.95 In 1988 the government of Afghanistan informed the UN Special Rapporteur that it had abolished the Special Revolutionary Courts and replaced them with a new system of national security courts, which, like other courts (but unlike the Special Revolutionary Courts) came under the jurisdiction of the Supreme Court. The Special Rapporteur characterized this change as an improvement that still did “not fully guarantee the rights of the accused.”<sup>124</sup>

6.96 The death penalty continued to be imposed, but the number of executions was reported to diminish, and the administration of the death penalty was brought under greater judicial control. Ermacora reported in 1990:

“Death sentences are still being pronounced but the respective trials follow a more regulated procedure and appear to be less arbitrary than before. The Special Rapporteur was also informed that capital punishment is applied in cases of terrorist acts or mass killings.”<sup>125</sup>

6.97 President Najibullah told Human Rights Watch in Kabul in 1990 that there had been a moratorium on carrying out death sentences since 1989.<sup>126</sup> Amnesty International stated, “Dozens of people are reported to have been extra-judicially executed following the coup attempt” by Tanai and Hikmatyar in March 1990, and Human Rights Watch cited Pakistani press reports that fifty-four people had been sentenced to death for participation in that event.<sup>127</sup>

## **F. Deportation or Forcible Transfer of Population**

6.98 During the period 1984–1986, Afghans who spoke to the UN Special Rapporteur and human rights organizations told of the forcible separation of some children from their parents or family to be sent to the USSR without their consent. These abuses reportedly occurred as a result of programs administered by the Soviet Union and the DRA to send Afghan children to the USSR for either short or long periods of study.

6.99 According to Professor Ermacora, writing in 1986:

“The transfer of Afghan children abroad is effected through an institution known as ‘Perwarischgahi watan’ (homeland nursery) which was established in the former premises of the Afghan Red Crescent in Kabul in 1982. It is headed by Mrs. Karmal [wife of Babrak Karmal] and supervised by Dr. Naguib [i.e. Najibullah], the former head of Khad, which was recently transformed into ministry of State security. Outposts of this institution are also situated in the provincial capitals. According to the Kabul Times, such institutions exist in the cities of Kandahar, Jalalabad, Herat, Mazar-i-Sharif,

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<sup>124</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/43/742, 1988) para. 53.

<sup>125</sup> A/45/664 (1990) para. 56.

<sup>126</sup> Asia Watch, The Forgotten War 92.

<sup>127</sup> Amnesty International, Afghanistan: Reports of Torture and Long-Term Detention without Trial ASA 11/01/91 (London: 1991); Asia Watch, The Forgotten War 93.

Shiberghan, Lashkar Gah and Farah. The institution is organized on two levels, darulaman, organized like a kindergarten and afshar which takes children from 8 to 12 years. [Professor Ermacora here apparently confused the locations of the two branches, in the western Kabul neighborhoods of Darulaman and Afshar respectively, with their names.] The children in the institution are primarily orphans of soldiers of the Afghan army killed in the present conflict, children of Party members who are willing to send their children to the institution and children of members of the militia in the provinces. The Special Rapporteur was also informed of instances of children of parents who are not Party members being enrolled at the institution against their parents' will, the families being informed only subsequently. Several witnesses informed the Special Rapporteur that, in addition, the children of detainees were taken to these institutions. Children between the ages of 8 and 10 are expected to spend 10 years in the institution, during which period they will also be trained abroad; the Special Rapporteur was told that the curriculum in the institution consisted of a general introduction to Marxism and Leninism, Russian language classes, musical education and according to certain witnesses, training in propaganda techniques."<sup>128</sup>

6.100 During the shorter tours abroad, children reportedly were sometimes required to engage in manual labor, as was common in Soviet Central Asia under the guise of "voluntary labor" by the Pioneers and Youth Organization, each of which had a homologue in Afghanistan.<sup>129</sup> An eleven-year-old from Kabul told how frightened he was that he would be sent to the USSR to work by the Peshahangan, who took students to the USSR "to pick apples or corn. Three times I ran away from the school to keep from going to Russia."<sup>130</sup> A former teacher told of her students' experience:

"They were sending seventh and eighth grade students to the Soviet Union. When they came back, they were weak, worn out. I asked them why. They said, 'They were taking us by bus and forcing us to work on a farm or to wash carpets. We were forced to work a lot in Russia [the USSR].' They were sad and upset. They were also from our school."<sup>131</sup>

6.101 A number of reports claimed that force or deceit was sometimes used either to get the children to go or to lengthen their stays. A former teacher claimed that in her school the Pioneers and Youth Organization would send children to the USSR without their parents' permission, and she named two boys, Ilyas and Iqbal, eleven or twelve years old, who "went to Russia without their parents' agreement."<sup>132</sup> Dr. Zakia Bayati Safi, an obstetrician-gynecologist who had studied in the USSR (Sebastopol, Crimea) for seven years, told Human Rights Watch that parents "had no right to refuse" to send their children to the USSR: "They had to send them because of the fear that the

<sup>128</sup> E/CN.4/1986/24 para. 65.

<sup>129</sup> Rumer, Central Asia: A Tragic Experiment; Ron Synovitz, "Uzbekistan: Little Progress Seen in Agricultural Reforms," RFE/RL Report (February 25, 1997).

<sup>130</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 72. Testimony of eleven-year-old former student at Deh-i Naw school, Kabul; interviewed in Peshawar, August 21, 1985.

<sup>131</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 73. Testimony of former teacher from Kabul; interviewed in Peshawar, August 25, 1985.

<sup>132</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 73.

government will punish them. . . . When I asked [coworkers in Kabul], ‘Why do you send your small children to the Soviet Union,’ they said they had to, because there was no other way. I heard this personally from many patients I examined, from teachers, from nurses in the hospital.”<sup>133</sup> An eleven-year-old former student said that two of his classmates, Naqib and Shah Jahan, were supposed to go to the USSR for three months but were then told they would go for ten years. The parents protested, but the students left. Naqib returned after a year and a half, and at the time of the interview, two years after the event, Shah Jahan had reportedly still not returned. The same student reported that when he was in third grade in Deh-i Naw School in Kabul, a uniformed official (he said “policeman”) came to the school and took some students to go to the USSR, including Bashir, a fellow student from Panjshir whose father had died.<sup>134</sup> A former executive of a state corporation told Human Rights Watch:

“Some parents were arrested. He was my close friend. He had three children—I forgot the school’s name—in Kart-i Parwan. Two times they said, leave these children to send them to Soviet Union. They were eight and eleven. The name of their sons, one was Hamed, and the other was Seddiq. They were sent by force to the Soviet Union, and their father, Wali Jan, and his wife [named Seddiqa], they are in jail right now. Wali Jan was an ordinary man in private business, in the bazaar. He was in the business of spare parts for automobiles. First they arrested the parents, and then they sent the children. They were arrested about forty-five days ago. You know, this story happened, I saw it happen, and also there was a question to me, and this was the cause that I came to here.”<sup>135</sup>

6.102 Another Afghan woman obstetrician-gynecologist, interviewed at the Lycée of the Martyr Nahid in Peshawar, told Human Rights Watch on August 26, 1985, that one of her colleagues at work in Kabul was forced to search houses in poor neighborhoods of Kabul (Deh Mazang and Jamal Mina) “and find all those children who had no fathers and were being kept by their families.” She went on:

(a) “Their families were very sad and unhappy, and the mothers were crying. They took some kind of note from all of them and made a list. Then some soldiers came with a vehicle and took the children out from the houses by force, took them to the airport, and flew them to the Soviet Union. Of course, this was by force, not by their own will. No family, no matter how poor or hungry they are, could willingly send their innocent children to the Soviet Union, where they have no future.

(b) “When this colleague of ours came, this colleague of ours was one of those party members, and she was working for them, and she herself told us with her own tongue, ‘We have collected three thousand children from the

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<sup>133</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 73. Testimony of Dr. Zakia Bayati Safi, obstetrician-gynecologist, twenty-nine, of Kabul; interviewed in Peshawar, August 22, 1985.

<sup>134</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 73–74. Testimony of eleven-year-old former student quoted above.

<sup>135</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 78–79. Testimony of former executive of a government corporation, interviewed in Peshawar, August 19, 1985.

houses in one month.’ She was a girl with human feelings, and she was crying and saying, ‘We took people by force from their houses and sent them to the Soviet Union.’”<sup>136</sup>

6.103 Fahima Naseri, the former science teacher who was tortured several times in KhAD, also reported several cases in her school:

(a) “I know of students sent to the Soviet Union. I myself am a teacher, and they took students from my own classes, between seven and twelve years old. One of my students, Shah Wali, about twelve years old, was taken to the Soviet Union. His parents came and asked the principal, ‘Where is our son?’ The principal said, ‘I don’t know. He is lost.’ This was last November [1984] in Ahmad Khan School in the Rika Khana neighborhood [of Kabul].

(b) “Then there was an old man, the school watchman. He had two sons, and he was a rather poor man. His wife, the mother of his sons, had died, and he had remarried. They asked him to send his sons to Parwarishgah-i Watan. They told him, ‘You are poor, and they will be well taken care of there.’ Finally he agreed and took them to Parwarishgah-i Watan. One day I greeted him and asked, ‘How are your sons?’ He said, ‘Madam, a misfortune has struck me. They have sent my sons to the Soviet Union.’”<sup>137</sup>

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<sup>136</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 80–81. Testimony of Afghan obstetrician-gynecologist, interviewed in Peshawar, August 26, 1985.

<sup>137</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 80–81. Testimony of Fahima Naseri, teacher; interviewed in Peshawar, August 27, 1985.

## Appendix 6A. Selected Testimonies of Torture

6A.1 The following extracts from testimonies illustrate the pattern of torture and interrogation.

6A.2 Testimony of Shafaq Torialai, twenty-eight, an army officer working for one of the resistance parties (Harakat-i Inqilab-i Islami) when he was arrested in February 1982 at his base in Ghazni and taken to KhAD office in the Ghazni citadel (interviewed in Paris, June 17, 1984):<sup>1</sup>

- (a) “I stayed there for four or five days. They brought me into a room. There was a bench, and they had us [the prisoners] sit down. They brought captured resistance fighters before us, and they tore out their fingernails, saying ‘This is what will happen to you, if you don’t confess.’ The Russians and the Afghans both did this. The majority were Russians, and there were a few interpreters. The person whose fingernails they tore out fainted several times.
- (b) “Once some of the Russians and the Afghan interpreters took us at night into the gardens of Ghazni, where there were poplar trees. They pulled down the tops of two poplars and tied ropes to them, and they tied one arm of one of the prisoners to one of the trees and the other arm to the other tree. Then they released the poplars, and the prisoner’s arms were pulled off, and he was killed. They call that, ‘making vests.’ They told us, ‘If you don’t confess, this will happen to you too.’
- (c) “The afternoon of the fifth day they told me my interrogation was over, and that I would be shot. But that night they took me to Kabul. They started to torture me again in Kabul. I was in a room with such a low ceiling that it was impossible to stand up, about 1 m by 1.5 m, and I was there with two other prisoners. It was in Pul-i Charkhi. These were underground rooms for the most dangerous prisoners.
- (d) “The torture there was always by electricity, with electric shock batons. One day during the interrogation, one of the Soviets got angry and hit me with his Kalashnikov in the mouth, and I lost three teeth. I was tortured two to four hours a day, every day, for about a year. There were different people torturing me. There were Afghans who spoke Pashto and there were Soviet officers. The Soviets tortured more, and they asked more questions. They did not let you sleep.
- (e) “They gave the shocks between the toes, between the fingers, on the temple. I often fell unconscious. One day they hung me up on a wall, where there were big hooks. They didn’t let me sleep, eat, or drink for forty-eight hours. My arms were stretched out wide, and the hands were tied to the hooks, and there were rings around my feet. This caused a great pain in the stomach and kidneys. The next morning they took me down and brought me a piece of bread and some water. Then they hung me upside down by the feet all day.”

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<sup>1</sup> Helsinki Watch, Tears, Blood, and Cries 137–138.

(A few days later Soviet officers told Torialal that he had been sentenced to death, but he claimed that resistance agents inside Pul-i Charkhi smuggled him out.)<sup>2</sup>

6A.3 Testimony of Razia, a student at Kabul University when she was arrested and taken to Sedarat in 1981, where she stayed for a year (interviewed in Peshawar, September 23, 1984).<sup>3</sup>

(a) “I saw many people tortured, and I was tortured myself. Electricity, standing in cold water, keeping you from sleeping, beating, these are very normal things. They made a man stand on a board with nails coming out and beat him with chains or cables. They hung a man by the legs from the ceiling. All the men were tortured.

(b) “For women, they would keep them from sleeping, or they would make them stand in cold water, then add a chemical, and after a half hour the skin would start to come off their feet. They made them stand barefoot in snow, gave them electric shocks, pulled out their hair, beat them with electric shock batons.

(c) “For both women and men they have something like earphones. They attach wires to it and put it on your head and give you a shock, a harder one for the men. They attach wires to the hands and feet.

(d) “There were men supervising the torture of the women. Sometimes they tortured them separately, sometimes together in the same room. This was a form of mental torture. For instance, they took one girl to a room, and the men from KhAD were all around her. They brought a man, a mujahid. Then KhAD men molested this girl, they fondled her all over the body. Then they beat the man in front of the girl. They beat that man to death, and then they left the girl alone with the dead body. This girl, Jamila, was in prison with me. She became deranged. For a whole week she could not move.<sup>4</sup>

(e) “When they took me, they gave me a paper, and said, ‘Write your complete biography.’ Then they asked, ‘Did you write all your antigovernment activity?’ They took out a pistol and said, ‘If you don’t want to tell us, we will kill you.’ They left me alone in a room for three or four hours. They came and

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<sup>2</sup> Said Noor Ahmad Hashimi, a resistance leader from Badakhshan Province, told the Chicago Sun-Times (September 23, 1984) a similar story. He was tortured in the regional KhAD center in Badakhshan, then taken to Pul-i- Charkhi Prison, where he was “confined in a cell barely 4 feet high by 4 feet long . . . a special cell, for those they would like to see suffer most.” The reporter observed that thirty-two-year-old Hashimi stoops like an old man: “His memories are of beatings and electric shock tortures at the hands of Soviet KGB agents and the Afghanistan State Information Police, KhAD.” A former official of Pul-i Charkhi Prison described a “special block of cells for dangerous prisoners. In these cells there is no room to stand up.” Interview in Peshawar, August 25, 1985.

<sup>3</sup> Helsinki Watch, Tears, Blood, and Cries 139–140.

<sup>4</sup> This was consistent with a pattern reported by Amnesty International: “Women prisoners reported being directly subjected to physical torture. . . . But there are also consistent accounts from women of being forced to witness the torture of male prisoners and, in three separate cases, of being incarcerated in the presence of a dead body.” (Amnesty International, Afghanistan: Torture of Political Prisoners 15.)

saw I hadn't written anything, and they said, 'Now we will torture you, but electric shocks are not good for you, nice girl.' They asked me questions for eight hours, 10:00 A.M. to 6:00 P.M., and then they started the shocks.

(f) "There was something like a ruler—they hit me on the knuckle, and I jumped back with the shock. They made me stand in cold water. They put some chemicals in the water and after thirty to forty-five minutes the skin was coming off. They showed me a picture of myself in the demonstration. They tried to get something from me, but they couldn't. They tortured me for two months, with no sleep, and also with mental torture. They told me, 'We will bring your sister here and beat her and rape her.'

(g) "The first day my interrogators were three women, Nazifa, Zarghuna, and Nahib. Malia was the woman in charge of the women's jail, but they were all controlled by men. Then there were two men, Amin and Taher. The Russian advisers were also coming and telling us that Russia is a very good place, and that they were helping us. Sometimes the advisers were with uniform, sometimes without. The adviser organizes the interrogation. When they finish asking the questions, they go tell the adviser the answers. Then they come back and ask new questions. We heard from the men that the advisers sometimes give the torture for men, but we didn't see it."

6A.4 Testimony of Qadratullah, thirty-nine, a farmer from Qala-i Murad Beg, north of Kabul, who was arrested in the summer of 1983 (interviewed in Peshawar, September 30, 1984).<sup>5</sup>

(a) "In Sedarat they put me in a small room, I was alone there from 9:30 in the morning to 9:00 at night. Then two Russians and an interpreter came, and I was under investigation. The Russian told me, 'You are an ashraf [bandit].' They accused me of burning the school in my village. They were beating me and hitting me against the wall. They had a table. They put my fingertips under the legs of the table and hit the table. Then they repeated this after ten minutes. My nails were bleeding, and some of them were broken. [They asked a series of questions about his participation in the resistance.] Then they told me to stand. When I stood they told me to sit. Then they told me again to stand, and they were beating me on the shins while I did this. Then they left me alone till 9:00 the next night.

(b) "For five nights they repeated the same questions. The Parchami told me, 'Your people have already confessed, and we have ways and means of making you confess.' I said I didn't know anything. Then the Parchami hit me in the stomach, and I had to lean against the wall. The Russian said to bring the wire, and the Russian connected the wires to my toes. They gave me a shock, and I fell unconscious.

(c) "After an hour I woke up, and they told me to confess, or they would connect the wire again. [They asked many more questions, but Qadratullah did not confess to anything.] There were two tables. They turned me upside down.

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<sup>5</sup> Helsinki Watch, *Tears, Blood, and Cries* 140–141.

They put my head between the two tables and pushed them together. They leaned my feet against the wall and made me stretch out my arms on top of the tables, and the Parchami was beating my hands. They asked, 'Would you like to confess or not?'

(d) "After half an hour my legs began to feel light, and my upper body felt heavy. My eyes and neck were swollen. My hands were trembling, and I lost control. I fell unconscious for a long time. When I woke up, at first I couldn't open my eyes. When I did, I saw a lot of blood on the floor. My mouth was so swollen I could not eat."

6A.5 Ghulam, thirty-eight, a shopkeeper in Qandahar, arrested in September 1981 (interviewed in Quetta, October 3, 1984), described a mechanism that appears to be the same as the one in Figure 6.1, a drawing by one of the torture victims treated by Dr. Dadfar:

"First they took me to the headquarters of KhAD in Kandahar, which is in the house of Abdul Rahim Latif in Shahr-i Naw. For torture they took me to another house nearby, the house of Musa Khan. They told me to give the names of those I was helping. I refused and denied knowing anything about the documents. Then they started the electricity. They connected four wires to my toes, fingers, and tongue. The wires came out of a machine with a crank like an old-fashioned telephone. It was operated by hand. They turned the crank, and I fell unconscious from the shock. Then I was thrown in the water. Then they tied my hands behind me and tied my legs. I had to stand for seven days. I just had five minutes rest in the evening. KhAD people were torturing me, but every morning at ten o'clock many Russians would come and say, 'Give me the names of people, and I will set you free.' The Russians were instructing KhAD people what to do. Every morning KhAD people reported to the Russians to find out what to do. We heard them talking on the telephone; it was a small place. Then I was locked in a room alone for forty days and interrogated just once or twice. Then they let me go."<sup>6</sup>

6A.6 Testimony of K., a student in the eleventh grade when he was arrested in 1980 (interviewed in Peshawar, September 24, 1984; name withheld on request):<sup>7</sup>

(a) "I was first taken to KhAD office in Wazir Akbar Khan. At first they gagged me and hung me on a wall with both arms out and my legs tied, and they lashed me with a cable from 8:30 to 12:30 at night. The question was, 'Tell to what organization you belong, and how many people you have killed.' I stayed in Wazir Akbar Khan four nights. But in the day they also tortured. They took a bandolier, a belt for holding bullets, and someone came and strangled me with that. They tried to hang me, and without asking me any questions.

(b) "I was not given electric shocks, but I saw another boy. They tied some wires to his body, and I saw him jumping up and falling down.

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<sup>6</sup> Helsinki Watch, *Tears, Blood, and Cries* 142.

<sup>7</sup> Helsinki Watch, *Tears, Blood, and Cries* 142–143.



(c) “I was taken in the daytime to Sedarat in the minibus with about twenty-five other young people. They took us into a yard and told us, ‘You will be talked to later. These are the last minutes of your lives.’ The next day they took papers and questionnaires and started the interrogation. I stayed in Sedarat for twenty-five days. Each day they interrogated me. They put my hand under a chair’s leg and sat on the chair. They were beating me with Kalashnikovs and sticks. They told me, ‘This is your last day.’ Russians were coming in the room with their weapons and saying, ‘You are basmachi’ [bandits, a term originally used by the Soviets in referring to Central Asians who resisted their rule in the 1920s]. The most horrible thing of all was being strangled. I lost consciousness, and my face was all swollen. Then I went to Pul-i Charkhi.”

6A.7 Former science teacher Fahima Naseri described how women were being tortured both in 1981, during her first arrest, and in 1984, when she was arrested again. Much of her testimony confirms the reports of other Afghan women torture victims such as Razia (see above), whom Human Rights Watch interviewed in 1984, and Farida Ahmadi, who testified in 1982 at the Permanent Peoples’ Tribunal in Paris and again in the 1983 Norwegian Afghanistan hearings in Oslo.<sup>8</sup> Fahima Naseri recalled seeing Farida Ahmadi in the Sedarat interrogation center. The following is a summary of testimony of Fahima Naseri, former science teacher, arrested in April 1981 (interviewed in Peshawar, August 27, 1985):<sup>9</sup>

(a) “Arrested on 23 April 1981 for her work in organizing demonstrations against the Soviet invasion, Fahima Naseri was taken first to party headquarters in Microraion, where men and women party activists beat her under the guidance of Soviet advisers. She was then taken to KhAD office in Sheshdarak: “What struck me most at the entry of KhAD was the music—all sorts of very, very loud music, European, Asian, Afghan. And after the first moment I heard the cries of women, men.” She was kept alone without food, listening to the loud music and the cries until late at night, when a woman and a man came to interrogate her. After they left, she was watched to be sure she would not sleep.

(b) “Some time the next day she was taken to another place, which she learned later was the main interrogation office of KhAD in the Sedarat Palace. ‘They left me in a room where on the walls I saw spots of blood and all kinds of insects and rats. I have never seen so many insects.’ That night she was taken to a ‘well-decorated room of the old regime’ and interrogated by a seated man named Kawian as well as women named Alamtab [also mentioned by Farida Ahmadi] and Rahila Tajzai. ‘They started to beat me and pull out my hair. Alamtab was the one who pulled my hair most often. This method of questioning continued until 3:00 A.M. Then they took me to a room where there were other women sleeping on the floor, and told me to sleep there. I

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<sup>8</sup> See Pierre Blanchet, “Le récit de Farida,” *Nouvel observateur*, December 25, 1982: 41. Farida Ahmadi’s case was also cited in the entry on Afghanistan of Amnesty International’s *Annual Report 1983*.

<sup>9</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan* 59–63.

asked where, and they said, “Here, with the other bitches.” Two of the prisoners turned out to be undercover KhAD agents. Fahima was preoccupied with worry about her parents, her husband, and her two children.

(c) “The third night they came and took me. They kept asking questions, but this time they brought an instrument with wires. There was a sort of collar of iron they put around my neck. They took off my shoes and made me put my feet on the floor. They brought my notebook with names in it and asked, “What is your organization, what is your connection with bandits, who are these names in the book?” I said they were my friends, it doesn’t mean anything. They gave me an electric shock, and I jumped up. They repeated it the same way. On the third day of electric shock torture, I realized that if I raised my feet, the current was less. So when I saw they were about to push the button, I raised my feet. The wires were attached to my hands, and there was a button on the machine. Each time the electricity passed through me, I fell flat, like a corpse. My heart palpitated, and I was nearly numb. The fourth night they tried several times more, and then they stopped.

(d) “Then they took me to a dark room with tables, not so big a room, and a woman and a man were there. They again started to pose questions and pull my hair. I had already lost three fingers of hair. [She pulled back her hair to show how it had receded by the width of three fingers.] They made me stand and slapped me. This was the worst, because it did not hurt very much, but it was very insulting. They made me stand on one leg, and when one foot fell down, they would beat me.

(e) “When they finished making me stand on one foot, they took me into another room, where there was some bluish water. They told me to stand in it. And my feet felt like there were needles in them, like ants eating them. It felt like needles, and my feet started to swell as if they would burst. Since then I have pain and a swelling in the toe from that, and an infection. [She showed a swelling on her foot.]

(f) “After I think the thirteenth night they took me to another room [she began to weep], that smelled, it was very dark. In this room it stank. I saw a corpse, and there were cut fingers, cutoff limbs, blood.’ [Overcome at this point, she had to leave the room.]<sup>10</sup>

(g) “After this she was left alone, except for psychological torture consisting of false news about misfortunes befalling her family. Four months later she was sentenced to one year of imprisonment and one and a half years of parole.”

#### 6A.8 Fahima noticed in the prison:

“One of the things that struck me the most was that when pregnant women were taken to the hospital [from prison] to give birth, they were brought back with their children, but as soon as they came back, they started interrogating

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<sup>10</sup> Farida Ahmadi was apparently taken to the same room: “The first thing they showed me in KhAD were corpses and pieces of corpses.” (Blanchet 41.)

them again. As a result of tortures, they had problems and couldn't nurse their babies."

6A.9 Human Rights Watch also received descriptions of torture from people who were not torture victims themselves. Testimony of a former KhAD agent, describing practices in the Sheshdarak KhAD office; interviewed in Peshawar, September 30, 1984:<sup>11</sup>

"They hang the prisoner by one hand and one foot on the wall, and then they connect the wire to the toes or testicles. The wire comes out of a machine that plugs into an outlet. There is a switch, and a meter that shows the amount of current. There is a terminal with wires that have rings on the end to connect it to the body. You can control the amount of current. It looks like a telephone box. They put cotton in the prisoner's mouth, and start to turn the crank. When he nods his head, it means he will confess."

6A.10 In an August 1985 interview in Peshawar, a defector from the Interior Ministry who had worked in military radio communications as well as in Pul-i Charkhi Prison in Kabul described what was considered standard procedure after a village was destroyed by planes and troops:<sup>12</sup>

(a) "Then the ambulance helicopter comes. They try to surround the village and capture anyone and put them in the ambulance helicopter—women, children, old men, they put them in the helicopter and send them to Kabul, to Pul-i Charkhi Prison, to the central zone [zon-i markazi]. Farmers, old people, and so on go first to Pul-i Charkhi. To [the central KhAD interrogation office in] Sedarat they bring the political prisoners.

(b) "In the central zone of Pul-i Charkhi Prison there are some Afghan police and also Soviets who speak Pashto, Hazaragi, Persian. These are KGB officers trained in Afghan languages in Russia. They interrogate the people and give them electric shocks with a machine. They use electric chairs and ask them, 'Where are the ashraf?' Among those people some may be physically or mentally weak, so they tell about the mujahidin bases. Some who can control themselves don't say anything until they die. In this way they find the people who are helping the mujahidin, and they clear those with no links to the mujahidin. For this reason they also call it the 'clearance zone' [zon-i taswif]. It belongs to the Ministry of Internal Affairs.

(c) "When they find that some of them are linked to the mujahidin, they transfer them to KhAD, and KhAD has other branches and other methods of torture.

(d) "I was working in Pul-i Charkhi as a member of the administration, and I was also imprisoned in Pul-i Charkhi, and I had colleagues who were working there. I have seen the evidence with my own eyes, and some of my Muslim colleagues also told me about it. I saw with my own eyes that to this

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<sup>11</sup> Helsinki Watch, Tears, Blood, and Cries 144.

<sup>12</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 46–47.

central zone they are not bringing the ordinary criminals from the cities. They brought people from the districts and subdistricts when the troops undertook operations. I myself visited the 'clearance zone' in the center of Pul-i Charkhi."

## Appendix 6.B. Testimonies on Executions

6B.1 Testimony of Nadir Khan, son of Muhammad Anwar Khan, twenty-two, resistance fighter of Hizb-i Islami (Khalis's group), of Tangi Gharo, Deh Sabz District, Kabul Province; interviewed in Peshawar, August 21, 1985:<sup>1</sup>

(a) "There were many people executed in Pul-i Charkhi: a commander of a group of mujahidin from Hodkhel [northeast of Kabul near Pul-i Charkhi] named Azim Jan; Jalil from Ghazni Province, who was chief of finances of the mujahid front of NIFA [National Islamic Front of Afghanistan]. They were executing people sometimes every day, sometimes every other day, sometimes every third day, thirty or forty people. When they were taken to execution, they were first taken to the first floor of block one. Their faces were covered, and their hands were chained. Then they were put in a special truck and carried to the executions. We watched from the windows. Some were crying 'Allahu Akbar' [God is great], but some were gagged.

(b) "From the beginning of this year, from Hamal [in late March, the Afghan new year] after sunset two vehicles without doors and windows would come to pick up prisoners sometimes every day, sometimes every two days, and they took the prisoners and carried them to Polygon Field, code no. 15. [This is the military code for the brigade stationed at Polygon Field behind the military academy near Pul-i Charkhi.] First they had doctors take out all their blood, because they need a lot in the hospital, and then they were shot. Then tractors and bulldozers came and covered them with mud.

(c) "When the prisoners were taken to be executed, they would cover their eyes, gag them, chain their hands, and put them in the vehicle and transfer them to Polygon no. 15. The prison was four stories high, and the prisoners upstairs could see where they were going. At the beginning a soldier would stand there to keep the prisoners from seeing them execute people, but sometimes the prisoners could see them in the distance. When they were transferred, on that night the prisoners in each block would pray for the dead and recite verses of the Holy Koran. We knew about the blood because some of the soldiers were also Muslims. We got the information from different sources, from the soldiers and from some other people, workers in the prison, or lower ranking army officers."<sup>2</sup>

6B.2 Testimony of Zmarai Shikari, son of Mian Gul Shikari, twenty-one, resistance fighter of Hizb-i Islami (Khalis's group), of Gazak village, Bagram District, Kabul Province; interviewed in Peshawar, August 21, 1985):

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<sup>1</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 69.

<sup>2</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 69–70. Asadullah, a former student of the Polytechnic Institute who was released from Pul-i Charkhi in July 1985, told the Afghan Information and Documentation Centre in Peshawar that he could confirm that condemned prisoners are drained of blood before execution. He claimed that the blood was used for "wounded Communist soldiers." See Afghan Realities, November 1–15, 1985: 1.

“They took twenty, twenty-five, up to thirty people at a time for execution, sometimes every day, sometimes every other day and always after two days, at least three times a week. There were seventy people with me in a cell in block one of Pul-i Charkhi in Ramazan 1362 [around July 1983], and afterward I only found twenty, and the rest were executed.”<sup>3</sup>

6B.3 Testimony of Din Mohammad, son of Gul Mohammad, of Charbagh District, Laghman Province, who was released from prison in Jalalabad in May 1985; interviewed in Panyian refugee camp, Haripur, NWFP, August 23, 1985:

“Every day they were taking about eight prisoners and killing them in Miali Samarkhel [a military post east of Jalalabad]. All the Khalqis and Parchamis were very, very cruel. Some of them were killing the people, they were saying, ‘I know this prisoner, he killed my brother, he shot at me.’ They killed them without proof, without judgment.”<sup>4</sup>

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<sup>3</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 70.

<sup>4</sup> Asia Watch and Helsinki Watch, To Die in Afghanistan 70.

## **VII. FROM THE SAWR REVOLUTION TO THE FALL OF NAJIBULLAH (April 27, 1978–April 15, 1992 / Sawr 7, 1357–Hamal 26, 1371): VIOLATIONS OF HUMAN RIGHTS BY ARMED OPPOSITION GROUPS**

7.1 During the fourteen-year period covered by this chapter, the armed opposition to the regimes of Taraki, Amin, Karmal, and Najibullah and to the Soviet occupation took many forms. It included relatively spontaneous manifestations of local revolt, political-military party organizations (tanzims) based in Pakistan or Iran, mobile armed groups that launched missile and rocket attacks against a variety of targets, and, especially after the Soviet withdrawal, organizations that exercised control over territory and populations in some areas of the country.<sup>1</sup>

7.2 The vast majority of the fighters were Afghans, but some Pakistani Pashtuns, especially from the tribal areas, participated in the fighting as well.<sup>2</sup> Starting in the late 1980s, a small but growing number of Arabs and men from elsewhere in the Islamic world also participated. Many came on short “jihad tours” like summer internships, but others, including some fugitives from justice, such as Egyptians involved with the 1981 assassination of Anwar Sadat, stayed for years. Some of the longer-term, more committed Arab fighters formed the al-Qaida organization at a meeting in Khost in 1988.<sup>3</sup>

7.3 According to reports, these organizations received assistance from foreign governments and other non-Afghans. The Directorate of Inter-Services Intelligence of Pakistan (ISI) was reported to be the major foreign operational organization on the ground with the Afghan resistance, with its officers sometimes accompanying commanders on missions. It was reported to be primarily responsible for delivering the weapons paid for by the US and Saudi Arabia and transported to Pakistan by the CIA.<sup>4</sup>

7.4 According to various sources, initially, the main role of the US, together with the Saudi government, represented by its intelligence agency, the Istakhbara al-‘Ama, was reportedly to fund the weapons supply and other assistance programs to the mujahidin parties. US, Saudi, Pakistani, and, until the Soviet withdrawal, Chinese

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<sup>1</sup> Olivier Roy, *L’afghanistan: Islam et modernité politique* (Paris: Seuil, 1985); Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 2002, first edition 1995) 112–115; Gilles Dorronsoro, *La révolution afghane* (Paris: Karthala, 2000); and William Maley, *The Afghanistan Wars* (London: Palgrave Macmillan) 25–31.

<sup>2</sup> Large-scale participation by Pakistani madrasa students (taliban), including members of non-Pashtun Pakistani ethnic groups, did not start until the Taliban period. See Ahmed Rashid, *Taliban: Militant Islam, Oil and Fundamentalism in Central Asia* (New Haven: Yale University Press, 2000).

<sup>3</sup> Olivier Roy, *L’échec de l’islam politique* (Paris: Seuil, 1992); Rubin, *Fragmentation*; Barnett R. Rubin, “Arab Islamists in Afghanistan” in John L. Esposito (ed.), *Political Islam: Revolution, Radicalism, or Reform* (Boulder, Colo.: Lynne Rienner, 1997): 179–206; Gilles Kepel, *Jihad, expansion et déclin de l’islamisme* (Paris: Gallimard, 2000); Rohan Guneratne, *Inside al-Qaida. Global Network of Terror* (New York: Berkley Books, 2003).

<sup>4</sup> Rubin, *Fragmentation* 196–201; Steve Coll, *Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001* (New York: Penguin Press, 2004) 64–65, 67.

intelligence representatives allegedly met regularly in Islamabad to discuss strategy and operational problems. China's role was reported to be as the main supplier (for cash) of Soviet-style weapons, such as the AK-47 (Kalashnikov) automatic rifle, which China also manufactured, and the type 72 anti-personnel mine.<sup>5</sup>

7.5 In March 1985 the US government adopted National Security Decision Directive (NSDD) 166, which enunciated a goal of military victory for the program of aiding the mujahidin. Aid was reported to have increased in quantity and quality, including the provision of Stinger anti-aircraft missiles, from September 1986.<sup>6</sup> In addition, a number of major commanders, including Ahmad Shah Massoud, Abdul Haq, Jalaluddin Haqqani, and Amin Wardak, allegedly began to receive aid directly from the CIA through what were called "unilateral" channels.<sup>7</sup> The CIA also was reported to have exercised a greater degree of control over the distribution of Stingers, US-manufactured, shoulder-mounted, laser-guided anti-aircraft missiles that it reportedly began to supply in the fall of 1986.<sup>8</sup>

7.6 According to some reports, after 1985 the CIA and ISI placed greater pressure on the mujahidin to attack regime strongholds, often using means that were indiscriminate. In this regard, there are published reports of techniques in which the CIA allegedly trained the Afghans.<sup>9</sup> The resistance, especially the more radical Islamist elements, also reportedly received aid from private and semi-private organizations in the Muslim world. The officially supported Saudi-based Muslim World League (Rabitat al-'Alam al-Islami) and a support committee headed by Prince Salman Ibn 'Abdul 'Aziz, governor of Riyadh, allegedly collected funds for madrasas, the Saudi Red Crescent, and Arab mujahidin who fought alongside the Afghans. The recruitment of Arab fighters was reportedly done in a joint venture with the Muslim Brotherhood, which staffed the recruitment offices and supplied most of the fighters and other staff on the ground.<sup>10</sup> In addition to its legitimate relief activities, the Saudi Red Crescent also allegedly paid for the transportation of weapons from Pakistan into Afghanistan, paying the full cost plus contingencies (5 percent) for Islamist parties and a small portion of the costs for nationalist or traditionalist parties.<sup>11</sup> Private donors such as Usama bin Laden also reportedly contributed in various ways.

7.7 The Geneva Accords on Afghanistan, signed on April 14, 1988, (described in more detail in Chapter Four) appeared to require a cessation of external assistance by Pakistan and the US to armed groups in Afghanistan. However, as previously described, from the Soviet withdrawal to the breakup of the USSR, "positive

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<sup>5</sup> Rubin, Fragmentation 197; Coll, Ghost Wars 66.

<sup>6</sup> Rubin, Fragmentation 181; Coll, Ghost Wars 125–128.

<sup>7</sup> Coll, Ghost Wars 128.

<sup>8</sup> Rubin, Fragmentation 182.

<sup>9</sup> Coll, Ghost Wars 90, 103–106.

<sup>10</sup> Mohammad Yousaf and Mark Adkin, Afghanistan The Bear Trap: The Defeat of a Superpower (Havertown: Casemate, 2001; first edition 1992); Roy, L'échec de l'islam politique; Rubin, Fragmentation 197; Rubin, "Arab Islamists in Afghanistan."

<sup>11</sup> Rubin, Fragmentation 197.



symmetry”—aid to both the mujahidin and the Kabul government—continued despite the Geneva Accords.<sup>12</sup>

7.8 After the Soviet withdrawal, the US on the one hand, and Pakistan and Saudi Arabia on the other, reportedly developed differences over what direction to take. In 1989, after the failure of the offensive at Jalalabad and the killing of a number of Massoud’s commanders by Gulbuddin Hikmatyar’s fighters, the US allegedly ordered that none of its aid go to the latter, though the fungibility of Saudi aid and a rising level of private contributions from the Persian Gulf meant that this decision made little difference. In addition, there was allegedly considerable evidence of CIA resistance to the State Department’s attempt to promote a political settlement and to rein in Hikmatyar, whom the CIA considered to be militarily effective. Both the ISI and CIA became more operationally involved, with the ISI in particular overseeing the battle of Jalalabad and the rocketing of Kabul city.<sup>13</sup>

7.9 The Shi’a parties supported by Iran reportedly tended to stay somewhat apart from the main battles, in part because of the location of Afghanistan’s Hazara population centers.<sup>14</sup> At least one Shi’a party, Harakat-i Islami, allegedly participated in rocketing Kabul city, notably by firing a rocket at the Polytechnic Institute during a Loya Jirga convened there by Najibullah in 1987.<sup>15</sup> According to reports from early in the war, various parts of the Iranian government, notably the intelligence service, the Revolutionary Guards, and the Office of the Islamic Revolution, became closely involved with Shi’a parties. Most of their efforts seemed to be directed at bringing the Afghan Shi’a under the dominance of parties that supported the line of Khomeini.<sup>16</sup>

7.10 In addition to their operations in Afghanistan, the Sunni Afghan parties reportedly participated as junior partners of the ISI and other parts of the government of Pakistan (including the governments of the Northwest Frontier Province and Baluchistan) in the governance and control of the Afghan refugee populations in Pakistan. They allegedly ran prisons, mainly for captured fighters, but also for other Afghans, and some had intelligence services. The parties were reported to have enjoyed virtual impunity to carry out repressive activities among the Afghan refugees.<sup>17</sup> The Shi’a parties had no such comparable role in Iran, according to these reports.

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<sup>12</sup> Barnett R. Rubin, The Search for Peace in Afghanistan: From Buffer State to Failed State (New Haven, Conn.: Yale University Press, 1995).

<sup>13</sup> Coll, Ghost Wars 190–195. According to Coll, the Jalalabad offensive was the brainchild of General Hamid Gul, director of the ISI, and was jointly planned with the US at a meeting on March 6, 1989, at which no Afghans were present (p. 192). See also Rubin Fragmentation 250–251; and Rubin, The Search for Peace. Evidence on ISI and CIA sponsorship of these activities is presented below.

<sup>14</sup> Roy, Islam et modernité politique; Rubin, Fragmentation.

<sup>15</sup> Rubin, Fragmentation. The commander who fired this rocket was Sayyid Hussain Anwari, today the Minister of Agriculture of Afghanistan.

<sup>16</sup> Roy, Islam et modernité politique.

<sup>17</sup> Rubin, Fragmentation; Asia Watch, Afghanistan: The Forgotten War -- Human Rights Abuses and Violations of the Laws of War Since the Soviet Withdrawal (New York: 1991) 101.

7.11 The mujahidin formed various alliances, coalitions, and interim governments during this period, but they never combined their military committees. Hence, none of these alliances ever assumed operational control of the war, which remained divided among commanders, party leaders, and the ISI, with occasional participation in more important decisions by the CIA and Istakhbara.<sup>18</sup>

7.12 Before 1980, as various leaders made their way to Pakistan, organizations remained fluid, except for Jamiat and Hizb, which had had bases and organizations in Pakistan since 1973 (Daud's coup). The parties headed by Sebghatullah Mojaddedi (Jabha-yi Nijat-i Milli, National Salvation Front), Muhammad Nabi Muhammadi (Harakat-i Inqilab-i Islami, Movement of the Islamic Revolution), and Abdul Rabb al-Rasul Sayyaf (Ittihad-i Islami bara-yi Azadi, the Islamic Union for Liberation) all originated as alliances of other parties founded during that period.<sup>19</sup>

7.13 In 1980, the ISI, working with the Pakistani Islamist party Jama'at-i Islami, officially recognized seven Sunni parties as its counterparts. The three traditionalist-nationalist parties headed by Sayyid Ahmad Gailani (Mahaz-i Milli-yi Islami, National Islamic Front), Mojaddedi, and Muhammadi formed the "moderate" alliance (ittihad-i seh, or union of three), while the four Islamist parties led by Hikmatyar, Rabbani, Khalis, and Sayyaf, together with three tiny factions, formed the "Islamist" alliance (ittihad-i haft, alliance of seven).<sup>20</sup>

7.14 In 1985, as part of the change in policy resulting from NSDD 166, the US, Pakistan, and Saudi Arabia sought greater international political recognition for the mujahidin and hence induced the seven major Sunni parties to form the Islamic Coalition of the Mujahidin of Afghanistan (Ittilaf-i Islami-yi Mujahidin-i Afghanistan).<sup>21</sup> The alliance had a rotating presidency and began to send representatives to the annual meeting of the UN General Assembly. In response to this union of seven Sunni parties sponsored by the US, Pakistan, and Saudi Arabia, Iran united eight Shi'a parties into Hizb-i Wahdat (Unity Party) in a move of literal one-upmanship.<sup>22</sup>

7.15 As the Soviet withdrawal got underway, in June 1988 the seven party leaders chose an "interim government" headed by "Prime Minister" Ahmad Shah Ahmadzai, a close associate of Sayyaf.<sup>23</sup> As this "government" failed to garner significant support after the Soviet withdrawal, the ISI, CIA, and Istakhbara had the seven parties hold a shura in Rawalpindi, Pakistan, chaired by Sayyaf. This group chose the Interim Islamic Government of Afghanistan (Hukumat-i Muwaqqat-i Islami-yi Afghanistan). Sebghatullah Mojaddedi was chosen as president and Sayyaf as prime minister.<sup>24</sup>

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<sup>18</sup> Roy, *Islam et modernité politique*; Rubin, *Fragmentation* 255–264.

<sup>19</sup> Roy, *Islam et modernité politique*.

<sup>20</sup> Roy, *Islam et modernité politique*, and Rubin, *Fragmentation* 198–199.

<sup>21</sup> Pakistan's military president, Zia-ul-Haq, informed the mujahidin leaders of the formation of this alliance at a dinner in Islamabad (Rubin, *Search for Peace*).

<sup>22</sup> Rubin, *Search for Peace*.

<sup>23</sup> Rubin, *Search for Peace*.

<sup>24</sup> Rubin, *Search for Peace*.

7.16 In an effort to provide this Interim Government with a territorial base in Afghanistan where it could receive diplomatic recognition, according to some reports, agencies of the US, Pakistan, and Saudi Arabia organized an offensive against Jalalabad in March 1989 in which thousands of people were killed, including many civilians and prisoners who were taken.<sup>25</sup> The Arab fighters from the newly founded al-Qaida organization reportedly for the first time played a significant role in this battle.<sup>26</sup> The assault on Jalalabad, however, failed to achieve its objective.

7.17 In response to this failure, in 1990 the US State Department supported the formation of a Commanders' Council in which Massoud, Abdul Haq, and other unilaterally supplied commanders played the major roles. Hikmatyar commanders were excluded, and Sayyaf boycotted it. The CIA, however, resisted these efforts and continued to consider Hikmatyar's military efforts as the most effective means to overthrow Najibullah.<sup>27</sup>

7.18 The formal aid effort came to an end in September 1991, after the failed coup attempt against Gorbachev that signaled the breakup of the USSR. The US and USSR agreed to end aid to both sides. The disengagement of the US and the dissolution of the USSR led to the fall of Najibullah in April 1992 and a reconfiguration of the armed groups in Afghanistan, leading to the new patterns of human rights violations described in subsequent chapters.<sup>28</sup>

### **A. Legal Frameworks**

7.19 During most of the period under consideration, the armed opposition groups did not control territory or population. A few commanders did so even before the Soviet withdrawal (Massoud, Ismail Khan, and Amin Wardak, for instance). After the withdrawal, these commanders expanded the areas under their control, and Massoud even gained control of Taluqan, the provincial center of Takhar, from which he administered areas in several provinces. Other commanders were also able to consolidate a greater degree of control. In the tribal areas of the south, as the areas under government control shrank, civil administration, to the extent that it existed, tended to be overseen by the tribal elders rather than commanders, though the ulama among the mujahidin established a system of shari'a courts that functioned in resistance-held areas.<sup>29</sup>

7.20 For most of this period, therefore, the applicable standard consisted at least of common article three of the Geneva Conventions, forbidding the torture or killing of prisoners. In addition, we consider violations of other portions of the Geneva

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<sup>25</sup>On the planning of the battle, see Coll, *Ghost Wars* 192. Mujahidin inside Afghanistan told an Asia Watch researcher that Pakistani officers were coming and pressuring them to attack Jalalabad instead of negotiating an Afghan solution with the garrison, which the mujahidin said they preferred. See Asia Watch, "Policies of the Pakistani Military Toward the Afghan Resistance: Human Rights Implications," *News from Asia Watch*, February 27, 1989.

<sup>26</sup> Coll, *Ghost Wars*; Guneratne.

<sup>27</sup> Coll, *Ghost Wars* 209–213.

<sup>28</sup> Rubin, *Search for Peace*; Dorronsoro, *La révolution afghane*.

<sup>29</sup> Rubin, *Fragmentation* 255–264; Dorronsoro, *La révolution afghane*.

Conventions, especially those dealing with attacks on and killing of the civilian population.

7.21 In order to better understand some of the actions of mujahidin groups, it is helpful also to understand the legal standards that at least some of them considered to be applicable to the conflict. In the 1980s, the ICRC obtained a copy of a manual of jurisprudence for jihad prepared by members of the Joint Court of Refugees and Mujahidin of the Southwestern Region of Afghanistan, which sat in Baluchistan.<sup>30</sup> This manual reflects the thinking of conservative, rural-based ulama. The author describes himself as a “follower of the Hanafi school and Naqshbandi [Sufi] order,” the classic combination for traditional Afghan ulama. The book does not represent the more extreme Islamist views of some, as, for instance, it takes the position that it is permissible to accept assistance from infidels in waging jihad, a position that Hikmatyar and Sayyaf opposed. Nor does it claim that Muslims are obliged to emigrate from former Muslim territory conquered by infidels, as some claimed, or that those who failed to do so had therefore renounced their religion. It should not be assumed that all ulama or commanders agreed with this manual or that, even if they did agree with it, they applied it consistently. Nonetheless, the manual presents a conceptual framework that was widespread among the mujahidin and corresponds to their behavior in many cases.

7.22 The author states that “if a great number of infidels attack the soil belonging to Muslims,” all Muslims are personally obligated to participate in jihad (including both military and non-military activities). Even minor boys may join the fight without the permission of their parents if a “large army of infidels . . . attack[s] a country with many troops and all kinds of equipment.”<sup>31</sup>

7.23 The author distinguishes three categories of men against whom the mujahidin were fighting: atheists, apostates, and Muslims who are helping the infidels. The book treats women and children basically as the property of families headed by men belonging to these categories rather than as bearers of individual rights. Different regulations apply to each category concerning whether mujahidin can kill them, ransom them, ransom their wives, enslave their wives and children, or loot their property. In the Afghan context, the three categories refer to Soviet soldiers (atheists), Afghan communists (apostates), and conscripts or members of tribal militia of the regime (Muslims helping the infidels). “Infidels” includes both atheists and apostates, as well as People of the Book (Jews and Christians), although the author does not refer to any role of the latter in the war.

7.24 The author defines an atheist as “a person who rejects God or denies God’s existence,” but he also notes that some define an atheist as a person who “thinks that all property and means of production should be shared by all people,” an obvious reference to communists. An apostate is a Muslim (by birth to a Muslim father or by

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<sup>30</sup> Haji Maulana Akhtar Muhammad al-Qandahari, *Sarf al-ijtihad fi Ahkam al-Jihad (Summary of Jurisprudence Concerning the Provisions of Jihad)* (Quetta: Joint Court of Refugees and Mujahidin of Southwest Region, 1363 [1984]), translated and abridged by Mohammad Asef Ikram, International Committee of the Red Cross: Peshawar, 1987. The original is written in a combination of Pashto, Persian, and Arabic, the latter mainly consisting of quotations from various books of fiqh. This report draws on the ICRC translation, slightly emended in places for clarity.

<sup>31</sup> Al-Qandahari 4–5.

conversion to Islam) who turns away from Islam; he may be an atheist or an adherent of Christianity or Judaism (religions of the People of the Book [ahl al-kitab]), or an idolator (Hindu).

7.25 The book also uses an important distinction in Islamic law, that between Muslim territory (dar al-islam) and the territory of war (dar al-harb). Dar al-islam is territory ruled by Muslims where the laws of Islam are respected. Dar al-harb is territory ruled by non-Muslims or where the laws of Islam are not respected. Different rules apply in these two areas, with special measures for land that was formerly dar al-islam that has become dar al-harb. The book also considers under what conditions the latter change can be said to have taken place, as the official rulers of Afghanistan at that time were nominal Muslims despite their political affiliations and the presence of Soviet troops.

7.26 The following are some of the principal findings related to the protection and violation of humanitarian law and human rights as defined in international law. In reading these, one should keep in mind that Islamic jurisprudence (*fiqh*) divides actions into five categories: obligatory, recommended, permitted, not recommended, and prohibited. The precise language is thus important as in other legal texts:

- (a) “The religious instructions about Jihad concluded that Jihad and struggle is to be carried on against infidels [as an obligation] whether they have attacked the Muslims or otherwise.” The nature of the obligation differs by circumstance. If the infidels attack the Muslims with large forces, it is the individual obligation (fard al-‘ain) of every Muslim to participate in jihad; otherwise it is the collective obligation (fard al-kifai) of the Islamic community or state. This is the standard Hanafi teaching on the obligation of jihad.<sup>32</sup>
- (b) “When Muslims face the infidels on the battlefield, they must invite them to Islam once. [But if the invitation might be dangerous for Muslims or if the Muslims know it is useless, they must avoid it.] If they accept Islam, the aim is achieved. But if they refuse to convert to Islam, they must be asked to pay poll-tax [‘jizya,’ a tax imposed on non-Muslims living under Muslim rule]. The condition of paying poll-tax is not applied to those apostates who converted to other religions. The apostates and atheists have one of two alternatives: to convert back to Islam or be executed.”<sup>33</sup>
- (c) Mujahidin are allowed (not obligated) to continue to fight the enemy even at the risk of killing Muslim civilian hostages, and if they kill any by so doing, they need not pay blood money.<sup>34</sup>

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<sup>32</sup> Al-Qandahari 4, citing Radul Muhtar, Beirut, vol. 3 (Beirut) 219, as a source. Sources are reproduced as given in the ICRC translation.

<sup>33</sup> Al-Qandahari 5–6. This passage goes on to explain when different categories of enemies may be taken as slaves or live while paying the poll tax (jizya) and when it is and is not lawful to destroy their property.

<sup>34</sup> Al-Qandahari 6.

- (d) When a large army of infidels attacks Muslims, and the Muslims cannot defend themselves, it is advisable (not obligatory) to go to other Muslims' land as refugees (muhajirin).
- (e) It is forbidden in war to kill women, immature boys, old men, paraplegics, blind people, idiots, hemiplegics, any person whose left hand and right leg or right hand and left leg are amputated, a person with an amputated right hand who is worshipping at a church or other place of worship (presumably of a non-Muslim religion), tourists, or a man who is isolated from the community for worship or who stays indoors (perhaps a reference to non-Muslim holy men such as monks and yogis). But all of these may be killed (permitted, not required) if they fight against Muslims or encourage others to do so, spy for the infidels, or advise the infidels. Those who may be executed during war may be executed for the same acts after the war, except for idiots and immature boys, even if the latter killed many Muslims.<sup>35</sup>
- (f) Mujahidin are "strictly prohibited from breaking their promises, looting captured properties prior to fair distribution among fighters, and intentionally cutting parts of the human body in the war. It is not allowed to cut any part of the body of an enemy who has surrendered, i.e. ear, nose, lips, penis, or testicles. Mujahidin are prohibited from killing those old people whose mental ability has ceased, even if they still father children and call on others to go fighting. . . . The wise old people who do not incite others to fight against Muslims, and who are not able to fight, should not be killed." The above prohibitions against killing certain types of people are reiterated, but the author notes an exception to the prohibition of killing non-Muslims at worship: a ruler who is fighting against Muslims.<sup>36</sup>
- (g) There is a difference of views regarding whether or not an atheist should be executed if he repents. The author cites various views on different situations, but his conclusion appears to be, "There is actually no repentance for an atheist because the atheist can never be trusted."<sup>37</sup>
- (h) "An apostate may be [permitted, not required] executed only after the verdict of a council of religious scholars, or his repentance may be accepted by the same council, with unanimous vote in either case. This condition is not for an atheist. . . . The atheist and the sorcerer must be killed even if they repent. Their execution is not an obligation because of their apostasy, but they should be executed in order to prevent other people from being under their influence. For instance, rebels, spies, killers and seditious hypocrites should be executed even if they are apparently Muslims. 'Killer' means a person who has strangled many people. This person must be executed in order to stop the killing of other innocent people. Seditious hypocrites are those people who

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<sup>35</sup> Al-Qandahari 8–9. References to Radul Muhtar and Badaie, vol. 7.

<sup>36</sup> Al-Qandahari 9–10, citing Radul Muhtar 225. The mutilations described are among the practices of Pashtun tribal warfare.

<sup>37</sup> Al-Qandahari 13–14, citing Majmu'at al-Resail 330, 333.

are rebels and believe in looting the properties of Muslims, killing them and humiliating their women.”<sup>38</sup>

(i) “When a Muslim assisting the infidels is killed at the side of the enemy in battle, his belongings must not be looted by mujahidin. The killing of such a Muslim is not punishable, but his property must be protected.”<sup>39</sup>

(j) “An apostate should not be enslaved even in the territory of war [dar al-harb]. A judge may sentence an apostate to stay in the battlefield with the hope that he may convert back to Islam; otherwise he may be executed. When the wife of an apostate is captured in dar al-harb, according to the verdict of the judge, after the Muslims win the war, while she is still kept as a prisoner, she may be enslaved.”<sup>40</sup>

(k) “There is no rule in shari’a allowing poll-tax for idolators and apostates. Whenever Muslims conquer these two types of people, their women and children are to be considered as booty. If the men refuse to convert to Islam, they may be killed. The women and children of the apostates captured in the battlefield must convert to Islam, but the women and children of the idolators may not be forced to convert to Islam.”<sup>41</sup>

(l) “The owner of a female apostate slave is not allowed to have sexual intercourse with her. If an apostate woman is living in the territory of Muslims (dar al-islam) and later it changes to the region of war (dar al-harb), it is permitted to enslave her. The women of the apostates who convert from Islam are considered as booty. But they are not booty when they do not turn away from Islam.”<sup>42</sup>

(m) A child of an apostate couple is considered an apostate. A child born of Muslims who later become apostates may not be treated as an apostate if the child is living in dar al-islam. In dar al-harb, however, the child may be enslaved and treated like the mother.<sup>43</sup>

(n) “When the infidels occupy the land of Muslims or if the Muslim rulers convert from Islam, and the law and constitution become un-Islamic, then the territory is declared to be a war region [dar al-harb].”<sup>44</sup>

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<sup>38</sup> Al-Qandahari 14, citing Majmu’at al-Resail 318, 327, and Radul Muhtar, vol. 1: 327, 584; and vol. 3: 309.

<sup>39</sup> Al-Qandahari 16, citing Radul Muhtar, vol. 3: 239.

<sup>40</sup> Al-Qandahari 19, citing Badaie, vol. 7: 136.

<sup>41</sup> Al-Qandahari 19, citing Duri-Mukhtar 575; and Fath al-Qadir, vol. 5: 193.

<sup>42</sup> Al-Qandahari 20, citing Badaie, vol. 7: 135; Fath al-Qadir, vol. 5: 310; and Hindia, vol. 2: 224.

<sup>43</sup> Al-Qandahari 20, citing Badaie, vol. 7: 139; Fath al-Qadir and Radul Muhtar without page numbers.

<sup>44</sup> Al-Qandahari 22, citing Alamgiri 2: 232. The text adds some qualifications from other sources, but the implication that the areas controlled by the DRA and occupied by Soviets were dar al-harb is clear. It cites various opinions over the conditions under which dar al-islam becomes dar al-harb and vice versa.

(o) “When two persons from two tribes [or ethnic groups, aqwam] or sects fight against each other for tribal, racial or national fanaticism or any other cause rather than Islam, neither one of them is going to win. Both of them will go to hell.”<sup>45</sup>

(p) In a separate section of responsa (answers to questions posed to the court), the text states:

(i) “When the women of Khalqis [communists of any faction] who have converted from Islam are captured by mujahidin, they should not be returned to their families.

(ii) “The religious marriages of Khalqis with their wives are null and void.

(iii) “Whenever the women of Khalqi families are captured by mujahidin, and they send messages to release the women, or they will bombard the area, still the mujahidin should not release or return the women to the Khalqis. . . .

(iv) “When the wife of a militia man is arrested by mujahidin, if the militia man has not been converted from Islam, the wife may be returned to her husband, but if the husband is a communist, the court may decide according to prevailing conditions. . . .

(v) “People engaging in espionage will be executed if arrested, even if they are women or children.

(vi) “Those women who do not wear the Islamic hijab are not to be respected and may be attacked by mujahidin.”<sup>46</sup> The word “attacked” is not explained.

7.27 In a number of cases described below, the actions of mujahidin conformed closely to the rules described above.

## **B. Patterns of Human Rights Violations**

7.28 The types of violations carried out by various groups associated in one way or another with the Afghan resistance changed over time, as did the war.

7.29 Initially, the mujahidin consisted of largely uncoordinated groups in different parts of the country, some of them linked more closely than others to the exiled leadership in Pakistan or Iran. During the uprisings against the PDPA regime in 1978–79, local forces reportedly at times attacked civilian targets, such as schools and government buildings. According to reports cited below, they also sometimes killed Soviet advisers and their families (Afghanistan was not considered a high-risk posting until the Herat uprising) and officials of the government and police, including school

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<sup>45</sup> Al-Qandahari 28, citing Alamgiri, vol. 6: 309.

<sup>46</sup> Al-Qandahari 32–33.



teachers suspected of being communist, and they reportedly carried out many extra-judicial executions, including the killing of hostages.<sup>47</sup>

7.30 As documented in cases reported below, the treatment of prisoners by the fighters was dictated by a variety of factors, including local understanding of Islamic law such as that cited above, passions for revenge, tribal codes, and the political and military objectives of commanders.

7.31 Reports of journalists as well as of former Soviet soldiers cited below attest that Soviet prisoners often met terrible fates at the hands of enraged villagers. The organized mujahidin parties soon realized that they could obtain political advantage by holding Soviet prisoners, thereby portraying themselves as a legitimate political force, or at least trading the prisoners for mujahidin held by the government.<sup>48</sup> To this end they initially agreed to a scheme (described below) of handing over a few Soviet prisoners to the ICRC, which ended due to a lack of reciprocity by the other side. However, as reported below, after 1985 various mujahidin groups started granting the ICRC access to prisoners they held in Afghanistan. The ICRC did not obtain access to prisoners held by mujahidin in Pakistan, since, according to the government of Pakistan, such prisoners did not exist.<sup>49</sup>

7.32 More systematically, reports cited below show that, as a matter of policy, some groups and commanders executed Afghan prisoners judged to be apostates, as recommended by the rulings in Sarf al-Ijtihad. Conscripts were generally released to go home. In some cases reported below, commanders held high-ranking prisoners, such as military officers, in hopes of exchanging them. When holding prisoners proved to be too much of a burden for a guerrilla force, these reports show that commanders might execute rather than release them, regardless of any judicial examination of whether the prisoners were “apostates.” After the Soviet withdrawal, according to human rights reports, several government garrisons that surrendered to mujahidin groups were massacred en masse while in captivity.

7.33 As may be imagined, since the normal living conditions of many mujahidin and average Afghan civilians fell short of basic minimum international standards for detention (adequate food and medical care, for instance), those of their prisoners fell even shorter. According to the reports quoted below, those deemed to have vital information were often tortured. Suspected spies were reportedly tortured in crude interrogations.

7.34 Various mujahidin groups and commanders also allegedly engaged in assassinations and other forms of extra-judicial killing, though the reports are sometimes not conclusive. These reportedly occurred inside Afghanistan and also in Pakistan. Some assassinations were attributable to disputes and rivalries among the mujahidin or between the mujahidin and local militia commanders. Others, like the

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<sup>47</sup> Olivier Roy, Islam and Resistance in Afghanistan (Cambridge: Cambridge University Press, 1986) 101; Rubin, Fragmentation 185–187; Dorronsoro, La révolution afghane.

<sup>48</sup> Helsinki Watch, Tears, Blood, and Cries: Human Rights in Afghanistan Since the Invasion 1979–1984 (New York: 1984).

<sup>49</sup> Asia Watch, The Forgotten War.

killings and disappearances carried out by the early PDPA regime, allegedly were attempts to eliminate or terrorize potential political rivals. Such was the goal, for instance, of the assassination of Professor Sayd Bahauddin Majrooh, a prominent philosopher and poet who had founded the department of philosophy at Kabul University and whose Afghan Information Centre Monthly Bulletin was an important source of information for all concerned with Afghanistan from 1980 until his death at his unguarded home in Peshawar on February 11, 1988.

7.35 Starting in about 1986, elements of the mujahidin began to shell Kabul and other cities and reportedly engage in acts of terrorism, such as assassinations, car bombings, and the bombing of cinemas. Some reports made certain allegations on the sources of the trainings for such tactics.<sup>50</sup>

7.36 The reports cited below indicate that although Kabul possessed numerous military targets there is little evidence that any of them were ever hit, with the occasional exception of the airport (a dual-use target), which is in an exposed position at the eastern edge of the city. Instead, the extremely inaccurate long-range Chinese and Egyptian rockets reportedly supplied to the commanders by the CIA and ISI generally killed and maimed civilians. Among the devices used were fragmentation weapons, which caused great suffering among the victims. On at least two occasions, a Stinger missile shot down planes with civilian passengers. In both cases the mujahidin claimed that the planes were military aircraft, and one seen by journalists had military camouflage markings. The mujahidin were not reported to have had a policy of targeting civilian aircraft, but civilians sometimes used military aircraft as the only available means of transportation.

7.37 After the Soviet withdrawal in 1988–89, the government lost control of a number of areas. Mujahidin launched poorly organized offensives, and in some cases they rushed into formerly government-controlled areas, where they took revenge for the events of the previous decade. Professor Ermacora reported abuses during the battle of Jalalabad:

“Particular reference must be made once more to the atrocities which reportedly took place during the battle for Jalalabad and are allegedly attributable to the opposition forces. The Special Rapporteur heard persons who had been witnesses to the looting, rape and killing of civilians in the Abrishan area on the Jalalabad-Kabul road, and in particular the abhorrent treatment of children.”<sup>51</sup>

7.38 In the cities of Kunduz and Asadabad (Chaghasarai), Kunar, and the districts of Shinwari, Bara Momand, and Shewa, Nangarhar Province, mujahidin reportedly committed serious abuses, including summary executions of suspected “communists” and rape. In urban areas some of these acts were in apparent conformity with the ruling in Sarf al-Ijtihad that women not wearing what the mujahidin considered to be hijab could be attacked. These events in 1988 were the first time that “mujahidin” were reported to have committed rape. In Shewa, many reports also spoke of killings and rapes by the Arab fighters who were now accompanying the mujahidin. During

<sup>50</sup> Coll, Ghost Wars 132–135.

<sup>51</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1990/25) para. 74.

this period, reports began circulating of particularly harsh abuse by these foreigners, including attacks on Western relief workers and journalists and the trafficking of the captured women of “apostates.” These women were treated as slaves in accord with an interpretation of shari’a similar to that in Sarf al-Ijtihad, though some Afghan ulama opposed such enslavement on legal grounds consistent with the arguments in Sarf al-Ijtihad. Such captured and enslaved women, as well as their children, were reported to have been trafficked through Pakistan to the Persian Gulf, but to our knowledge this has not been the subject of any further investigation.<sup>52</sup>

### **C. Treatment of Prisoners**

7.39 The treatment of prisoners by mujahidin evolved in the course of the war. According to a Human Rights Watch study conducted in 1987:

- (a) “The mujahedin do not now seem to have a widespread practice of executing prisoners on the spot, in the heat of battle, as was the case in the early years of the war. Most of the combatants understand the necessity for taking prisoners alive and bringing them to higher authorities for purposes of investigation and trial. This in itself is an advance over the earlier practices of some guerrilla groups.
- (b) “Once the prisoners are brought in, certain procedures are said to be followed. They are by no means uniform among all the commanders or parties, or even among the commanders in one party, but in general it appears that the mujahedin investigate the prisoners before they are sent to the judge. The investigation includes interrogation of other captured soldiers and officers, interrogation of the prisoner, and sometimes inquiring of the commander in the place of origin of the prisoner about his reputation. There are allegations of torture to make prisoners confess that they are Communists or guilty of crimes.
- (c) “Those released are mostly foot soldiers forcibly recruited into the DRA army or those who have some connections with the mujahedin (family or tribal connections, or are mujahedin collaborators). Other prisoners, not believed to be Communists, are held for short periods of time, sometimes for exchange, sometimes for reeducation, and sometimes as labor. Soviets are now usually held for exchange, a change from the earlier practice of executing them.
- (d) “A Jamiat spokesman said that he knew of two occasions in 1986 when his group exchanged Soviet prisoners for mujahedin prisoners, once north of Kabul and once in Herat. The Kabul government has never publicized these exchanges. Other exchanges, where Afghans are exchanged for Afghans have taken place as well on a very local basis.
- (e) “For others there is a judicial proceeding, in which a religiously-trained judge applies the Islamic code to the charges against the prisoner. The

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<sup>52</sup> Asia Watch, “Policies of the Pakistan Military” 4.

prisoner has an opportunity to speak for himself, although he does not have the right to a defense attorney. Rarely is there any provision for appeal.

(f) “To the mujahedin combatants and commanders, it is a proper court, justly applying the laws of Islam to criminals. They are not ashamed of the procedures or the resultant death sentences, and talk freely with visitors about them when asked.”<sup>53</sup>

#### **D. Killing of Soviet Prisoners**

7.40 During the Herat uprising in March 1979, an undetermined number of civilian advisers from the Soviet Union and other Warsaw Pact countries (some reports mention advisers from Czechoslovakia) were reportedly killed by the rebels. Reports claim that in some cases their families were also killed. There is no indication that these killings were the result of planning or centralized decision-making by any organization.<sup>54</sup>

7.41 After the intervention by the Soviet military, when a Soviet soldier fell into the hands of Afghan mujahidin or villagers in the early years of the war, according to reports, he stood a good chance of being killed, sometimes by horrific methods. No accounts indicate that Soviet soldiers were executed after a judicial proceeding of any kind. In 1981, Commander Ahmad Shah Massoud explained to the Christian Science Monitor’s Edward Girardet why he held no Soviet prisoners:

“Hatred for the Russians is just too great. Many mujahedin have lost their families or homes through communist terror. Their first reaction when coming across a Russian is to kill him.”<sup>55</sup>

7.42 Most of the killings seemed to reflect such a desire for revenge. John Fullerton, a journalist with the Far Eastern Economic Review, reported:

“Early on the fate of captured Soviets was often gruesome. One group was killed, skinned and hung up in a butcher’s shop. One captive found himself the centre of attraction in a game of buzkashi, that rough and tumble form of Afghan polo in which a headless goat is usually the ball. The captive was used instead. Alive. He was literally torn to pieces. Russians who display no interest in or knowledge of religion are regarded as infidels, unbelievers [atheists, technically]. According to the custom of badal or revenge, their deaths may properly be demanded by the locals, many of whom will be involved in feuds with the Soviets through the loss of relatives in the war.”<sup>56</sup>

7.43 Soviet troops told many such stories. One of the reprisal massacres reported in Chapter Four occurred after such a killing. A Soviet deserter told Human Rights

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<sup>53</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 64–65.

<sup>54</sup> Dorronsoro, La révolution afghane; Anthony Arnold, Afghanistan: The Soviet Invasion in Perspective (Stanford, Cal.: Hoover Institution, 1985) 80.

<sup>55</sup> Christian Science Monitor, September 24, 1981, cited in Coll, Ghost Wars 117.

<sup>56</sup> John Fullerton, The Soviet Occupation of Afghanistan (Hong Kong: Far Eastern Economic Review Ltd., 1983), quoted in Helsinki Watch and Asia Watch, By All Parties to the Conflict 69.

Watch in Peshawar on September 21, 1984, about an incident he had witnessed on the road between Tashqorghan (formerly Khulm) and Mazar-i Sharif in April 1982 while stationed in Balkh Province with the 122nd Brigade:

“Besides our brigade’s garrison, there was a special commando unit. The brother of the commander of the unit was a captain in the same unit. It was the birthday of the commander. They drank too much vodka. The captain took three soldiers and went to the town of Tashqorghan to get grapes and apples. When they went to the town, they were captured by the mujahidin. They were killed and then cut up and dropped in the water.”<sup>57</sup>

7.44 During 1981 the resistance parties in Pakistan agreed to allow the ICRC access to Soviet prisoners, and, according to reports, word apparently went out to commanders in the field to try to keep Soviet prisoners alive.<sup>58</sup> The ICRC began negotiations and worked out an agreement. In a June 1984 press release, it stated:

(a) “Negotiations carried out by the ICRC with, successively, the USSR, the Afghan opposition movements, Pakistan, and Switzerland led to partial success. The parties agreed to the transfer and internment in a neutral country of Soviet soldiers detained by the Afghan opposition movements, in application, by analogy, of the Third Geneva Convention, relative to the treatment of prisoners of war.

(b) “On the basis of this agreement, the ICRC has had access to some of the Soviet prisoners in the hands of the Afghan movements and has informed them, in the course of interviews without witness, of the possibility for transfer by the ICRC to Switzerland, where they would spend two years under the responsibility and watch of the Swiss government before returning to their country of origin. . . .

(c) “To date, eleven Soviet soldiers have accepted the proposal. The first three were transferred to Switzerland on 28 May 1982. Eight others arrived in August and October 1982, January and October 1983, and February and April 1984.”<sup>59</sup>

7.45 The ICRC had only “partial” success, however, for several reasons. One is that it could have access only to those prisoners held in or near Pakistan, as it was not yet able to operate in Afghanistan or Iran.<sup>60</sup> The main problem, however, was that, until 1987, the Soviets and the Kabul government refused to let the ICRC interview their prisoners. ICRC official François Zen Ruffinen told Human Rights Watch in an interview in Peshawar on 22 September 1984 that “the leaders of the resistance groups understand our needs and try to cooperate with us, but they tell us they are under a lot of pressure from their men, since there is no reciprocation from the other side.”<sup>61</sup>

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<sup>57</sup> Helsinki Watch, Tears, Blood, and Cries 196.

<sup>58</sup> Helsinki Watch, Tears Blood, and Cries 197–198.

<sup>59</sup> ICRC press release of May 20, 1984, published in ICRC Bulletin, June 1984.

<sup>60</sup> Helsinki Watch, Tears, Blood, and Cries 197.

<sup>61</sup> Helsinki Watch, Tears, Blood, and Cries 198.

7.46 After this initial experience, the resistance groups became reluctant to cooperate with the ICRC. According to reports, some once again began killing Soviet prisoners, while others held them but did not permit them to be transferred abroad. Alexander Liakhovsky, a former Soviet soldier, reports in his memoirs that in August to October 1984 two Soviet prisoners, V. Mescheriakov and V. Kiselev, who were in captivity in the jail (camp) Mubariz (120 kilometers to the north of Quetta in Qandahar province) could not endure torture and hanged themselves.<sup>62</sup> Some resistance groups tried to hold Soviet prisoners in Pakistan, but this stopped after late April 1985, when a group of Soviet soldiers and Afghan army officers held by the Jamiat-i Islami resistance party at a storage depot near Zangali, about twenty-five kilometers south of Peshawar, were killed in an escape attempt.<sup>63</sup> The international repercussions of this incident, principally pressure from the Soviet Union, led the government of Pakistan to insist that all Soviet prisoners be moved back inside Afghanistan.<sup>64</sup> Following the transfer of Soviet prisoners back to Afghanistan, the ICRC began discussions with the Peshawar-based parties regarding the possibility of prisoner protection visits to resistance detention centers inside Afghanistan.<sup>65</sup> The Kabul authorities protested to Pakistan against these acts three weeks later, but the ICRC continued to use its “right of initiative” to make such visits.<sup>66</sup> Nearly all of the ICRC visits to detainees of the mujahidin concerned Afghan rather than Soviet prisoners.

### **E. Execution of Afghan Military Prisoners**

7.47 When Afghan Army officers were captured, they were often investigated by resistance representatives or an Islamic court to see whether they were party members (apostates), after which they were tried. When they were found to be apostates, the sentence frequently was death, as recommended in *Sarf al-Ijtihad*.<sup>67</sup> These detentions and executions reportedly occurred in both Afghanistan and Pakistan. The ICRC had access to some prisoners held by the mujahidin in Afghanistan, but none to those held in Pakistan, where torture was reportedly widespread.<sup>68</sup>

7.48 Jeff B. Harmon, an independent film producer who visited resistance bases near Qandahar in 1985, described the following scenes, which he also captured on film:

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<sup>62</sup> Alexander Liakhovsky, *Трагедия и доблесть Афгана (Tragediya i Doblest' Afgana -- Afghanistan: Tragedy and Valor)* (Moscow: Iskona, 1995) 281.

<sup>63</sup> Jeri Laber and Barnett R. Rubin, *A Nation is Dying: Afghanistan Under the Soviets 1979–1987*, (Evanston, Ill.: Northwestern University Press, 1988) 70. This incident was also reported in Liakhovsky 279–280.

<sup>64</sup> See Steven R. Weisman, “Blast in Pakistan Has Officials Jittery,” *The New York Times*, May 16, 1985.

<sup>65</sup> *Agence France-Presse*, Islamabad, August 22, 1985.

<sup>66</sup> *BAKHTAR* (Afghan government news agency), Kabul, September 5, 1985. Quoted in Federal Broadcast Information Service 8 (September 5, 1985): C–1.

<sup>67</sup> Helsinki Watch, *Tears Blood, and Cries* 72; Helsinki Watch and Asia Watch, *By All Parties to the Conflict* 63.

<sup>68</sup> Helsinki Watch and Asia Watch, *By All Parties to the Conflict* 71.

(a) “In Mahalajat, outside Qandahar, at the headquarters of resistance leader Haji Abdul Latif<sup>69</sup> of the National Islamic Front of Afghanistan, (led by Gailani), I saw 12 Afghan army prisoners lined up in chains before a judge named Mawlawi Abdul Bari, who was awaiting orders to execute them from the guerrillas’ high command in Peshawar, Pakistan. Bari claims to have executed 2,500 prisoners.

(b) “The judge told me: ‘I have personally slit the throats of 1,000 khalqis. I have sent 500 Russians infidels to the gallows.’ Other prisoners, he said, were shot, decapitated or stoned to death.

(c) “This information was given in front of the 12 prisoners, whose own fate seemed certain. They listened impassively, while the judge’s chief executioner, Muhammad Juma, fondled an axe and grinned. ‘This is no ordinary axe,’ he said. ‘This is for halal [execution by blade].’

(d) “But Bari’s brand of justice is swift and formal compared with that of the mujahiddin at Markazee Apo [sic], a Hizbi-islami [Hikmatyar branch] guerrilla camp in Kandahar province. There, 12 prisoners, presumably Russian, were recently bayoneted to death. The stench from their decomposing bodies, buried in makeshift graves, permeates the camp.”<sup>70</sup>

7.49 Agence France-Presse correspondent Michel Martin-Roland witnessed the following scenes in May 1983 in the Barri Fort in Paktia Province, which had just fallen to one of the resistance groups (he did not state which one):

“Under a tent sit six Afghan officers, tank drivers trained in the Soviet Union. Pale, frightened, they listen to a mawlawi (Muslim scholar) teaching them and agree in a trembling voice to all of his criticisms. Outside, an unbearable odor: fifty prisoners have been shot in the last three days, then thrown into a mass grave covered with a few shovels of earth. ‘The irredeemable Communists were executed. Others were shot while trying to escape,’ stated one of the guards.”<sup>71</sup>

7.50 A well-documented incident of the mass execution of Afghan military prisoners took place nearby in 1986, in the mujahidin base of Jawar, Paktia (now Khost). The commander of this base was Mawlawi Jalaluddin Haqqani, then a member of the Hizb-i Islami (Khalis). Mawlawi Jalaluddin later became Minister of Frontiers and Tribal Affairs and an important military commander of the Taliban’s Islamic Emirate of Afghanistan.<sup>72</sup> Currently (2004) he is reported to be the leading

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<sup>69</sup> Haji Abdul Latif, a commander of the Barakzai tribe, was the father of Gul Agha Shirzai, who is currently the Minister of Urban Development and Construction and was previously the governor of Qandahar. As noted below, Haji Abdul Latif was poisoned in 1988 by his bodyguards.

<sup>70</sup> Jeff B. Harmon, “Toe to Toe with Russians in Kandahar’s Holy War,” Sunday Times, London, August 11, 1985. Also reported in Laber and Rubin, A Nation is Dying 72. The National Islamic Front of Afghanistan denounced the film as a fabrication.

<sup>71</sup> Agence France Presse, Barri Fort, East Afghanistan, May 1, 1983.

<sup>72</sup> Rashid, Taliban.

commander of the Taliban resistance to the US-led coalition and the government of Afghanistan in southeast Afghanistan.

7.51 Soviet/DRA forces attacked the base in Jawar in March 1986, allegedly killing 115 mujahidin before withdrawing. Mawlawi Jalaluddin's mujahidin reportedly captured several hundred Afghan troops. They were investigated for four weeks. In a videotaped trial, forty-five officers confessed to being communists, studying in the USSR, receiving DRA medals, and participating in attacks on mujahidin. Their execution, also captured on videotape, was carried out by brothers of mujahidin who had died in the battle. According to reports, the mujahidin did not bury the bodies of these "apostates" but left them exposed.<sup>73</sup>

7.52 Prisoners captured by Mawlawi Jalaluddin who were found to be less guilty were interviewed by the ICRC. They were reportedly employed in clearing mines left by the government forces, causing many of them to be injured, and some killed. In April 1987 representatives of the ICRC witnessed the freeing of 138 of these Afghan army prisoners in the tribal areas on the border.<sup>74</sup>

7.53 Besides those executions carried out supposedly in accordance with shari'a rules for the treatment of apostates who attack Muslims, other executions of prisoners allegedly occurred for reasons of convenience or during rescue attempts. John Fullerton of Far Eastern Economic Review reported an incident in the early 1980s when mujahidin were escorting six Soviet POWs to Pakistan to be interviewed by the ICRC. When they were attacked by DRA forces, they killed their prisoners in order to escape with their own lives into the hills.<sup>75</sup>

7.54 In November 1985, Ahmad Shah Massoud captured the Afghan army garrison in Nahrin, Baghlan province, the first time that a resistance commander gained a victory of this magnitude.<sup>76</sup> He took several hundred soldiers prisoner. He released many of them but kept a number variously estimated at between 50 and 250 officers and agents of KhAD in the hope of exchanging them for captured mujahidin. Negotiations were underway for the exchange when the Soviets launched a rescue attempt. According to one account, when Massoud realized his forces would have to retreat from the area where the prisoners were held, he ordered them all killed. Soviet sources told of coming across the executed bodies. Jamiat representatives claim that when bombs were dropped where the prisoners were held, those prisoners who survived tried to escape and were killed in the crossfire.<sup>77</sup>

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<sup>73</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 66.

<sup>74</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 70–71; Reuters, Islamabad, April 10, 1987.

<sup>75</sup> Fullerton 145; cited in Helsinki Watch and Asia Watch, By All Parties to the Conflict.

<sup>76</sup> Richard Mackenzie, later of CNN, filmed the preparations for the battle and the engagement itself.

<sup>77</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 67. This incident was reported in Liakhovsky 281. Liakhovsky reported, "Soviet troops discovered more than 200 killed Afghan government soldiers. Most of them were tortured: cut off hands, legs, noses, heads, ears. We had information that there were some Soviet prisoners there, but none of them was found." Translated and provided by Vladimir Plastun.



7.55 Massoud's representative, Mohammad Eshaq, later frankly described the dilemma of such situations to Human Rights Watch in Peshawar on July 7, 1990:

"You sometimes face difficult questions. Suppose you have a large number of prisoners and the enemy arrives and you know if the enemy gets to them, you'll have all of them fighting against you. What do you do? You fire. It's different if the number of prisoners is small or the enemy is far away. Then you can save them for exchange. But with a highly mobile army in combat, it's difficult."<sup>78</sup>

7.56 The following reports indicate that in the course of and following the Soviet withdrawal, several garrisons of the Afghan army surrendered to mujahidin only to be summarily executed. There were no reports of any judicial proceedings or trials for apostasy or espionage. According to reports, revenge was the sole factor in these cases.

7.57 According to Special Rapporteur Ermacora:

"In September–October 1988, after the fall of Chigal in Kunar Province, 22 Afghan soldiers have allegedly been executed after having surrendered to the Mujahidin in the garrison of Asmal [Asmar]. During the same period looting by the opposition movements was reported to have occurred in two villages, Dam Kaley and Dari-i-Nour [Darra-yi Nur, a valley]."<sup>79</sup>

7.58 Both Professor Ermacora and Human Rights Watch reported on the massacre of the Torkham garrison. This garrison guarded the main crossing point into Afghanistan at the top of the Khyber Pass along the road from Peshawar to Jalalabad and Kabul. When the Soviet troops withdrew from the east, the garrison found itself isolated and surrendered to the Pakistani authorities in November 1988. Pakistan turned the soldiers over to mujahidin of Hizb-i Islami (Khalis). The leaders of this party in Nangarhar were Hajji Abdul Qadir (who was assassinated in July 2002, when he was Vice-President of Afghanistan) and his brother, Haji Din Muhammad (who succeeded Hajji Abdul Qadir as governor of Nangarhar when the latter became Vice-President). According to representatives of international humanitarian organizations who spoke to Human Rights Watch, "77 of [the prisoners] were summarily executed and their bodies packed into tea crates and dumped across the border [in Afghanistan]."<sup>80</sup>

7.59 A second group of Afghan government soldiers reportedly stipulated that they would surrender only to Sebghatullah Mojaddedi's party. He accepted custody of about two hundred prisoners, who were immediately interviewed by the ICRC. Most were later released.<sup>81</sup>

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<sup>78</sup> Asia Watch, *The Forgotten War* 53.

<sup>79</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/1989/24) para. 55.

<sup>80</sup> Asia Watch, *The Forgotten War*. See also E/CN.4/1989/24 para. 55, which gave the number killed as seventy-nine.

<sup>81</sup> Asia Watch, *The Forgotten War* 53.

7.60 Two years later, two other such massacres occurred in Uruzgan and Zabul provinces:

“In October 1990, following a major offensive by a number of mujahidin commanders from various parties, the provincial capitals of Qalat [Zabul] and Tarin Kot [Uruzgan] came under siege. On October 4, the governor of Oruzgan province, Abdul Shakoor, surrendered in Tarin Kot along with the Afghan government garrison. Some 95 soldiers who surrendered were taken into custody by mujahidin guerrillas and executed. Another group of soldiers who either surrendered or were captured at Qalat [Zabul], numbering as many as 170, were also executed. According to press reports, the soldiers had been promised safe passage by the guerrillas.”<sup>82</sup>

7.61 The US reportedly protested both of these incidents to the mujahidin authorities and urged them to respect the Geneva Conventions.<sup>83</sup>

#### **F. Torture, Degrading Treatment or Punishment, and Conditions of Detention of Military Prisoners and Suspected Spies**

7.62 From time to time the Afghan resistance groups took other kinds of prisoners, usually people suspected of spying for the government. These prisoners were reportedly often tortured. Human Rights Watch heard of cases in which torture resulted in false confessions of guilt. Human Rights Watch also reported that suspected spies were sentenced to death by Islamic courts and executed.

7.63 A former high school student interviewed by Human Rights Watch described how he became a prisoner of an Afghan resistance group affiliated with the Ittihad-i Islami (led by Sayyaf):

“After my brother was arrested [by KhAD in Kabul], my father told me and my other brother that we also might be arrested, so we should leave Kabul and join the mujahidin. So we went to Paghman to join the mujahidin, but they made us prisoners, because they thought we had been sent by KhAD. They didn’t trust us, because they have a big problem with KhAD, and also they had found that students of my age from the government schools may be on the side of the government. So my brother and I were prisoners of the mujahidin for thirteen months. They also tortured us by beating us on the feet. But we didn’t blame them. Some of the people are agents. Finally we confessed we belonged to KhAD. Then they kept beating us for a while. Eventually they stopped and let me work as their cook.”<sup>84</sup>

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<sup>82</sup> Asia Watch, *The Forgotten War* 52. The mujahidin in Tarin Kot included the Jamiat forces commanded by Mullah Naqibullah and Mullah Faruq of Qandahar. Those killed in Qalat were reportedly members of the pro-government Nurzai militia, whose cruelties had created many feuds with other tribes in the area. This incident was reported in “Kabul Rebels Reported to Kill 200 Soldiers,” *New York Times*, November 11, 1990.

<sup>83</sup> Asia Watch, *The Forgotten War* 53.

<sup>84</sup> Laber and Rubin, *A Nation is Dying* 72–73. Interview in Peshawar, September 25, 1984.

7.64 There were many other reports about the treatment of those suspected of spying.<sup>85</sup>

(a) “Gul Mohammad [a resistance commander in Logar] said that towards the end of April [1983], four leading figures of the local informants’ network were arrested at Zaidabad, Nazarkhel, Kotikhel, and Pol-e-Kandari; documents seized from them showed their close connections with the Soviet-Kabul authorities and the extent of their activities in the province. After having been tried by an Islamic resistance court, they were executed.”<sup>86</sup>

(b) “The leader of the Afghan resistance in the Panjshir Valley, ‘Commander’ Ahmad Shah Massoud, has reportedly undertaken a vast purge among his resistance fighters, unmasking about fifty agents infiltrated from Kabul by the secret police (KhAD). Western diplomatic sources revealed Tuesday in Islamabad. According to this same source, these agents of the ‘KhAD’ were imprisoned in Rokha, in the southern part of the valley, on 4 April [1984], where they are awaiting trial. Some of the communist regime’s spies had portable radio transmitters. A source close to the resistance in Peshawar indicated that the mujahidin of Panjshir were continually on guard against infiltrators. The agents of the ‘KhAD’ who are discovered are killed, turned into double agents, or imprisoned.”<sup>87</sup>

(c) “In the summer of 1982 I [Olivier Roy, French author and researcher] saw a trial near Herat, in a village controlled by the Jamiat-i Islami. The resistance had arrested an agent of the KhAD and imprisoned him in a house. This agent managed to escape, and, when they caught him, they beat him pretty badly. The next day a qazi [Islamic judge] was summoned, because the family of the KhAD agent had gone to the resistance court and entered a complaint against the mujahidin. The family of the KhAD agent actually went to the resistance court! And I was there the next day, when the qazi came in and started yelling at the commander. He said, ‘Torture is forbidden by Islam. We should not adopt the practices of our enemy, or we will have no right to fight against him.’ The resistance chief really tried to excuse his men; he said, ‘We didn’t really torture him—he was escaping,’ and so on. But the qazi examined the prisoner and saw he had cut lips and a black eye and rebuked the commander again.

(d) “Then the qazi convened a court of four judges and held a trial. This trial lasted over a week, maybe eight or ten days. I attended many of the sessions. The prisoner was charged with having caused the death of a member of the resistance. The qazi called a lot of witnesses, including the family of the accused. In the end the prisoner was found guilty and executed.”<sup>88</sup>

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<sup>85</sup> The following reports were collected in Helsinki Watch, Tears, Blood, and Cries 202-206.

<sup>86</sup> Afghan Information Centre Monthly Bulletin, 21 (June 1983) 3; Helsinki Watch, Tears, Blood, and Cries 204.

<sup>87</sup> Agence France Presse, Islamabad, April 17, 1984.

<sup>88</sup> Helsinki Watch, Tears Blood, and Cries 204-205. Testimony of Olivier Roy, French political scientist and expert on Afghanistan; interview in New York City, April 25, 1984.

7.65 Human Rights Watch's 1990 report, Afghanistan: The Forgotten War, included a detailed survey of practices and conditions of detention by Afghan mujahidin organizations in both Pakistan and many regions of Afghanistan. The organization observed:

“Control of these prisons and detention procedures is entirely in the hands of the commander or the party; the treatment of prisoners varies depending on the practices of individual commanders and party leaders. International humanitarian organizations have access to some of the jails in Afghanistan and in the Tribal Agencies [of Pakistan], but not to those in Pakistan [settled territory]. No uniform safeguards govern detention procedures, and there are few if any safeguards against ill-treatment and torture of prisoners. Even the location of these prisons and detention centers is difficult to confirm, as are the numbers of those detained.”<sup>89</sup>

7.66 In prisons operated by Hikmatyar and Khalis commanders, torture was reported to be widespread. Restraining devices such as chains and leg irons were reportedly widely used.<sup>90</sup>

### **G. Political Assassination and Enforced Disappearances**

7.67 There is very little record of the assassinations inside Afghanistan in the early years of the war, and where there is some information available it is usually impossible to determine from the available information whether killings took place as part of shootouts or as assassinations. The early years of the massive refugee flow into Peshawar and the surrounding areas also saw many killings and disappearances. John Fullerton reported the assassination of nine commanders in Peshawar in the four months ending in March 1983, and a source cited by Human Rights Watch agreed that in 1979–1983, Gulbuddin Hikmatyar “had terror squads roaming Peshawar, picking up suspected Afghan ‘leftists,’ bringing them in to their detention centers, torturing them, and killing them off.”<sup>91</sup> In 1983, according to Human Rights Watch, “the Pakistan government asserted control over the situation, and the use of detention centers for Afghans captured out of combat seemed to decline.”<sup>92</sup>

7.68 After the Soviet withdrawal, as the mujahidin, now under less pressure from the enemy, intensified their struggles with each other, assassination allegedly took on a systematic character. The political struggle also became intertwined with the struggle over control of the profits from the growing opium trade.

7.69 A new US envoy to the Afghan mujahidin, Ed McWilliams, arrived in Pakistan in the summer of 1988 as the Soviet withdrawal was getting underway. He found evidence that “Gulbuddin Hekmatyar—backed by officers in ISI’s Afghan bureau, operatives from the Muslim Brotherhood’s Jamaat-e-islami [a Pakistani Islamist party], officers from Saudi intelligence, and Arab volunteers from a dozen

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<sup>89</sup> Helsinki Watch, The Forgotten War 101.

<sup>90</sup> Helsinki Watch, The Forgotten War 101.

<sup>91</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 38.

<sup>92</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict 38.

countries—was moving systematically to wipe out his rivals in the Afghan resistance. . . . Hekmatyar and his kingpin commanders were serially kidnapping and murdering mujahedin royalists, intellectuals, rival party commanders—anyone who threatened strong alternative leadership.”<sup>93</sup>

7.70 The following are a few of the better known reported examples of alleged killings from that time, not all of them clearly attributable to Hikmatyar:

(a) In early 1988 Ahmad Shah Massoud’s older half-brother, Din Muhammad, was kidnapped and killed hours after he visited the US consulate to apply for a visa. Massoud’s brothers believed that the killing was carried out by the ISI’s Afghan cell.<sup>94</sup>

(b) In the summer of 1989, Massoud was planning a military offensive to capture the town of Kunduz. He knew that the disorganized rush into the town in 1988 had discredited the mujahidin and hoped to capture and administer the town credibly. After a strategy meeting in Taluqan, a group of his senior commanders were returning to their bases. On July 9, as they passed through the Farkhar gorge in Takhar, they were ambushed by Hizb-i Islami fighters led by commander Sayyid Jamal. According to US journalist Richard Mackenzie, who was reporting from the area at the time, five were killed in the ambush and twenty-five summarily executed afterwards. Hikmatyar claimed that the killings occurred as a result of a local dispute, leading to casualties on both sides. Jamiat claimed to US diplomats and Western journalists that it had intercepted radio communications showing that the killings were ordered from Peshawar by Abdul Qadir Qaryab, head of the political committee of Hizb-i Islami. The facts remain to be established by an impartial source. Massoud arrested Sayyid Jamal and his associates, had them tried by a court in Panjshir, which found them guilty of murder, and executed them.<sup>95</sup>

(c) On August 8, 1989, Haji Abdul Latif, a commander of NIFA from the Barakzai tribe in Qandahar, died from poisoning. His son, Gul Agha Shirzai, claimed that the Soviets had paid two of his father’s bodyguards for the murder, but in private he blamed Hikmatyar. Haji Abdul Latif had supported the return of Zahir Shah. Several months earlier, when the ISI tried to send Hikmatyar to Qandahar, Haji Abdul Latif had shelled his convoy and prevented him from arriving. He also had developed a cooperative relationship with the Parchami governor of Qandahar, a fellow Barakzai, General Abdul Haq Ulumi. The ISI had reportedly warned him he would be killed. Haji Abdul Latif was one of a series of tribal elders assassinated in Qandahar. Others were former Senator Abdul Razzaq and Haji Habib, a Popolzai elder.<sup>96</sup>

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<sup>93</sup> Coll, *Ghost Wars* 181.

<sup>94</sup> Coll, *Ghost Wars* 182.

<sup>95</sup> Asia Watch, *The Forgotten War* 54–55.

<sup>96</sup> Asia Watch, *The Forgotten War* 111; Rubin, *Fragmentation*.

- (d) On September 14, 1989, Haji Hussein Karokhel, a commander of the Karokhel clan of the Ahmadzai tribe, was assassinated, along with his pregnant wife, in the Bada Bira camp outside Peshawar.<sup>97</sup>
- (e) On March 25, 1990, Mullah Nasim Akhundzada and five of his bodyguards were assassinated in Cherat, Pakistan, twenty-five kilometers east of Peshawar. Akhundzada, a commander of Harakat-i Inqilab (Muhammadi), controlled the opium-growing areas of north Helmand, where he became one of Afghanistan's first drug-based warlords. He was also the Minister of Defense in the Interim Government. He collected the raw opium grown in his territory and sold it to commanders of Hizb-i Islami for processing and trafficking. He had negotiated a deal with the US ambassador to Pakistan, Robert Oakley, under which he would ban opium cultivation in return for \$2 million, which, to his considerable disappointment, came in the form of USAID development programs rather than suitcases full of \$100 bills. The ban on opium cultivation embroiled him in a feud with his former customers in the drug trade, who reportedly had him killed, and opium production subsequently resumed. Harakat-i Inqilab reportedly arrested a Hizb-i Islami commander for the murder and executed him.<sup>98</sup>
- (f) On November 24, 1989, the Palestinian Islamic scholar Abdullah Azam, head of Maktab al-Khidamat, the "office of services" that coordinated private Islamist aid to the mujahidin and refugees, was killed with his two sons by a car bomb. At the time of his death, Azam was reportedly embroiled in a dispute with al-Qaida and Usama Bin Laden over the latter's diversion of contributions meant for the jihad in Afghanistan to global Islamist goals. While Bin Laden was openly siding with Hikmatyar in the latter's struggle for dominance, Azam had attempted to reconcile Hikmatyar and Massoud; his Algerian son-in-law worked for the latter.<sup>99</sup>
- (g) On June 11, 1990, Nasrullah Shariatyar, a Hikmatyar commander in Khanabad, Kunduz, was assassinated in Peshawar. Human Rights Watch believed that the killing may have resulted from disputes within Hizb-i Islami (Hikmatyar).<sup>100</sup>

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<sup>97</sup> Asia Watch, The Forgotten War 111.

<sup>98</sup> Asia Watch, The Forgotten War; Rubin, Fragmentation.

<sup>99</sup> Coll, Ghost Wars 202–204.

<sup>100</sup> Asia Watch, The Forgotten War 110.

7.71 In addition to assassinations of rival commanders, some of the parties also allegedly assassinated members of other rival elites, in particular intellectuals and employees of NGOs or international organizations. The best known such example is the killing of Sayd Bahauddin Majrooh. Majrooh was a professor at Kabul University and founder of the Afghan Information Centre Monthly Bulletin, which drew on a vast network of informants to become the single most reliable and consistent source of information about the situation in Afghanistan. He was an indispensable resource for all those trying to understand what was happening in Afghanistan, including human rights organizations.

7.72 In early 1988, as the Soviet Union prepared to sign the Geneva Accords under which it would withdraw its troops from Afghanistan, there was intense diplomatic activity dealing with the question of a transitional government in Afghanistan. Majrooh's Centre conducted a rough survey of refugees in Pakistan, which showed that approximately seventy percent preferred a government led by the exiled former king, Zahir Shah, a view which was widely known to be Majrooh's own as well. The survey also showed that the leaders of the Islamist parties supported by Pakistan had negligible support. Just as the Soviet special envoy Yuli Vorontsov arrived in Pakistan for talks on a transitional government, gunmen murdered the sixty-year-old Majrooh in his home on February 11, 1988. Majrooh had received a death threat from Hizb-i Islami (Hikmatyar) one week earlier.<sup>101</sup>

7.73 According to an investigation carried out by the Afghanistan Justice Project, Majrooh was killed on the personal orders of Gulbuddin Hikmatyar on the grounds that Majrooh was supporting Zahir Shah and attacking mujahidin leaders. The killing was allegedly planned by Hikmatyar together with his cousin, Dost Mohammad Khan, Rahmatullah Zubair of Paktia, Ghulam Nabi Khan of Paktia, and Mijur of Paktia. According to investigations carried out by the Afghanistan Justice Project, the killing was allegedly carried out by Mijur and two of his relatives. Mijur reportedly had Pakistani permits for weapons and a Toyota Land Cruiser whose number plates were allegedly known to Pakistani police and which they were under orders not to stop.<sup>102</sup> There is little evidence that Pakistan conducted a criminal investigation of his murder, and no one was ever arrested or charged, as in all such cases of political killings of Afghans in Pakistan.<sup>103</sup>

7.74 There were many more such cases reported. According to human rights reports, leaders and some members of secular or leftist parties could expect death threats or assassination in Peshawar. This extended to Afghan Millat (a Pashtun nationalist party), the Revolutionary Association of Women of Afghanistan (RAWA—a feminist organization with roots in Afghanistan's "Maoist" movements), and the Maoist parties Shu'la-yi Javid (eternal flame) and SAMA (Sazman-i Azadbakhsh-i Mardum-i Afghanistan, Liberation Organization of the People of Afghanistan). All of

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<sup>101</sup> Rubin, Fragmentation.

<sup>102</sup> Afghanistan Justice Project, Candidates and the Past: The Legacy of War Crimes and the Political Transition in Afghanistan (October 2004) 18.

<sup>103</sup> Asia Watch, The Forgotten War 122–123.

these organizations were also allegedly persecuted by the PDPA regime, which is why their leaders and members fled to Pakistan.<sup>104</sup>

7.75 The threats, arrests, and killings were hardly limited to those with such political associations. As the examples cited below show, those who supported the nationalist or royalist politics of the old regime could also be threatened, as could tribal elders who opposed the domination of Islamist commanders, Afghans associated with western organizations such as relief groups, and women whose professional roles violated the strictures that the Islamists wanted to impose. Dr. Mohammad Azam Dadfar, the psychiatrist whose work with victims of torture and other abuses by the Soviets and the DRA was reported in previous chapters, was forced to flee Peshawar and close his clinic, the only psychiatric facility for the three to four million refugees in Pakistan, when extremists attacked his clinic and threatened him.<sup>105</sup>

7.76 Some threats specifically targeted women, especially those working for international humanitarian organizations. Human Rights Watch reported that one women's organization "received a letter which stated that if its members did not stop attending a 'health course,' they would be killed." Fatwas issued by unknown organizations threatened any woman who wore "close-fitting" or improper clothes, who wore perfume or cosmetics, who went out "without her husband's permission," who talked "with men who are not her close relatives," were "walking with pride," or "walking in the middle of the street." This document specifically threatened a number of schools for girls and women in Peshawar.<sup>106</sup>

7.77 Except where otherwise noted, the following cases of threats, disappearances, and assassinations come from a Human Rights Watch report:<sup>107</sup>

(a) Sometime in 1987, Zia Naudrat, a well-known blind Afghan poet, disappeared from Peshawar. His family told US government officials that he had gone to the office of Hizb-i Islami (Hikmatyar) to complain about death threats he was receiving.<sup>108</sup>

(b) Just before the assassination of Majrooh, on February 4, 1988, Mina Keshwar Kamal, the founder of RAWA, was assassinated in Quetta. RAWA has always charged that Gulbuddin Hikmatyar masterminded this killing with the complicity of the ISI.<sup>109</sup> Nothing is known about any investigation by the Pakistan authorities.

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<sup>104</sup> Asia Watch, The Forgotten War 112–123.

<sup>105</sup> Personal communication, Dr. Mohammad Azam Dadfar.

<sup>106</sup> Asia Watch, The Forgotten War.

<sup>107</sup> The following list is mostly summarized from Asia Watch, The Forgotten War. Professor Ermacora referred to it in E/CN.4/1990/25 para. 52–54. He mentioned the cases of Dr. Ludin, Wadud, and Majrooh and noted, "Further allegations of threat and intimidation were once again drawn to the attention of the Special Rapporteur."

<sup>108</sup> "Afghan Refugees Assassinated and Disappeared in Pakistan," U.S. Department of State Unclassified document, supplied to Asia Watch on January 9, 1992.

<sup>109</sup> RAWA asserts that she "was assassinated by agents of KhAD (Afghanistan branch of KGB) and their fundamentalist accomplices in Quetta, Pakistan" (<http://www.rawa.org/meena.html>).



(c) In December 1988, Dr. Ruhullah Oman disappeared from his clinic in Peshawar.<sup>110</sup>

(d) Also in 1988, Azizullah Ulfat of the Intiqam-i Islami party was killed.<sup>111</sup>

(e) Two days before a demonstration scheduled to commemorate the first anniversary of Mina Kamal's unsolved murder, Pakistani police arrested several members of RAWA and other leftist organizations in Quetta, including Dr. Farida Ahmadi, the first Afghan woman to testify internationally about her torture at the hands of KhAD and its Soviet advisers.<sup>112</sup> Three of her relatives and two RAWA colleagues (all male) were also arrested. Human Rights Watch believed that Gulbuddin Hikmatyar may have instigated these arrests.

(f) In July 1989 gunmen shot and killed Dr. Muhammad Nasim Ludin, who had organized several clinics for refugees and helped human rights organizations in their investigations of Soviet and DRA abuses. Witnesses identified two men who came to the hospital to check that he was dead as linked to Mawlawi Yunis Khalis. They were briefly arrested and then released.

(g) On August 28, 1989, Muhammad Zakir, an employee of the ICRC and member of Afghan Millat, was murdered in Peshawar. His relatives and friends believed he was killed for his political affiliation and criticism of extremist parties.

(h) On September 3, 1989, Abdul Fatah Wadud, an employee of the World Food Program in Peshawar, disappeared after leaving his office to meet a member of Hizb-i Islami. He had served five years in Pul-i Charkhi as a political prisoner in Kabul. A Hizb-i Islami (Hikmatyar) spokesman reportedly told the family that "his release would not be easy."

(i) On September 19, 1989, an armed man tried to shoot the principal of the Malalai girls' school in Peshawar, named after the similar institution in Kabul. A guard was injured. The school had been threatened several times.

(j) In October 1989, Dr. Shah Mahmud Bazgar, who had left his position as a cancer researcher in Orléans, France, to work for French relief organizations in his native Afghanistan, was killed in an ambush with three of his colleagues near Qandahar. He had provided assistance to Human Rights Watch on missions in 1984 and 1985 and was the author of the book Afghanistan: La résistance au coeur.<sup>113</sup>

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<sup>110</sup> United States Department of State, "Afghan Refugees Assassinated and Disappeared in Pakistan."

<sup>111</sup> United States Department of State, "Afghan Refugees Assassinated and Disappeared in Pakistan."

<sup>112</sup> Farida Ahmadi spoke at the Permanent People's Tribune hearings in Paris and the International Afghanistan Hearing in Oslo in 1983.

<sup>113</sup> Shah Bazgar, with Régis Guyotat, Afghanistan: La résistance au coeur (Paris: Denoël, 1987).

(k) In October 1989, Engineer Ataullah, a former employee of the Ministry of Communications in Kabul, disappeared after being taken for questioning by the ISI. A Human Rights Watch source claimed he had been handed over to Hizb-i Islami (Hikmatyar).

(l) In November 1989 members of Hizb-i Islami (Hikmatyar) imprisoned two Afghan employees of a US aid organization in Wardak province. They were released after a week when one proved that he too was a member of Hizb-i Islami (Hikmatyar).

(m) On January 17, 1990, a group of six Hazara men disappeared from their house in Peshawar. They were Hidayatullah Ahmadi, a UN employee; Liaqat Ali, an employee of the International Rescue Committee, a New York-based relief organization; two brothers of the latter, Abdul Hakim and one whose name was not reported; Muhammad Asif, an unemployed student; and Muhammad Ali, also employed at IRC. Muhammad Asif's father had been a provincial governor under a previous regime, and some relatives had espoused controversial views or been linked to Maoist organizations.

(n) On January 21, 1990, fifteen armed men ransacked the house of Mrs. Nur Saraj Safi, who directed an IRC income-generating project for women. The men threatened to kill the whole family, all of whom left Pakistan within days.

(o) On January 27, 1990, Abdul Qayyum Rahbar, linked to the Maoist organization Shu'la-yi Javid (Eternal Flame), was shot in front of his brother-in-law's house in Peshawar. His twenty-year-old nephew was wounded in the attack.

(p) On March 27, 1990, two or three men in a car shot dead Dr. Sadat Shagiwal, a physician from Nangarhar who headed the Afghan Aid Association. He was a member of Afghan Millat, whose clinics in Afghanistan were located in areas under the control of commanders belonging to Hizb-i Islami (Khalis).

(q) On May 15, 1990, a female nurse named Malalai working at Dr. Ihsan Khattak's clinic in Peshawar was abducted with twelve others. She had reportedly been a military nurse with the Afghan government and had received a death threat in the form of a bullet in an envelope. She was reported to be held in the Hizb-i Islami (Hikmatyar) prison in Shamshattu, but Hikmatyar denied this to the Pakistani press. According to a USG document, her raped and mutilated body was found two weeks later.<sup>114</sup>

(r) In late May or early June 1990, a sixteen-year-old boy disappeared. He was a distinguished student in an IRC course and had just finished an exam when he was abducted. Friends saw him stopped by armed men who forced him into a black car. Pakistani police told the family that such incidents involving Afghans were not their concern. Another brother had disappeared four years earlier.

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<sup>114</sup> United States Department of State, "Afghan Refugees Assassinated and Disappeared in Pakistan."

(s) On June 2, 1990, Professor Muhammad Zahir Khatib was assassinated in his home in Peshawar while sleeping in his bed. A scholar of theology, he was a leading member of Jamiat-i Islami.

(t) On June 3, 1990, a woman employee of the IRC's women's English-language program was warned to cancel a trip abroad. The warning also demanded the closure of the women's language program. Posters appeared threatening death to women who continued to work for foreign aid agencies. The Pakistan authorities said they could not guarantee the woman's security and advised her to stay home.

(u) In July 1990, a Pakistani journalist, Mansoor Khan, was murdered in his hotel in Peshawar, allegedly by Afghans unhappy with his reporting.<sup>115</sup>

(v) In 1990, Humayun Shormach, a journalist from Nuristan, was kidnapped from his house and disappeared. His family believed the disappearance was politically motivated.<sup>116</sup>

(w) In 1991, Professor Changzai disappeared in Peshawar. A pro-Zahir Shah activist, he had been publishing articles on Hikmatyar's alleged financial and political dealings with Libya. Hizb-i Islami (Hikmatyar) was accused of carrying out the abduction. In September Changzai was reported to be held in Hikmatyar's prison in Spina Shagai in the Tribal Areas. In December, a senior Pakistani official told USG officials he believed Changzai was still alive and being held at Dara Adam Khel south of Peshawar. Others stated that Changzai died in captivity.<sup>117</sup>

(x) Also in 1991, USAID employee Moqim Abdurrahimzai was ambushed in his vehicle near Peshawar. Though wounded, he escaped.<sup>118</sup>

(y) On August 3, 1991, unknown assailants shot and severely wounded Sayyid Usman Mirranay, a member of Afghan Millat.

(z) On October 30, 1991, Dr. Abdul Zamani, the Afghan director of the Austrian Relief Committee, was ambushed in his vehicle on the Grand Trunk Road between Peshawar and Pabbi. He was shot three times but survived.

(aa) In November 1991, Engineer Aziz, the Afghan director of the International Rescue Committee's English Language Program, was ambushed in his personal vehicle in the presence of his young son in Peshawar's University Town, the wealthy area where relief organizations and UN offices

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<sup>115</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" (A/45/664, 1990) para. 88.

<sup>116</sup> United States Department of State, "Afghan Refugees Assassinated and Disappeared in Pakistan."

<sup>117</sup> United States Department of State, "Afghan Refugees Assassinated and Disappeared in Pakistan."

<sup>118</sup> United States Department of State, "Afghan Refugees Assassinated and Disappeared in Pakistan."

were located. He was hit by multiple rounds from automatic weapons and died on the spot.<sup>119</sup>

7.78 Many of these threats, attacks, killings, and disappearances occurred in Pakistan with complete impunity. Human Rights Watch wrote in 1990:

“Pakistani authorities have failed to investigate [the abuses] properly, and have prosecuted no one for any of these crimes. Pakistan’s failure to investigate these crimes and bring those responsible to justice amounts to a policy of complicity in human rights abuses committed by these groups within Pakistani territory. In a number of cases, Pakistani authorities, especially the ISI, have participated in abuses, including the detention of Afghan refugees suspected of opposing some of the parties favored by Pakistan, or handing over suspects to the parties for interrogation and torture.”<sup>120</sup>

7.80 The killings reported in Pakistan, however, should not obscure the potentially larger number of assassinations, disappearances, and kidnappings that occurred in Afghanistan and were never reported. The files of the AIHRC are gradually filling up with accounts from all over the country like these from one person in Herat:

(a) “Haji Ghulam Faruq, in year 1358 (1979–1980) was taken out of the house at 12 o’clock pm by a Jamiat commander . . . , who was a professional killer. My brother was an impartial person. Because he didn’t pay the fine . . . , he was killed.

(b) “Another brother in the name of Haji Ghulam Haidar was an employee in the Cotton Company in Herat, and after he retired, he was killed on 27 Ramadan 1360 (1981) by a mujahid . . . from Baghdasht village of Herat province.

(c) “Another brother by the name of Ghulam Muhiyuddin who was an employee of the Youth Organization Committee of Herat was killed by Jamiat-i Islami. In the year 1364-05-21/22 (12–13 August 1985) mujahidin surrounded the YOC and took hostage the people inside the compound. They kept the hostages for ten days. The mujahidin asked for afs 100,000 [about \$2,000 at the official rate of exchange] for the release of my brother. We paid them, but . . . a commander belonging to Jamiat-i Islami killed my brother.”<sup>121</sup>

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<sup>119</sup> United States Department of State, “Afghan Refugees Assassinated and Disappeared in Pakistan.”

<sup>120</sup> Asia Watch, *The Forgotten War*. Asia Watch pointed out that some of the abuses occurred within Pakistani territory proper and others in the Federally Administered Tribal Agencies, where Pakistani law does not apply and there are no regular courts.

<sup>121</sup> Afghan Independent Human Rights Commission, Transitional Justice Section, *Herat Province* (Kabul: 2003).

## H. Attacks on Civilian Targets and Acts of Terrorism

7.80 In both 1989 and 1990, Special Rapporteur Felix Ermacora reported an increase in both acts of terrorism and attacks on civilian targets by the “armed opposition”:

(a) “The Special Rapporteur was told by different sources that a significant increase in the number of acts of terrorism against the population inside the country had occurred in September, October and mid-November 1988. Government authorities, for their part, provided the Special Representative with figures of casualties which they consider to be the result of acts imputed to opposition forces, as follows: 3,954 dead, including 1,165 civilians, and 5,201 injured, including 2,027 civilians.”<sup>122</sup>

(b) “There appears to be an increase in civilian targets, which is contrary to humanitarian law. Government forces [in 1990] endeavour to hit mainly military goals, whereas the opposition forces seem to fire indiscriminately as well as committing acts of terrorism as defined by the First Additional Protocol to the Geneva Conventions. The shelling of cities and public places such as markets, bus stations, mosques and schools has caused the death of more than 1,000 civilians since September 1989 [in a document dated January 31, 1990]. Other forms of terrorism have been reported, such as assassinations or the abuse of women and children.”<sup>123</sup>

(c) “In two previous reports to the General Assembly, the Special Rapporteur has dealt with acts of terrorism (A/43/742, paras. 118 to 121, and A/44/669, para. 88). The concept of acts of terrorism is clearly defined in the First Additional Protocol to the Geneva Conventions of 12 August 1949. Previously such acts were attributed to forces intervening in Afghanistan, but they may now be attributed to opposition forces. Terrorist acts are perpetrated against personalities within the Afghan community or those serving a common cause. In this context the Afghan Government claims that, since 1 September 1989 [document dated January 31, 1990], acts of terrorism in Kabul have caused the death of 1,137 persons, injured 2,729, and destroyed 401 houses, 38 shops, 3 hotels, and 4 mosques.”<sup>124</sup>

7.81 These acts of terrorism included both targeted killings of civilian regime figures outside the context of combat and indiscriminate shelling of civilian areas. Human Rights Watch pointed out in 1987, “Like most guerrilla armies, the mujahedin have a practice of targeting government officials or persons supporting the government for assassination. The targeting of nonmilitary government officials or others is a violation of common article 3 of the Geneva Conventions.”<sup>125</sup>

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<sup>122</sup> E/CN.4/1989/24 para. 59.

<sup>123</sup> E/CN.4/1990/25. para. 10.

<sup>124</sup> E/CN.4/1990/25 para. 72.

<sup>125</sup> Helsinki Watch and Asia Watch, By All Parties to the Conflict.

7.82 After the approval of NSDD 166, the CIA allegedly supplied many “dual use” weapons systems, meaning weapons that could be used against legitimate military targets but also could be employed in terrorism or assassination. According to Stephen Coll’s research:

“These included the new electronic detonators, the malleable plastic explosives, and sniper rifle packages. The rough rule at Langley [CIA headquarters] was that the CIA would not supply any weapon where ‘its most likely use would be for assassination or criminal enterprise,’ as one official put it. Since the CIA was not running the commando operations itself but was relying on Pakistani intelligence, ‘most likely use’ could only be approximated.”<sup>126</sup>

7.83 Especially after the adoption of NSDD 166, the CIA and ISI reportedly placed greater pressure on the mujahidin to attack regime strongholds, often using indiscriminate means.<sup>127</sup> After the Soviet withdrawal, the CIA and ISI were reported to assume even greater operational control of mujahidin activities in order to enable them to take control of government-controlled cities.

7.84 Steve Coll reports:

“In his speeches to Afghan commanders and trainees, the ISI chief [Gen. Akhtar Abdul Rahman] repeatedly emphasized the need to put pressure on the Soviets and the Afghan communists in and around the capital. ‘Kabul must burn!’ Akhtar declared.”<sup>128</sup>

7.85 During 1989–1991, the CIA and ISI reportedly assumed control of indiscriminate attacks on cities, including Jalalabad, Kabul, and Qandahar. The UN Special Rapporteur, in his 1988 report to the General Assembly, characterized the type of military tactics that the US and Pakistan were then pressing upon the mujahidin as acts of terrorism as defined by the First Optional Protocol of the Geneva Conventions.<sup>129</sup>

7.86 Some mujahidin representatives interviewed by Human Rights Watch denied that they were under pressure to launch attacks against the cities, arguing instead that if they did not rocket the cities it would amount to a de facto cease-fire.<sup>130</sup> They also contended that the rocketing was a means of keeping up pressure on the government.<sup>131</sup> Other Human Rights Watch sources stated that since early 1989 the ISI had increased pressure on commanders to undertake attacks and supplied

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<sup>126</sup> Coll, Ghost Wars 135–136.

<sup>127</sup> Coll, Ghost Wars 125–128.

<sup>128</sup> Coll, Ghost Wars 103, quoting a classified US diplomatic cable.

<sup>129</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” A/43/742, (1988) para. 122.

<sup>130</sup> This account, from this point until the start of the section headed “Reprisals, Extra-Judicial Executions, Rape, and Trafficking of Women,” is reproduced nearly verbatim, with notes, from Asia Watch, The Forgotten War 42–51. Some verb tenses have been changed. A few points that have been added are specified as such.

<sup>131</sup> Mohammad Eshaq, personal interview, Peshawar, July 7, 1990.

payments for attacks—a system which one source described as “mercenary warfare.”<sup>132</sup> Payments for attacks reported amounted to Rs. 20,000 (U.S. \$1,000) per attack; the nearer to Kabul the commander fired, the greater the payment.<sup>133</sup> In Peshawar, Human Rights Watch examined reports submitted by commanders to ISI officials in which they acknowledged receipt of such payments. Human Rights Watch obtained a photocopy of one report dated May 11, 1990, which had been submitted to ISI officials by Amir Sayyid Ahmad, a commander allied with Sayyaf from Deh Sabz district east of Kabul, where villagers had witnessed the executions on Polygon Field in 1978–79 and been bombarded heavily in late 1979 or early 1980.<sup>134</sup> In this report, Sayyid Ahmad described a two-hour attack on Kabul in which 14 Sakr-20 rockets were fired and “35 communists” killed.

## **Jalalabad**

7.87 Following the completion of the withdrawal of the Soviet forces from Afghanistan in February 1989, a number of mujahidin commanders launched a series of offensives against government forces that included the indiscriminate rocketing of government-controlled cities. The first target of the offensive was Jalalabad, which came under siege by resistance forces from March to May 1989. Journalists who visited the city reported widespread destruction of civilian objects:

“Large sections have been bombarded and abandoned, while others, especially the mud-walled sections of the old town, have been shattered by the unrelenting rocket and artillery attacks of rebels . . . some streets have hardly any homes that have not been hit by rockets or shells . . . The city’s main high school, its university, its courthouse, its prison, at least two hospitals, and several major government buildings appeared to have been so badly damaged as to be unusable.”<sup>135</sup>

7.88 US officials played down reports of devastation to residential areas. In testimony before the House Subcommittee on Asian and Pacific Affairs on June 14, 1989, Deputy Assistant Secretary of Defense for Near East and South Asian Affairs Edward W. Gnehm stated, “It is our firm belief that most of the insurgent groups have specifically avoided targeting the civilian areas, and . . . that destruction is not nearly as large-scale as had been feared.”<sup>136</sup> According to Afghan government sources, however, 500 civilians were killed and more than 2,000 injured in rocket attacks and shelling of Jalalabad in the two months after the offensive began in early March 1989.<sup>137</sup>

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<sup>132</sup> Former Afghan diplomat, personal interview, Peshawar, February 11, 1989.

<sup>133</sup> Afghan journalist in Peshawar, personal interview, July 10, 1990. Another Afghan exile told Asia Watch that payments could run as high as Rs. 500,000 (U.S. 25,000); Afghan exile in Washington, D.C., personal interview, January 21, 1991.

<sup>134</sup> See Chapter Three.

<sup>135</sup> John Burns, “Inside Jalalabad: A Sad Crumbling Shell,” *New York Times*, May 11, 1989.

<sup>136</sup> Hearings 74.

<sup>137</sup> Burns, “Inside Jalalabad”; Mark Fineman, “Jalalabad Devastated but Quiet,” *Washington Post*, May 11, 1989.

## Kabul

7.89 In the first nine months after the Soviet withdrawal in February 1989, Western aid experts based in Kabul reported that at least six hundred people died in guerrilla rocket attacks on Kabul, over ninety percent of them civilians.<sup>138</sup> Western relief agencies estimated that at the end of 1989, one thousand civilians had died in rocket attacks on Kabul alone.<sup>139</sup> In an interview published in the Washington Post in July 1989, Jean-Jacques Fresard, the head of the International Committee of the Red Cross mission in Kabul at the time, stated that ninety-nine percent of those killed in the rocket attacks had been civilians.<sup>140</sup>

7.90 After the siege of Jalalabad, resistance commanders reportedly continued to fire rockets and surface-to-surface missiles into government-controlled cities, particularly Kabul, despite the high civilian casualties caused by these attacks in relation to the importance of the military targets. The mujahidin also used mortars in these attacks. These mortars reportedly required daily adjustment to be accurate; failure on the part of the guerrillas to do so may explain some of the high civilian casualties.<sup>141</sup>

7.91 Most of the civilian casualties in Kabul were caused by indiscriminately deployed rockets. The Sakr rocket that was used most extensively disintegrated into high-velocity shrapnel hurled from the site of impact at a sixty-degree angle.<sup>142</sup> In the course of the Human Rights Watch mission in late July and early August 1990, they reported that some twelve to twenty rockets struck Kabul every day. Human Rights Watch representatives visited the sites of several rocket explosions in Kabul in July 1990 and reported on the resulting casualties.

7.92 The other kinds of Sakr rockets which were fired into Kabul were the M42 and M46, which had a range of between twenty and thirty kilometers and delivered between forty-two and ninety-eight antipersonnel bomblets that were packed inside each other in rows in the nose cone of the rocket.<sup>143</sup> In mid-1989, approximately twenty-five percent of the rockets fired into Kabul were of this kind; thereafter the rocket was used far less frequently.<sup>144</sup>

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<sup>138</sup> John Burns, "Don't Give Rockets to Rebels, Kabul Tells U.S.," New York Times, November 29, 1989.

<sup>139</sup> John Burns, "Now They Blame America," New York Times Magazine, February 4, 1990, p. 24.

<sup>140</sup> James Rupert, "Afghans Prepare for Summer Offensives," Washington Post, July 13, 1989.

<sup>141</sup> Representatives of international relief agencies in Kabul, personal interview July 22, 1990.

<sup>142</sup> Experts at the HALO Trust, a British mine clearing organization in Kabul, personal interview, July 27, 1990.

<sup>143</sup> Because of the rocket's "cluster" delivery system, the rocket is sometimes described as a "cluster bomb." Experts in Kabul told Asia Watch that the precise number of bomblets varies, making it difficult for explosives experts trying to clear them to know how many of these bomblets they must locate.

<sup>144</sup> According to experts at the HALO Trust, these rockets accounted for twenty-five percent of the rockets fired between June and August 1989; they accounted for one in fifty during the same months in 1990. De-mining experts described the M42 and M46 as the "worst thing used here now." Personal interview in Kabul, July 27, 1990.



7.93 The bomblets had a lethal range of fifteen meters. According to munitions experts, seventy percent of them exploded on impact and the rest remained active on the ground. The bomblets were light in weight and were attached to a loop of tape that allowed some of them to become snared in the branches and to fall to the ground later when dislodged by wind. After rains, the bomblets might also sink into the ground.<sup>145</sup>

7.94 The Sakr was also a “blind” rocket and could not be aimed accurately. The laws of war specifically prohibit the use of weapons “which employ a method or means of combat which cannot be directed at a specific military objective.” The Land Mines Protocol further prohibits the use of remotely-delivered mines<sup>146</sup> except in the following situations:

- (a) When mines are only used within an area which is itself a military objective or which contains military objectives;
- (b) When their location can be accurately recorded, or when an effective self-destructing mechanism is used on each such mine when the mines no longer serve a military purpose;
- (c) When the civilian population is given advance warning of the delivery of such mines, unless circumstances do not permit.<sup>147</sup>

7.95 In the vast majority of cases, the rockets fired into Kabul and other cities did not strike military targets or areas that contained them.<sup>148</sup> The bomblets that were scattered by the Sakr rockets contained no self-destruct mechanism, nor was the civilian population forewarned of these attacks.

7.96 In early October 1990, a number of resistance commanders, reportedly under the direction of the ISI, undertook a major offensive against Kabul.<sup>149</sup> The rocketing of the city intensified during this period, and civilian casualties rose proportionately. In its October 1990 newsletter, the International Committee of the Red Cross (ICRC) reported that rocketing caused heavy casualties not only inside the city, but in Mir

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<sup>145</sup> HALO Trust, personal interview, July 27, 1990.

<sup>146</sup> The Land Mines Protocol defines a “mine” as “any munition placed under, on or near the ground or other surface area and designed to be detonated or exploded by the presence, proximity or contact of a person or vehicle.” A “remotely-delivered mine” is “any mine so defined delivered by artillery, rocket, mortar or similar means or dropped from an aircraft.” Land Mines Protocol Article 2(1).

<sup>147</sup> Land Mines Protocol Article 5.

<sup>148</sup> Areas that may contain military objectives but also contain largely civilian populations do not constitute a legitimate military objective because the rule of proportionality prohibits attacks in which the civilian casualties outweigh the military importance of the objective.

<sup>149</sup> New note not in Asia Watch, The Forgotten War: [The offensive could have been much worse. In October 1990, the ISI loaded seven hundred trucks with forty thousand long-range missiles to support an all-out attack on Kabul by Hikmatyar that commander Amin Wardak estimated would cause “perhaps 200–300 thousand casualties.” The US, alerted to this effort by Massoud, Abdul Haq, Amin Wardak, and other unilaterally supplied commanders who opposed it, managed to halt this effort. The State Department suspected that the CIA had secretly collaborated with the ISI in the preparations. See Rubin, Fragmentation; Coll, Ghost Wars 218–219.]

Bacha Kot, in mujahidin-controlled territory forty kilometers north of Kabul.<sup>150</sup> The report described some of the patients received by its hospital on October 18:

“The new patients, most of them civilian and none older than 22, lie moaning on stretchers. . . . One of them is a very young man bleeding heavily from serious abdominal and leg injuries. He dies on the operating table. Another is a four-year-old girl who has a shrapnel wound to her brain. . . . The number of patients in the hospital soars to an alarming 228 as rockets continue to fall on the city and fighting goes on in the outlying areas.”<sup>151</sup>

7.97 Relief workers and members of the diplomatic community that Human Rights Watch interviewed in Kabul in July and August 1990 confirmed that civilian casualties from the attacks remained very high. The UN Special Rapporteur on Afghanistan, Felix Ermacora, stated in his October 1990 report that official sources in Kabul have stated that 4,771 civilians were killed and 11,756 were wounded as a result of rocket attacks on Kabul between March and October 1990.<sup>152</sup> In December 1990, the ICRC reported that about fifty percent of the wounded treated at its surgical hospital in Kabul were women and children under fourteen years of age who had been wounded in rocket attacks.<sup>153</sup>

7.98 The following list of rocket attacks represents only a handful of the incidents in which civilians were killed in Kabul. The information here was all derived from non-governmental sources:

(a) On August 16, 1990, a rocket struck the compound of the ICRC orthopedic center, killing two patients and wounding an ICRC employee and twelve other patients, three seriously.<sup>154</sup>

(b) On July 30, 1990, the daughter of an Afghan employee of the UN Development Program was killed in a rocket attack as she was walking home from school.<sup>155</sup>

(c) On April 12, 1990, twelve children and two adults were killed when a rocket exploded at a bus stop.<sup>156</sup>

(d) On November 26, 1989, a Sakr-30 exploded in the center of Kabul, killing twenty-five people, including traders in a bazaar, patients outside a

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<sup>150</sup> The fact that the rockets landed in opposition-held territory may indicate the degree to which the rockets were inaccurate. There was fighting between government forces and mujahidin around Kabul at the time, but it was not possible to state with certainty whether the rockets were aimed at any military targets.

<sup>151</sup> ICRC Bulletin, No. 177, October 1990.

<sup>152</sup> A/45/664 (1990) para. 87.

<sup>153</sup> ICRC Bulletin, No. 179, December 1990.

<sup>154</sup> ICRC Bulletin, No. 176, September 1990.

<sup>155</sup> Asia Watch learned of the incident that day during an interview with Ross Mountain, who was then resident representative of UNDP in Kabul.

<sup>156</sup> “Afghan Rebel Attack Kills 14,” New York Times, April 13, 1990.

clinic, and laborers. A second rocket exploded at a primary school, killing thirteen schoolboys.<sup>157</sup>

(e) On October 28-29, 1989, rockets exploded in residential areas, killing sixteen people.<sup>158</sup>

(f) On August 6, 1989, rockets exploded in a vegetable market and a residential neighborhood, killing ten people.<sup>159</sup>

(g) On July 31, 1989, rockets exploded at a bus stop and an auto repair shop, killing twenty-one people.<sup>160</sup>

(h) On July 22, 1989, rockets exploded in a bazaar, in an alley beside a mosque, and at the Ministry of Planning building, killing more than twenty-two people.<sup>161</sup>

## **Qandahar**

7.99 Human Rights Watch interviewed a doctor who had worked at the civilian hospital in Qandahar through 1989 and reported that, as a result of mujahidin attacks on the city, civilian casualties inside the city had increased in late 1989–90 to the point that they were greater than in areas of fighting outside the city.<sup>162</sup> Meanwhile, mujahidin attacks on Qandahar also intensified, and by mid-1990, 50 to 150 missiles and mortars landed on the city nearly every other day, with casualties averaging forty a week.<sup>163</sup> The mujahidin commanders responsible for the attacks belonged primarily to Hizb-i Islami and Abdul Rabb al-Rasul Sayyaf's Ittihad.<sup>164</sup> According to a Qandahar resident, "When the rocketing picks up, we know Hikmatyar or Sayyaf is inspecting the troops."<sup>165</sup>

7.100 Commanders in the Qandahar area interviewed by Human Rights Watch argued that they aimed at military cantonments and government buildings. According to a Qandahar resident, these military targets were surrounded by civilian areas.

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<sup>157</sup> John Burns, "Don't Give Rockets to Rebels, Kabul Tells U.S.," November 29, 1990.

<sup>158</sup> "Guerrilla Rockets Pound Kabul," Washington Post, October 29, 1989; "Kabul Rocketed for Second Day," Washington Post, October 30, 1989.

<sup>159</sup> "Shelling in Kabul," Washington Post, August 8, 1989.

<sup>160</sup> "Guerrilla Rockets Kill 21 in Afghan Capital," Washington Post, August 1, 1989.

<sup>161</sup> John Burns, "20 Die as Rocket Hits a Kabul Bazaar," New York Times, July 23, 1989.

<sup>162</sup> Previously, high civilian casualties were the result of government bombardments of mujahidin strongholds. Since early 1989, the governor reportedly ordered a halt to such operations and has not responded to the mujahidin attacks. Doctor from Qandahar, personal interview, Quetta, Pakistan, July 7, 1990.

<sup>163</sup> Doctor from Qandahar, personal interview, Quetta, Pakistan, July 7, 1990.

<sup>164</sup> Afghan relief worker, personal interview, Quetta, Pakistan, July 7, 1990.

<sup>165</sup> Afghan relief worker, personal interview, Quetta, Pakistan, July 7, 1990.

Westerners working for relief agencies said that much of the civilian hospital had been destroyed by the shelling.<sup>166</sup>

7.101 When asked why they were shelling civilian areas, some commanders responded that the civilians “should leave.”<sup>167</sup> A commander in the Qandahar area also said civilians were warned beforehand of planned attacks.<sup>168</sup> Other Qandahar sources, however, reported that they had no knowledge in advance of the attacks.<sup>169</sup> One Afghan relief worker told Human Rights Watch that some commanders used to send letters into the cities warning people of planned attacks, but that they no longer did so.<sup>170</sup> Even if such warnings were provided, however, the weapons used in the attacks were reportedly so inaccurate that damage to civilian objects would be almost unavoidable.

### **I. Reprisals, Extra-Judicial Executions, Rape, and Trafficking of Women**

7.102 In 1989 Professor Ermacora reported:

(a) “There are numerous allegations, some of them supported by films and photos, of atrocities committed by opposition movements in Kunduz, Kunar and parts of the Nangarhar province against Afghan soldiers, civil servants and their families.”<sup>171</sup>

(b) “In the beginning of January 1989, after the fall of the Khewa [Shewa] district in the province of Nangarhar, about 22 women were allegedly killed and some Afghan soldiers had their throats slit by forces belonging to the opposition movements.”<sup>172</sup>

7.103 A summary of the records of the Kunduz regional office of the Afghan Independent Human Rights Commission states:

“During year 1367 (1988), the provincial center of Kunduz, which was under the control of Communist regime, was taken over by mujahidin groups for ten days. During these days the city was looted by armed groups. Then this province again was taken over by communist regime.”<sup>173</sup>

7.104 Other reports speak of rapes and killings of civilians at that time. Human Rights Watch reported about a number of these incidents in a report published in February 1989:

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<sup>166</sup> International relief agency representatives in Quetta, personal interview July 8, 1990.

<sup>167</sup> Afghan doctor from Qandahar, personal interview, Quetta, Pakistan July 7, 1990.

<sup>168</sup> Commander Mullah Malang (HIK), personal interview Quetta, July 7, 1990.

<sup>169</sup> Afghan doctor from Qandahar, personal interview, Quetta, July 7, 1990.

<sup>170</sup> Afghan relief worker, personal interview, Quetta, July 7, 1990.

<sup>171</sup> E/CN.4/1989/24 para. 72.

<sup>172</sup> E/CN.4/1989/24 para. 55.

<sup>173</sup> Afghan Independent Human Rights Commission, Transitional Justice Section, Kunduz Province (Kabul: 2003).

“Commanders and many other sources either in or close to the resistance described instances of looting, burning, and arbitrary killing by “undisciplined” elements among the mujahidin. They also reported such behavior as a matter of principle on the part of some Wahhabi and other groups, who adhere to the doctrine of ‘maftuhāt’ (rights of conquest), according to which inhabitants of a non-Islamic area [dar al-harb] are the booty of its Muslim conquerors. (Most Afghan Muslims who spoke to Asia Watch rejected this doctrine and claimed it had been imported by Arab Wahhabis.) Such incidents have occurred in Kunduz city [indiscipline, not “Wahhabis”], Asadabad (also known as Chaghasarai), the provincial center of Kunar; Shinwari and Bara Mohmand districts of Nangarhar Province; and Shewa (Khewa in the local dialect) district of Kunar, where on January 13–14 [1989], a group which included Wahhabi Arab volunteers killed much of the population of a government-controlled village named Kuna Deh and raped an estimated 40 women.”<sup>174</sup>

7.105 Professor Ermacora echoed these reports, referring to these incidents in both 1989 and 1990:

(a) “The Special Rapporteur also heard allegations from a variety of sources concerning the ill-treatment of captured civilians, in particular women, during the battle for Jalalabad. It was alleged that captured persons have been slaughtered in the most cruel way and women taken abroad as prisoners and hostages.”<sup>175</sup>

(b) “Allegations have repeatedly been made that foreigners have joined the ranks of the armed forces of the opposition movements in Kunar province. It is reported that their behaviour does not conform to the customs prevailing in the region and that they have committed atrocities, particularly with regard to women. Representatives of the so-called Afghan Interim Government dissociate themselves from such acts.”<sup>176</sup>

7.106 Commenting on these reports, “The Special Rapporteur expressed astonishment at the lack of complete investigation into these serious allegations.”<sup>177</sup>

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<sup>174</sup> Asia Watch, “Policies of the Pakistani Military.” Shewa is actually in Nangarhar, not Kunar.

<sup>175</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/44/669, 1989) para. 87.

<sup>176</sup> A/45/664 (1990) para. 84.

<sup>177</sup> E/CN.4/1990/25 para. 74.

## VIII. THE ISLAMIC STATE OF AFGHANISTAN, 1992–1996, AND THE UNITED FRONT, 1996–1998<sup>1</sup>

### A. Political Developments 1992–1998

#### Negotiations toward a Settlement and the Collapse of the Najibullah Government

8.1 Efforts by the US and USSR to find an acceptable formula for a transitional government in Afghanistan following the Soviet withdrawal repeatedly ended in failure. The US and Pakistan insisted that Najibullah had to leave at the start of any transition, while the USSR held that he should preside over the transition, at the end of which he could leave. Finally, power shifts within the Soviet Union and its ultimate dissolution in December 1991 paved the way for the US and the Soviet Union (Russia, after the USSR was dissolved) to agree to cease military aid to their respective clients. That decision, effective January 1, 1992, injected new urgency into the search for an interim government to succeed Najibullah. But the end of military assistance from the former Soviet Union also acted as a catalyst for events on the ground. While the UN envoy, Benon Sevan, was engaged in protracted negotiations with the Afghan parties, the mujahidin parties and former militia forces were positioning themselves to fill the anticipated power vacuum.<sup>2</sup>

8.2 Najibullah's supplies from the Soviet Union reportedly reached him through areas in the north controlled primarily by the Uzbek militia forces of Gen. Abdul Rashid Dostum. Dostum allegedly routinely confiscated weaponry and received cash payments though an inflated payroll in exchange for his cooperation with the regime. This arrangement ended with the termination of Soviet military aid.<sup>3</sup> When Najibullah lost control of his supply line and his source of cash to pay the militias, he was faced with the rebellion of the most powerful of the militias, Dostum's Jawzjanis, and his hold on power quickly unraveled.<sup>4</sup> Other militias soon followed: the Ismailis, led by Sayyid-i Kayan; the Pahlawans, Uzbeks of Faryab; and other local commanders.<sup>5</sup>

8.3 In January, the UN launched an effort to obtain lists of candidates from all Afghan parties (the mujahidin, former king Zahir Shah, and Najibullah) for a committee that would then convene an assembly (*jalsa*) to choose an interim government. Not all mujahidin parties submitted lists, however, nor did the former

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<sup>1</sup> The Islamic State of Afghanistan, hereafter referred to by the initials ISA, continued to exist legally even after the Taliban took control of Kabul on September 26, 1996, as well as after the Taliban named their government the Islamic Emirate of Afghanistan in 1997. The various groups fighting against the Taliban under the rubric of the ISA or the alliances called successively the Northern Alliance and the Islamic United Front for the Salvation of Afghanistan (Jabha-i Muttahid-i Islami bara-yi Nijat-i Afghanistan) continued to commit serious violations of human rights and humanitarian law in the territories under their control in northern Afghanistan. This chapter covers the period up to August 1998, when the Taliban took control of most of the north of Afghanistan, greatly reducing the territory and population controlled by the ISA/UF.

<sup>2</sup> Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 2002, first edition 1995) 112–115.

<sup>3</sup> Rubin, *Fragmentation* 267.

<sup>4</sup> Rubin, *Fragmentation* 267.

king. Najibullah also refused until, under pressure, he submitted a list and agreed to announce his intention to resign. On March 18, 1992, he read a statement on television and radio, announcing that his resignation would take effect once the United Nations had established an interim government.<sup>6</sup>

8.4 The next day, the Northern Alliance (composed of Dostum's militia and other northern militias, Hizb-i Wahdat, and Massoud's Shura-i Nazar, among others) seized control of Mazar-i Sharif.<sup>5</sup> Massoud took control of the airfields at Bagram and Charikar north of Kabul, and Parchami rebels (under the command of Babrak Karmal's brother, Mahmud Baryalai) took control of Kabul airport. Last-minute efforts to cobble together an interim agreement failed as movements by armed forces on the ground swiftly overtook all negotiations. On April 16, Parchami forces at the airport prevented Najibullah from leaving the country, as had been arranged by UN negotiator Sevan.<sup>6</sup> Najibullah took refuge in the UN compound in Kabul.

8.5 Meanwhile, the ISI, which had helped to bring Tanai and Hikmatyar together in 1990, was reportedly readying them for an advance on Kabul. Hikmatyar had also enlisted a number of Arab recruits.<sup>7</sup> Fearing that the Northern Alliance would move on Kabul first, Khalqi Pashtuns and Hikmatyar, backed by Pakistan, arranged to infiltrate Hizb-i Islami fighters into Kabul. Massoud preempted them by taking control of the Afghan army garrison and its communications as various units dissolved or defected to different sides. Massoud used the former government's air force helicopters to transport his senior officers and troops to the capital on April 25.<sup>8</sup> Although the Northern Alliance forces took control of the major government institutions, other mujahidin fighters also entered the city, took control of various neighborhoods, and commandeered vehicles and fuel. Hikmatyar's forces held portions of the presidential compound and the interior ministry. The Northern Alliance controlled the airport, the main city armory, the capital's largest military base, the central bank, and the nationalized radio and television facilities.<sup>9</sup> According to a number of reports (quoted in more detail below), some troops carried out summary executions of persons associated with the former government.

### **From the Peshawar Accords to the *Shura Ahl-i Hal wa Aqd***

8.6 While the scramble for power unfolded in Kabul and elsewhere in the country, on April 26 most of the party leaders in Pakistan announced that they had reached agreement. The Peshawar Accords spelled out an interim arrangement in which Sebghatullah Mojaddedi would become president for two months, to be followed by Burhanuddin Rabbani, the head of Jamiat-i Islami, for four. After that the

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<sup>5</sup> Barnett R. Rubin, The Search for Peace in Afghanistan: From Buffer State to Failed State (New Haven: Yale University Press, 1995) 128-129.

<sup>6</sup> Rubin, Fragmentation 269-271.

<sup>7</sup> Steve Coll, Ghost Wars: The Secret History of the CIA, Afghanistan, and Bin Laden, from the Soviet Invasion to September 10, 2001 (New York: Penguin Press, 2004) 227.

<sup>8</sup> James Rupert, "Massoud: 'Go With Faith in God'; Commander Shows No Joy as He Orders His Guerrillas into Kabul," Washington Post, April 26, 1992; Rubin, Fragmentation 271.

<sup>9</sup> Coll, Ghost Wars; William Branigin, "Afghanistan's Capital Falls to Muslim Rebels; Rival Groups Seize Key Installations In Hurried, Tense Takeover of Kabul," Washington Post, April 26, 1992.

government would convene a council (shura) to choose an interim government that would govern for eighteen months until elections could be held. Under the Accords, the acting president was accountable to a leadership council made up of leaders of the seven Sunni parties. The Shi'a parties and Junbish-i Milli-yi Islami (National Islamic Movement of Afghanistan, the new party formed by the northern militias led by Dostum) were excluded. Massoud became minister of defense, but the "army" he commanded had been formed under the SCN umbrella; there was no real national army.<sup>10</sup>

8.7 Resistance to the new agreement began almost immediately, beginning with attacks from Hizb-i Islami, who, having failed to take control of Kabul before Massoud did, now rejected any arrangement in which Massoud played a dominant role. Hikmatyar did, however, name Abdul Sabur Farid (a Shamali commander who reportedly had hijacked a UN aid convoys to Panjshir from Kabul in 1988) as prime minister. The allied parties that supported the agreement did so with caution, each with an eye to augmenting its own power and access to resources. With Dostum's base outside Kabul in the north, Hizb-i Wahdat, the militia that controlled much of west Kabul, was particularly wary; Hazaras made up at least a quarter of Kabul's population, and Wahdat leaders protested that they had not been part of the negotiations, were not represented on the leadership council, and had not received a sufficient number of ministerial positions.<sup>11</sup>

8.8 Outside Kabul, the political situation varied. Some of the regional centers were more coherent, and nowhere was there as much fighting as in Kabul. But the country became even more fragmented, as each region and sub-region came under a different de facto authority. Commanders, some of whom were affiliated with more than one party (including the same parties fighting for power in Kabul), took control of strategic roads and other installations. In the Pashtun areas, party affiliation had to compete with tribal allegiance. According to a report by the Special Rapporteur, in 1992 there were forty-two checkpoints on the 150-kilometer road between Kabul and Jalalabad. A man who was stopped at a checkpoint outside Kabul on the road to Pul-i Charkhi was told by a field commander, "This is a different kingdom."<sup>12</sup>

8.9 In some places, local shuras occupied the area garrison, the wilayat (governorate, or provincial administration), the checkpoints, the airports, and the main bazaars. In Nangarhar province, the Jalalabad garrison was taken over by a coalition of local commanders from different parties, drawn from different Pashtun tribes and other ethnic groups. In the south, the Qandahar garrison was taken over by a council of commanders and elders drawn from different tribes and parties, with the tribes relatively stronger than the parties. Abdul Ahad Karzai was the shura's spokesman. In the west, the Herat garrison was taken over by the mujahidin forces of Ismail Khan, a former army captain who called himself the Amir of Herat and became the main power in western Afghanistan. A member of the Jamiat-i Islami, he was allied to Rabbani. In the north, (Mazar-i Sharif, Balkh) the Uzbek militia commander Abdul Rashid Dostum had the largest military force and his own main fortress in Shibirghan,

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<sup>10</sup> Rubin, *Fragmentation*, 271–272.

<sup>11</sup> "Afghan Militia Fails to Stop Street Fighting by Factions," *New York Times*, June 6, 1992.

<sup>12</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/1993/42) para. 27.



center of the neighboring province of Samangan. Until 1994, part of the area was also controlled by Muhammad Atta, a Tajik commander of Jamiat, allied with Massoud. Hizb-i Wahdat's commander in the north was Ayatullah Muhammad Muhaqqiq. Despite tensions among the three parties, the city of Mazar remained relatively peaceful until fighting broke out between Jamiat and Junbish in 1994. In 1997, a revolt within Junbish weakened Dostum and led to a realignment of factional power in the region and greater instability.<sup>13</sup>

8.10 Before President-designate Mojaddedi could arrive in Kabul from Peshawar on April 27, battles had already broken out between Hizb-i Islami forces and troops of the Northern Alliance, principally Junbish and Shura-i Nazar, who succeeded in pushing Hikmatyar's forces out of the presidential palace to the southern suburbs (Chehlsetun and Charasyab). On April 28, the new president proclaimed the Islamic State of Afghanistan (ISA), while the forces allied with Massoud bombed areas under Hikmatyar's control in the southern outskirts of Kabul, a position Hizb-i Islami maintained until 1995.<sup>14</sup> Hikmatyar demanded that the ISA oust Dostum's forces (the largest military force in Kabul) on the grounds that Dostum had been a communist.<sup>15</sup> In fact, his target was Massoud, and for the next three years Hizb-i Islami continued to bombard Kabul with rockets. Between May and August 1992, thousands of rockets hit the city, reportedly killing tens if thousands of people, the vast majority of whom were civilians, according to humanitarian agencies operating in the city. (See below.) During this time, Hikmatyar was still partly operating from Pakistan, with his base in Shamshattu and with ISI and the support of the Arab Salafi jihadists, who are now known as al-Qaida.

8.11 In June 1992, conflict broke out between Sayyaf's Ittihad-i Islami, headquartered in Paghman, west of Kabul, and Hizb-i Wahdat. Sayyaf viewed the Shi'as as rivals for control of west Kabul, and sympathized with, if not supported, the Wahhabi view that Shi'a are deviants from genuine Islam. His own headquarters lay in the western suburb of Paghman, his birthplace. According to human rights reports quoted below, both Ittihad and Wahdat forces abducted, "disappeared," and summarily executed civilians in street battles, sometimes in particularly brutal ways. The struggle in west Kabul was also the first instance in the war in which rape was used on a mass scale. Both parties finally agreed to a cease-fire after Dostum sent in reinforcements. The two parties released hundreds of prisoners, many of whom described being tortured (see below).<sup>16</sup> Skirmishes between the two parties continued, however.

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<sup>13</sup> Analyses of these events can be found in various histories of the period. The fighting had its origins in a combination of personal and tribal rivalries, as well as machinations by the ISI, Iran, and Uzbekistan. Email communication with Rubin, July 2004.

<sup>14</sup> Amnesty International, *Afghanistan: Political Crisis and the Refugees*, ASA 11/01/1993 (London: 1993).

<sup>15</sup> Hikmatyar himself had allied with disgruntled Khalqi Tanai in an abortive coup attempt against Najibullah in March 1990. In his efforts to enter Kabul before Massoud, he also had the support of Khalqi Pashtuns.

<sup>16</sup> Interviews with Human Rights Watch, June–July 2004.

8.12 By mid-June 1992, President Mojaddedi was mustering support for prolonging his term of office, but he ultimately abandoned the effort under pressure and stepped down.<sup>17</sup> Jamiat leader Burhanuddin Rabbani assumed office, becoming president of a city at war. Kabul had become divided along largely ethnic lines, although over the course of the next few years alliances among the ethno-political parties shifted. Rabbani's writ extended only to the parts of Kabul under the control of the forces allied with Massoud, and was limited even in those areas.

8.13 In August, Hikmatyar intensified his rocket attacks on the city. Following the attacks the government excluded Hizb-i Islami from the leadership council and ordered the expulsion of Prime Minister Abdul Sabur Farid of Hizb-i Islami.

8.14 Rabbani's term expired in October, but he postponed convening a shura to select an interim government (as stipulated in the Peshawar Accords) on the grounds that the situation in the country was too unstable. The leadership council extended his term for forty-five days, but in early December Rabbani stalled, again citing the lack of security. However valid the concern about security, the move confirmed suspicions among the other parties that Rabbani was determined to hold on to the presidency. This was reinforced by Massoud's attempts to exercise sole military control of Kabul.<sup>18</sup> On December 9, Dostum moved troops into Kabul, took control of the airport, overran Microraion (an apartment complex near the airport controlled by Shura-i Nazar forces), drove Shura-i Nazar forces from some of the ministries they controlled, and bombed the presidential palace.<sup>19</sup> The Junbish forces reportedly looted apartments in Microraion along the way. Wahdat joined the fighting, forcing Massoud to fight in the west as well as the east. Exchanges of mortar fire, anti-tank rockets, and small arms fire among the respective areas of control left scores dead and more than three hundred wounded, according to hospital sources.<sup>20</sup>

8.15 Finally, On December 29 (about two weeks after his extended term had expired), Rabbani convened the *Shura Ahl-i-Hal Wa Aqd*, a council that was to elect a president for the following eighteen months.<sup>21</sup> Jamiat representatives dominated the proceedings; somewhat more than ten percent came from Dostum's party.<sup>22</sup> There were some other representatives from shuras in other parts of the country, but most of the mujahidin faction leaders boycotted. As expected, Rabbani was "elected" president for an eighteen-month term. By the end of 1992, the fighting that had begun with the fall of the Najibullah government had driven 75,000 residents of Kabul to

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<sup>17</sup> During his brief term of office, President Mojaddedi proclaimed a general amnesty for all crimes committed during the previous fourteen years of conflict. Some Afghans believe that declaring this amnesty without any discussion or process of reconciliation or justice contributed to the undisciplined bloodletting that then took place.

<sup>18</sup> E/CN.4/1993/42 para 52.

<sup>19</sup> "Afghan Leader, Sworn In, Appeals for Unity," New York Times, January 3, 1993.

<sup>20</sup> "Afghan Leader, Sworn In, Appeals for Unity," New York Times, January 3, 1993.

<sup>21</sup> *Ahl* means "people." *Hal* literally means "untying" and *Aqd* literally means "tying"; metaphorically, these words mean permitting and forbidding, so this is a council of the people authorized to permit and forbid.

<sup>22</sup> Rubin, *Fragmentation* 273. Some involved in arranging the shura complained that Jamiat was not solely to blame; they had few resources, and Pakistan actively subverted the process. Interview by Rubin with official involved in the process.

become refugees in Pakistan. Another estimated 500,000 were internally displaced from Kabul.<sup>23</sup>

### **The Battle for West Kabul and the Afshar Massacre**

8.16 In December 1992 Wahdat leaders, bitter over their small representation in the government and fearful of Sayyaf and Massoud's determination to take control of west Kabul, reportedly began secret negotiations with Hikmatyar. Fighting between the new alliance and Massoud's forces began on January 19, 1993.<sup>24</sup> According to the Special Rapporteur, in January–February 1993, an estimated one thousand people were killed in the fighting, most of whom were civilian victims of indiscriminate or disproportionate artillery and rocket attacks by all parties.<sup>25</sup>

8.17 In February 1993, Massoud launched an assault on west Kabul that had two alleged objectives. The first was to capture the political and military headquarters of Hizb-i Wahdat, located in the Social Science Institute adjoining the neighborhood below the Afshar mountain in west Kabul, and capture Abdul Ali Mazari, the leader of Hizb-i Wahdat. The second objective was to oust Wahdat from that part of west Kabul linked to the areas controlled by Ittihad-i Islami, thus assuring control over the area.<sup>26</sup> Wahdat's base in western Kabul separated Massoud's forces in Shahr-i Naw from Sayyaf's in Paghman. Capturing western Kabul would link up the two base areas and create a consolidated rear with which to attack and defend against Hizb-i Islami in the south as well as Junbish toward the east.

8.18 The forces involved were primarily Ittihad-i Islami and Shura-i Nazar. Massoud had direct control over Shura-i Nazar forces and indirect control over Ittihad forces. Ittihad units had Afghan Army formation numbers, but, as there was no national army, the commanders in the field took their orders from senior Ittihad commanders and Sayyaf himself. According to witnesses interviewed by the Afghanistan Justice Project, Sayyaf acted as the de facto general commander of Ittihad forces during the operation and was directly in touch with senior commanders by radio.<sup>27</sup>

**Box 8.1.** Jamiat-i Islami Commanders and Units Involved in Afshar Operation

<sup>23</sup> E/CN.4/1993/42, para. 16.

<sup>24</sup> Afghanistan Justice Project, Candidates and the Past: The Legacy of War Crimes and the Political Transition in Afghanistan (October 2004) 11-12.

<sup>25</sup> E/CN.4/1993/42 para. 16.

<sup>26</sup> Afghanistan Justice Project interviews with former commanders and intelligence operatives, 2003–2004.

<sup>27</sup> Afghanistan Justice Project, Candidates and the Past 27. According to the Afghanistan Justice Project, the top Jamiat commanders, selected senior Ittihad commanders (Shir Alam and Zalmai Tufan), the main Shi'a ally (Mas'ud Husain Anwari), and the ISA military advisors met under the chairmanship of Massoud at Corps headquarters in Badambagh two days before the operation. This was followed up by a meeting of the Ittihad commanders under the chairmanship of Ustad Sayyaf in Paghman one day before the operation. The purpose of these meetings was to instruct key commanders on their role in the ground offensive.

Muhammad Qasim Fahim, Director of Intelligence, with responsibility for special planning of the operation. Currently he is Minister of Defense of Afghanistan.

Anwar Dangar, commander of a division-level unit of mujahidin, from Shikardara, of Shamali (named by numerous witnesses as leading troops in Afshar that carried out abuses during the first two days of the operation). Currently he is reported to be a commander of the Taliban insurgency.

Mullah Izzat, commander of a division-level unit of mujahidin, from Paghman (named by numerous eyewitnesses as leading troops in Afshar that carried out abuses during the first two days of the operation).

Baba Jalandar, named as participating in planning of the operation.

Haji Almas. Currently he commands a unit in Shamali and is part owner of the Shandiz Iranian restaurant in Wazir Akbar Khan, Kabul.

Gen. Kabir Andarabi.

Gen. Baba Jan. Currently he is the police chief of Kabul City.

#### **Box 8.2. Ittihad-i Islami Commanders and Units Participating in the Afshar Operation**

Haji Shir Alam, Division Commander affiliated with Sayyaf, from Paghman, named by numerous eyewitnesses as leading troops in Afshahr during the first two days, when abuses were committed. Currently a commander of the 10<sup>th</sup> Division, Kabul.

Zalmai Tufan, commander of the Lewa (brigade) 597, named by numerous eyewitnesses as leading troops in Afshar during the first two days, when abuses were committed. Currently a commander of the 10<sup>th</sup> Division, Kabul.

Dr. Abdullah, commander of a battalion-level unit (ghund) of Lewa 597, named by several witnesses as leading troops in Afshar during the first two days, when abuses were committed. (Not the same person as Dr. Abdullah Abdullah, Minister of Foreign Affairs, 2001-2004.)

Abdullah Shah, named by several witnesses as leading troops in Afshar and being responsible for arbitrary arrests and abductions. Executed, 2003. See below.

8.19 According to investigators for the Afghanistan Justice Project, Director of Intelligence Muhammad Qasim Fahim (Minister of Defense as of October 2004) contacted dissident Wahdat commanders and commanders of the other Shi'a party, Harakat-i Islami, around Afshar before the offensive was launched and obtained their commitment not to oppose the Ittihad and Shura-i Nazar forces.<sup>28</sup> According to the Afghanistan Justice Project, Massoud's forces had also pre-positioned substantial artillery in the surrounding area to target the west Kabul neighborhoods of the Social Science Institute (Wahdat headquarters), Central Silo, Afshar, Kart-i Seh, Kart-i Char, and Kart-i Sakhi. With the exception of the Social Science Institute, these areas were all primarily residential. The Afghanistan Justice Project notes that the amount of artillery deployed indicates that it was "the largest and most integrated use of military power undertaken by the ISA up to that time."<sup>29</sup> Shura-i Nazar and Ittihad forces began a generalized assault, with rockets and artillery on the night of February 10–11, 1993 (Dalwa 21–22, 1371). Wahdat forces retreated by the afternoon of February 11, losing control of the Social Science Institute. The street-to-street search operation reportedly began after that and continued through the next day in the residential areas

<sup>28</sup> Afghanistan Justice Project, Candidates and the Past 28.

<sup>29</sup> Afghanistan Justice Project, Candidates and the Past 29.

around Afshar. According to the AJP report, most of the abuses against civilians took place as part of this search. Some residents managed to flee with the departing Wahdat troops, but the majority of the Afshar civilian population remained until the bombardment and bulk of the fighting had ended. A mass exodus took place on the night of the February 11–12, with most residents fleeing to other parts of Kabul. By the end of the operation, Afshar was depopulated and under the control of Ittihad and Shura-i Nazar forces.<sup>30</sup> Estimates by human rights researchers and other analysts of the number of people killed—most of whom were civilians—reach into the hundreds. According to witnesses quoted below, many more disappeared after being taken prisoner.

### **The Dostum-Hikmatyar Alliance, the Mestiri Mission, and the Taliban**

8.20 In March 1993, following the intervention of Saudi King Fahd, most of the faction leaders agreed to a new interim arrangement, the Islamabad Accords, which was to summon an assembly to draft a constitution within eight months and hold elections within eighteen. Rabbani was to remain as president, but Hikmatyar was to become prime minister. No agreement was reached on the minister of defense; Hikmatyar vehemently opposed retaining Massoud in that position. Nevertheless, Massoud remained de facto defense minister, and Hikmatyar remained in his stronghold south of Kabul in Charasiab, from which his forces continued to rocket Kabul. By the end of 1993, Dostum, who had not been given any position in the national government nor won any concessions on de jure regional autonomy, entered into an alliance with Hikmatyar.<sup>31</sup> The new political-military alliance was called the Supreme Coordination Council of the Islamic Revolution of Afghanistan (Shura-yi Hamahangi). The year 1994 reportedly saw some of the fiercest fighting in the battle for Kabul. On January 1, Dostum and Hikmatyar launched artillery and rocket attacks on areas controlled by Massoud's forces, which responded with equal ferocity.<sup>32</sup> In February, Hikmatyar imposed a food blockade on Kabul, threatening to attack UN aid convoys headed to the capital.<sup>33</sup>

8.21 From the departure of Benon Sevan in 1992 until this time, there had been no UN political mission concerned with Afghanistan. In February 1994, UN Secretary-General Boutros Boutros-Ghali named former Tunisian Foreign Minister Mahmoud Mestiri as his special envoy, and over the next two months Mestiri met with a broad range of Afghans inside the country and elsewhere in an effort first to gain support within civil society for a peaceful settlement and then to gain agreement on a process from the faction leaders. In September–October, Mestiri convened a forty-member advisory council in Quetta that proposed that Rabbani hand over power to a council that would oversee disarmament and convene a Loya Jirga to decide on the next steps in the process. A neutral Afghan security force would take control of Kabul.<sup>34</sup> How

<sup>30</sup> Afghanistan Justice Project, Candidates and the Past 30.

<sup>31</sup> Rubin, Fragmentation 274.

<sup>32</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/1994/53) para. 18, 19, 24.

<sup>33</sup> Amnesty International, Afghanistan: The Human Rights Crisis and the Refugees, ASA 11/02/1995 (London: February 1995).

<sup>34</sup> Mestiri had made little progress with the faction leaders but found much more support for

disarmament would be carried out and where such a security force would come from remained unclear; while Rabbani, Hikmatyar, and other leaders accepted the proposal, their commitment to it was never tested. Once again, events on the ground moved faster than diplomacy. By late 1994, the Taliban had emerged as a serious military force, having taken control of Qandahar in October. In December 1994, Rabbani announced he would step down but once again reneged.<sup>35</sup> US diplomats joined the UN negotiator in pressing the faction leaders to accept the UN plan, but Rabbani and Massoud refused to relinquish power unless Hikmatyar was disarmed, and Hikmatyar refused to accept the agreement until Rabbani and Massoud vacated Kabul.<sup>36</sup> The stalemate continued for several months, with both sides continuing steady rocketing and shelling of their respective areas of control.

8.22 Meanwhile, by February 1995, the Taliban had taken six provinces: Qandahar, Uruzgan, Zabul, Helmand, Wardak, and Ghazni, driving Hikmatyar's forces from the last two. At that point they were only thirty-five kilometers from Kabul, and closer still to Hikmatyar's base at Charasyab. On February 13, 1995, Hikmatyar, reportedly concluding that Pakistan had shifted its support to the Taliban, abandoned his base and went to Sarobi, Laghman, leaving behind a considerable stockpile of weaponry for the Taliban to take.<sup>37</sup>

8.23 According to reports, Hikmatyar's departure provided Massoud with the opportunity he had long been waiting for—to drive Wahdat and Dostum's forces out of Kabul and thus gain overall control of the city. By this time the ISA included only Ittihad and Jamiat, having lost the support of the other parties who were part of the 1993 agreement.<sup>38</sup> On March 6, 1995, Massoud reportedly launched a massive offensive against Wahdat, shelling and bombing Wahdat positions as well as residential civilian areas in west Kabul.<sup>39</sup> Pushed to the wall, Mazari entered into an agreement with the Taliban, who had occupied Charasiyab, adjoining Wahdat-controlled areas in southwest Kabul (Darulaman and Kart-i Seh), and offered no resistance as Taliban troops entered the southern suburbs of the city. Mazari also handed over weaponry to the Taliban, but these moves divided Wahdat forces. A splinter group headed by Mazari's rival, Akbari, joined forces with Massoud to fight the Taliban. On March 11, Massoud attacked the Taliban, driving them and the Wahdat forces that had sided with them out of Kabul. Rockets and artillery from both sides reportedly killed and injured scores of civilians.<sup>40</sup> According to reports quoted

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disarmament and movement toward a peace process from Afghans associated with former king Zahir Shah and independent Afghan moderates. Rubin, Search for Peace 137–138.

<sup>35</sup> US Department of State, "Afghanistan," Human Rights Practices: 1995 (Washington, D.C.: March 1996).

<sup>36</sup> Rubin, Search for Peace 141.

<sup>37</sup> Anthony Davis, "How the Taliban Became a Military Force," in Fundamentalism Reborn? Afghanistan and the Taliban, ed. William Maley (London: C. Hurst & Co., 1998): 51–52.

<sup>38</sup> In March one of the coalition parties, Muhammad Nabi Muhammadi's Movement of the Islamic Revolution, resigned from the Government, leaving only two of the nine original political parties of the coalition government established in 1993. In 1995, the Kabul regime controlled only the capital and four or five of Afghanistan's thirty-two provinces. US Department of State, "Afghanistan," Human Rights Practices: 1995.

<sup>39</sup> These events are described in detail in Davis 56–59.

<sup>40</sup> Davis 56–59.

in more detail below, as Massoud's forces moved through the former Wahdat strongholds of Kart-i Seh and other areas of west Kabul, they assaulted and raped residents and looted property. The retreating Taliban took Mazari with them; Mazari died under disputed circumstances while being transported to Qandahar by helicopter.<sup>41</sup>

8.24 Mestiri continued his efforts to secure agreement on a ceasefire and transfer of power. In March, following negotiations with Rabbani, Dostum, Ismail Khan, and the Taliban, the UN announced agreement on establishing a committee consisting of experienced Afghan military officers and commanders to form a national security force, and on establishing a council consisting of two representatives from each province plus an additional fifteen to twenty independent personalities to be chosen in consultation with the other parties. In September Mestiri sought a cease-fire agreement from the Taliban, Dostum, and the Rabbani government, to be followed by negotiations on a transfer of power. But neither the Taliban nor Dostum would agree to a cease-fire until Rabbani stepped down. Finally in November Rabbani agreed to step down if a representative council was established to assume power. Rabbani submitted a list of names of persons from his party for the council, to which Dostum added a number of his own. The Taliban did not respond. In December, rocketing and shelling resumed, and the negotiations were suspended.<sup>42</sup>

8.25 Following a May 1996 agreement with the government, Hikmatyar entered Kabul as prime minister. Rocket attacks by the Taliban intensified. But over the following months, the Taliban defeated Hikmatyar's forces to the east of Kabul; some switched sides and joined the advancing forces. On September 11, 1996, Jalalabad came under Taliban control. On September 26, Massoud withdrew from the capital to Panjshir, and the Taliban took control of Kabul.<sup>43</sup>

### **The Battle for the North**

8.26 After Kabul fell to the Taliban, three parties that had fought each other for control of the city—SCN/Jamiat (Massoud), Junbish (Dostum), and Wahdat (now under Abdul Karim Khalili)—formed a new alliance to oppose the Taliban. For the first time, Massoud was in a position to shell Kabul from outside the city. According to the International Committee of the Red Cross, although Massoud apparently aimed for the airport, he frequently hit civilian areas in the north of the city.<sup>44</sup> The Taliban, meanwhile, advanced northeast from Herat toward Mazar-i Sharif. They also tried to push up Salang from Kabul but were repulsed.

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<sup>41</sup> The circumstances surrounding Mazari's death are not clear. By some accounts he was executed; others claim he was shot when he tried to take a gun from a Taliban soldier.

<sup>42</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/1996/64) para. 18.

<sup>43</sup> Davis 67–68.

<sup>44</sup> International Committee of the Red Cross, "Afghanistan: Indiscriminate rocket attacks on Kabul," *ICRC News* 98/38, September 23, 1998. The news release said that the attacks were "concentrated in the northern part of the city . . . notably striking the night market."

8.27 Mazar-i Sharif saw little serious fighting in the early years of the ISA. In March 1992, Parchami rebels and regime militias allied with Jamiat and Hizb-i Wahdat to take control of the city through a negotiated surrender. Under the ISA, Dostum was the most powerful leader in the north, with the largest military force in the ISA, and Mazar was the capital of his mini-state. The UN and many NGOs that had evacuated their offices in Kabul because of the fighting maintained offices in Mazar.<sup>45</sup> Many Kabulis fleeing the fighting moved to Mazar. However, Mazar and the surrounding areas were ethnically mixed, with sizeable populations of Hazaras, Ismailis, Tajiks, and Uzbeks, as well as colonies of Pashtuns settled there by the monarchy to assure Kabul's control over the north. Wahdat had control over the Shi'a areas of the city and outlying areas. Until Hizb-i Islami retreated before the Taliban advance, it too controlled strategic areas of the north. Some Uzbek commanders who did not want to join Jamiat or the government also belonged to Hizb-i Islami. Jamiat forces also controlled territory. In 1994, fierce fighting broke out in Mazar after Dostum switched sides to join Hikmatyar. After that, Jamiat did not have much of a presence in Mazar and remained wary of Dostum's power. All of the parties had an interest in taxing vehicles plying the trade routes north and west to Central Asia and Iran, and they divvied up the profits from Kud-o-Barq factory (fertilizer and electricity) and the drug trade.<sup>46</sup>

8.28 In May, the Taliban made their first effort to take Mazar-i Sharif. Weeks before, senior Taliban officials had conducted secret negotiations with Abdul Malik Pahlawan, a general in Dostum's forces whose brother, Rasul Pahlawan, Dostum reportedly had murdered in June 1996 (see below). Malik signed a protocol with the Taliban in which he agreed to ensure that they could enter the city.<sup>47</sup> Malik apparently believed the Taliban had agreed to a power-sharing arrangement with him and saw the Taliban as his means to oust Dostum. This is corroborated by one high-ranking Taliban official who stated that the agreement was that both Malik and the Taliban would keep their armed forces.<sup>48</sup>

8.29 On May 19, 1997, Malik staged a coup and switched allegiance to the Taliban. He reportedly took numerous Junbish prisoners and handed over to the Taliban the former governor of Herat Province, Gen. Ismail Khan, along with seven hundred of his troops.<sup>49</sup> Dostum left the country on May 24 and took refuge in Turkey. Taliban forces entered Mazar-i-Sharif the next day. At the same time, the Taliban were advancing north in other parts of the country, with fighting in Jawzjan, Kapisa, Wardak, and Kunar provinces. The Taliban gained control of the Salang pass and moved a large number of troops into areas to the north of the Hindu Kush mountain

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<sup>45</sup> A number of these offices were looted when fighting broke out in early 1994. E/CN.4/1994/53, para. 22, 26.

<sup>46</sup> Email communications with former UN staff and with Rubin, 2004.

<sup>47</sup> Afghanistan Justice Project, Candidates and the Past 41.

<sup>48</sup> Interview by Patricia Gossman, December 2001.

<sup>49</sup> United Nations General Assembly, Report of the Economic and Social Council. "Situation of Human Rights in Afghanistan" (A/52/493, 1997) para. 11.



range.<sup>50</sup> They occupied areas in Baghlan, Kunduz, and Balkh where the Afghan monarchy had settled Pashtun populations.<sup>51</sup>

8.30 On May 25, 1997, the Taliban entered Mazar, began closing schools and offices, and used the mosques to announce the imposition of Shari'a law. According to one witness who was present at the airport after Dostum had fled, Malik ordered the transport of Taliban commanders from Qandahar to Shibirghan and Mazar-i Sharif in Dostum's air force planes.<sup>52</sup>

8.31 Wahdat was not a party to Malik's agreement. On the night of May 28, low-level Wahdat commanders (senior commanders were not in the city) and local Hazaras had begun a generalized attack on the Taliban in response to efforts by the Taliban to disarm them. Many Taliban were ambushed in the streets. On May 30, Taliban commanders Mullah Razzaq, Fazl Ahmad, and Gen. Gailani met for further negotiations with Gen. Malik, Abdul Ghaffar Pahlawan, and others loyal to Malik, reportedly in the presence of the Pakistan ambassador. According to reports, Pakistan flew a high-level delegation headed by the foreign minister to Mazar, announced that the war was over, recognized the Taliban, and asked others to do likewise.<sup>53</sup> The Taliban commanders demanded of Malik that he hand over fifteen thousand guns. Malik refused.<sup>54</sup> According to Malik, the Taliban announced that they had "driven Massoud from Kapisa and Parwan—the protocol is over."<sup>55</sup>

8.32 Malik's forces then turned on the Taliban, and by the next day the Taliban were in full retreat from Mazar. According to the Special Rapporteur, estimates of the number taken into custody ranged from four thousand to eight thousand, including several high-ranking officials and a number of Pakistani nationals.<sup>56</sup> Wahdat took some prisoners, a number of whom were reportedly transferred to Bamiyan, others of whom were possibly handed over to Malik. The vast majority, however, were held by forces loyal to Malik in Mazar, Shibirghan, and Maimana. According to investigations carried out by the Afghanistan Justice Project, some who were taken into custody in Mazar were summarily executed there.<sup>57</sup> Pakistani newspapers

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<sup>50</sup> A/52/493 (1997) para. 11.

<sup>51</sup> This is the background for the expulsion of the Pashtuns after the Taliban were defeated in 2001. The monarchy settled Pashtuns in these areas to assure Pashtun control over the local people, and the Taliban found it to their advantage as well. When leaders of the previous residents (armed by the US) reclaimed the area, they expelled many of the Pashtuns. Email communication with Rubin. See last chapter for details on these abuses.

<sup>52</sup> Gossman interview with Malik, 2004.

<sup>53</sup> These events are detailed in numerous press accounts at the time.

<sup>54</sup> Abdul Rauf Begi (General), Az Piruzi-yi Inqilab-i Islami ta Suqut-i Shamal bi-Taliban (From the Victory of the Islamic Revolution to the Fall of the North to the Taliban) (Peshawar: Danish, 2002; first edition 2001).

<sup>55</sup> Afghanistan Justice Project, Candidates and the Past 41. Afghanistan Justice Project interview with former general Malik, 2004. According to Rashid, the Taliban declined to share power with Malik and offered him only a minor post in Kabul. Ahmed Rashid, Taliban: Militant Islam, Oil and Fundamentalism in Central Asia (New Haven: Yale University Press, 2000) 58.

<sup>56</sup> A/52/493 (1997) para. 12, 68, and 69.

<sup>57</sup> Afghanistan Justice Project, Candidates and the Past 41.

reported in July that approximately 550 Pakistanis had also been taken prisoner in the north of Afghanistan and were detained in a number of locations. Large numbers of persons were detained in Shibirghan and Maimana.<sup>58</sup> Despite repeated requests, the ICRC did not gain access to most of the prisoners. One Taliban witness, who had been taken into custody along with twenty-seven of his colleagues, identified Gen. Gul Muhammad Pahlawan, Malik's brother, as one of the senior commanders taking prisoners.<sup>59</sup>

8.33 Over the next month, at least three thousand Taliban prisoners were reportedly summarily executed in the largest single massacre since the beginning of Afghanistan's war in 1978. Survivors have recounted how the prisoners were taken to desert locations and shot. Some were allegedly thrown down wells into which Malik's forces threw grenades. (See details below.)

8.34 Mazar remained under the control of Malik over the summer. On September 9, inter-factional fighting broke out in Mazar-i-Sharif, and Dostum returned to the city from Turkey with the assistance of Uzbekistan. Malik fled to Iran. The Taliban advanced up to a distance of fifteen kilometers from the city, and the deteriorating situation forced most of the international agencies to evacuate their foreign staff. Virtually all of the contending factions reportedly engaged in widespread looting of agency offices as well as private homes, often at gunpoint.<sup>60</sup> Wahdat troops attacked the ICRC compound and raped one of the expatriate staff members (see below).<sup>61</sup> From that time on, the ethnic divisions within the province and Mazar became more pronounced. When Dostum's hold on the area weakened, Wahdat and Jamiat attempted to extend their areas of control. During their retreat from Mazar, according to reports by the Special Rapporteur and human rights investigators, the Taliban massacred eighty-three people in at least two villages outside the city (see below). They were also reported to have massacred Uzbek and Hazara prisoners taken while leaving the city at the Kunduz airport (see below).

8.35 In November 1997, a number of mass graves of executed Taliban prisoners were discovered. In some cases, the bodies had not been buried but had been left in remote desert locations, where the skeletons were found months later. The Taliban called for a UN investigation of the massacre, as did Lakhdar Brahimi, the Special Envoy of the Secretary-General for Afghanistan, and the UN Security Council. Over the course of the next year, the Office of the High Commissioner for Human Rights sent two exploratory forensic missions to evaluate the sites and determine what would be necessary to undertake a full exhumation. Both experts recommended that a full exhumation be carried out, but no further investigations were conducted.<sup>62</sup> The Taliban exhumed most of the bodies and reburied them in Qandahar after they took Mazar-i-Sharif the following year.

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<sup>58</sup> A/52/493 (1997) para. 68.

<sup>59</sup> Afghanistan Justice Project, Candidates and the Past 41.

<sup>60</sup> A/52/493 (1997) para. 38.

<sup>61</sup> Interviews with NGO and former UN staff by Patricia Gossman.

<sup>62</sup> Finally, in 1999, the OHCHR sent Andreas Schiess, a Swiss lawyer, to produce a report on both the 1997 massacre of Taliban prisoners and the subsequent massacre by the Taliban when they took control of Mazar in August 1998. The report was widely criticized for failing to name any of the perpetrators or make use of significant amounts of information that had been collected by the UN from refugees.

8.36 Serious fighting in Mazar broke out again in March 1998, beginning with a dispute between Junbish and Wahdat commanders at Hairatan, where the main customs post collecting revenue from trade arriving via the trans-Siberian railroad was located, and where military aid from countries of the former Soviet Union entered Afghanistan. Wahdat had been reinforcing its positions there.<sup>63</sup> According to the Afghanistan Justice Project, Junbish commanders killed some thirty Wahdat fighters, and Wahdat retaliated by launching attacks in Mazar against Junbish commanders (see below).<sup>64</sup>

8.37 Fighting continued north of Kabul into mid-1998. Massoud had stopped the Taliban advance north of Salang and remained within rocketing range of the city. He remained in Bagram, though it was surrounded, or nearly so, by Taliban positions. In August 1998 the Taliban took control of Mazar; by September 13 they were in control on Bamiyan. (For details on the Taliban advance, see the following chapter.)

8.38 In the east, commanders reportedly profited from the mushrooming smuggling business from Dubai to Peshawar. In the border areas near Pakistan, Arabs who had fought against the Soviets and their Afghan allies entrenched themselves. In May 1996 one prominent Arab who had been involved in the war in the 1980s—Usama bin Laden—reportedly returned to Afghanistan, flying from Khartoum to Jalalabad on a specially chartered flight.

8.39 Qandahar became increasingly lawless as serious fighting broke out between Mullah Naqibullah and other commanders, many of whom were rivals for control of narcotics growing and smuggling. Commanders in Girishk and Lashkargah fought over the control of opium trading routes and wholesale markets for opium.<sup>68</sup> Throughout much of the country, banditry was rampant, and civilians were at the mercy of local commanders who plundered the country of anything they could sell and extorted from merchants, aid convoys, and refugees trying to flee the fighting.

## **B. Pattern of Human Rights Violations During the ISA Period**

### **Extra-Judicial Executions**

8.40 After the collapse of the Najibullah government in 1992, mujahidin and militia forces reportedly carried out summary executions of former officials of the regime; human rights groups and journalists documented a number of these executions. As fighting among the parties intensified in Kabul, all of the major fighting forces carried out massacres and reprisal killings of civilians, often on the basis of ethnicity. Some forces also allegedly assassinated political rivals and opponents or rivals for control of the narcotics trade or other resources. Some of these killings took place in or near Peshawar or other border areas of Pakistan. Commanders throughout the country engaged in banditry that sometimes included murder. Reports on a number of these incidents documented by human rights groups and UN sources are included below.

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<sup>63</sup> Afghanistan Justice Project, *Candidates and the Past* 39.

<sup>64</sup> Afghanistan Justice Project, *Candidates and the Past* 39.

### **Attacks on International Aid Workers**

8.41 On February 1, 1993, four UN employees were murdered near Surkhdiwal, ten miles from Jalalabad in Nangarhar province. No group claimed responsibility. One expatriate who escaped claimed that “Arabs” were responsible. The local shura arrested some Arab militants for the killing and then released them. The British and Dutch victims were identified as Tony Bullard, who worked for the UN Centre for Human Settlements, and J. A. van Hoeflaken, who was acting as a consultant on water resources. An Afghan driver and an Afghan interpreter (identities not listed) were also killed.<sup>65</sup>

### **Summary Executions of Members of the Previous Government**

8.42 The precise number of summary executions of former officials of the Najibullah government that took place in Kabul after mujahidin and militia forces took control in April 1992 is not known. Over the next three years, a number of prominent members of the former government were assassinated, although the identity of the perpetrators and their precise motive is not clear in each case. Those that took place immediately after the fall of the Najibullah government appeared to be reprisal killings. For example, the former Chief Justice of Afghanistan, Abdul Karim Shadan, was reportedly abducted, tortured, and killed in Kabul on May 3, 1992. Those responsible for his killing were reported to be mujahidin associated with the new government.<sup>66</sup> The motive appeared to be Shadan’s role in confirming death sentences for mujahidin under the Najibullah government. In Ghazni Province, Qari Taj Baba, who was affiliated with Muhammad Nabi Mohammadi’s Harakat-i Inqilab-i Islami, reportedly summarily executed dozens of members of the former government after April 1992, including some fourteen members of the Parcham faction of the Watan Party in July 1993.<sup>67</sup> In mid-1993, joint forces of Ismail Khan and Mawlawi Naqib Akhundzada reportedly arrested and summarily executed some two hundred suspected Khalqi supporters in Helmand. After April 1992, commanders in Kunar and Qandahar reportedly executed “dozens” of prisoners without any judicial proceedings.<sup>68</sup>

8.43 In one incident in May 1992, a man suspected of being a member of the former ruling party was arrested in the Ministry of the Interior building by the armed guards of Shura-i Nazar, who beat him before shooting him a number of times. The incident was photographed by a Reuters journalist and published in the Washington Post with the caption, “Death in Kabul: Islamic guerrillas capture and kill a man—apparently an officer of the former Communist government’s secret police—who was found hiding under a blanket inside Kabul’s Interior Ministry building after a firefight won by forces of the new ruling coalition. [T]he mujaheddin tie the man’s arms and

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<sup>65</sup> E/CN.4/1993/42 para. 19; Robert Block, “Afghan Gunmen Kill British UN Aid Worker,” The Independent (London), February 3, 1993.

<sup>66</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster, ASA: 11/09/1995 (London: 1995).

<sup>67</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>68</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

beat him before taking him outside. There a guerrilla executes the prisoner and then continues to fire into his body, sprawled on the road.”<sup>69</sup>

### **Assassinations of Political Rivals**

8.44 In some cases, other political rivalries came into play. In April 1994, Jamaluddin Umar, a former senator in the upper house established by the government after 1987, was abducted from his home in Khaikhana, northwest Kabul, by four men who took him away in a car. His family later found his body. The former senator had reportedly received threats from a mullah at a mosque in Khaikhana after Umar had criticized the mullah’s political speeches. The mullah was a native of President Rabbani’s Badakhshan province.<sup>70</sup> In February 1995, the wife and children of Dr. Saleh Mohammed Ziari, a former communist government minister and member of the Politburo of the PDPA, were found dead in their Kabul home. All had their throats cut.<sup>71</sup>

8.45 In other cases, reprisal killings of former government officials or supporters appeared to be part of internal power struggles and rivalries among mujahidin factions and local political figures. In July 1993, a group in Nangarhar province calling itself “The Oppressed” and supported by members of the former government, was attacked by other factions, including men loyal to Commander Shamali Khan, a member of the Nangarhar Provincial Council. At least a dozen members of The Oppressed were captured and summarily executed.<sup>72</sup> In September 1993 Shamali Khan himself was killed, along with four of his men and some twenty bystanders, in an ambush in Jalalabad.<sup>73</sup> Shortly afterward, a rival faction commander reportedly had his forces abduct, torture, and kill Nasir Khan, Shamali Khan’s brother.<sup>74</sup>

8.46 According to a number of reports, killing off rivals and opponents was stock-in-trade for many of the faction leaders. Hizb-i Wahdat’s commander in the north, Ayatollah Muhaqqiq, reportedly had a number of political rivals assassinated, according to witnesses interviewed by the Afghanistan Justice Project.<sup>75</sup> There have also been consistent allegations that Dostum had a number of political opponents killed, including Rasul Pahlawan, who was killed by one of his bodyguards, who was

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<sup>69</sup> Steve Coll, “Civilians Bear Brunt of Kabul Battle; New Afghan Government’s Forces Gaining Control of Capital,” *Washington Post*, April 30, 1992.

<sup>70</sup> Cooperation Centre for Afghanistan, Human Rights Department, *Newsletter*, Vol. 1, No. 2 (May 1994) 2.

<sup>71</sup> US Department of State, “Afghanistan,” *Human Rights Practices: 1995*.

<sup>72</sup> Rubin, *Fragmentation* 277.

<sup>73</sup> US Department of State, “Afghanistan,” *Human Rights Practices, 1993* (Washington, D.C.: March 1994); Rubin, *Fragmentation* 277.

<sup>74</sup> Shamali was reported to have been negotiating secretly with Hikmatyar, and was a fellow clansman of Zardad (Karokhel), discussed below. The shura as a whole decided to eliminate him and burned Shamali and his clan’s houses. Email communication with Rubin, July 2004.

<sup>75</sup> Unpublished report by the Afghanistan Justice Project.

then killed by other bodyguards in June 1996.<sup>76</sup> Similar assassinations reportedly ordered by Massoud and Hikmatyar have been discussed in the previous chapter.

8.47 On December 31, 1993, President Rabbani sent Najmuddin Muslih (a prominent Uzbek leader employed as a personal assistant to Rabbani who had served as governor of Takhar, Ghazni, and Herat during Mohammad Daoud's presidency [1973–1978]) as an emissary to negotiate with Gen. Dostum. At that time Dostum had withdrawn from the Rabbani government and entered into an alliance with Hikmatyar. Muslih was taken prisoner by the allied forces of Gen. Dostum and Hikmatyar. Although spokesmen for Dostum and Hikmatyar acknowledged that Muslih was in custody, his place of detention was never disclosed, and his family was not able to contact him. After several months, Dostum and Hikmatyar's forces handed Muslih over to Hizb-i Wahdat in west Kabul. In April 1994 Hizb-i Wahdat reportedly asked Muslih's family for US \$5 million for his release, apparently expecting the Rabbani government to pay the ransom. No ransom was paid. In March 1995 positions held by Hizb-i Wahdat in western Kabul were captured first by the Taliban and later by the forces of President Rabbani. When the latter entered a detention center where about fifteen hundred prisoners were being held, former detainees reportedly testified that Najmuddin Muslih and others had been killed on March 19 by Hizb-i Wahdat forces.<sup>77</sup>

### **Assassinations of Journalists**

8.48 Faction leaders reportedly had lists of people they wanted to eliminate. As Kabul became divided along ethno-factional lines, journalists were rarely viewed as neutral observers. In September 1992, Shah Mahmood Didar, a journalist working with the former government newspaper Haqiqat-i Inqilab-i Sawr, was abducted by armed guards patrolling in front of the Abulqasim Ferdawsi School as he was leaving his house in Block 14, Microraion 3, in Kabul. He was killed shortly thereafter.<sup>78</sup> At that time, Microraion 3 was under the control of Jamiat/Shura-i Nazar.

8.49 On July 29, 1994, Mirwais Jalil, an Afghan journalist working for the BBC, was abducted in an area reportedly controlled by Hizb-i Islami while accompanying Italian journalist Ettone Mo from an interview with Hikmatyar. The gunmen forced Mirwais Jalil to get out of the car at Chehlsitun as he returned from Hikmatyar's base in Charasiyab. His body was found the next day in an area controlled by Hizb-i Islami. He had received numerous death threats from different mujahidin parties, including Hizb-i Islami.<sup>79</sup>

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<sup>76</sup> US Department of State, "Afghanistan," Human Rights Practices 1997 (Washington, D.C.: US Department of State, 1998).

<sup>77</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>78</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>79</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

### C. Summary Executions of Noncombatants: Reprisal Killings of Civilians

8.50 The summary execution of noncombatants is a grave breach of international humanitarian law. According to a number of reports, these killings were often part of a deliberate strategy by senior commanders and faction leaders to depopulate an area of suspected supporters of rival groups during the factional fighting in Kabul. Given that political rivalries in Kabul at this time generally followed ethnic lines, such killings of civilians also followed ethnic lines. In some cases individuals were taken into custody and detained before being killed; in other cases they were killed on the spot.

8.51 According to reports by human rights groups, factional fighting frequently included reprisal killings of civilians. During the Afshar operation, the forces of Ittihad-i Islami (including Arabs) and Jamiat-i Islami conducted search operations in primarily residential areas, ostensibly looking for Wahdat troops, but also reportedly engaging in looting, rape, and other assaults, and summary executions of civilians. Some of these abuses are described below, citing the findings of the Afghanistan Justice Project. The killings and other abuses appeared to be part of an overall strategy to depopulate the area of Shi'a. A former Ittihad commander stated that senior commanders took their orders directly from Sayyaf, who told them, "Don't leave anyone alive—kill all of them."<sup>80</sup> Interviews with survivors and former militia members indicate that at least several hundred men were taken into custody by Ittihad forces and summarily executed. One witness interviewed by the Afghanistan Justice Project stated that the soldiers searched the houses looking for men. He said:

"I was taken to Paghman. At night I was kept in a container; during the day I and other 10–20 men were made to dig trenches. There were lots of containers. At night some men would be taken out and not come back. We could hear shots, and we assumed the men had been killed. I think some were buried in the trenches. I finally escaped by hiding in the river under a bridge. I left and went to Quetta."<sup>81</sup>

8.52 Another witness stated that after the assault on Afshar began and Ittihad-i Islami forces had captured her neighborhood, a group of armed men entered her house and detained her husband. Then a second group of ten to fifteen Ittihad soldiers came to the house and claimed that they were looking for Wahdat forces. They took the witness's son. She said:

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<sup>80</sup> Afghanistan Justice Project, Candidates and the Past 28. Abdullah Shah, former Ittihad commander was arrested in Kabul in April 2002 on charges of attempted murder of his wife. When he was tried in September 1992, the charge sheet included other murders Shah allegedly committed, including the killing of civilians in Kabul in 1992–93. He was originally sentenced to twenty years in prison, but, apparently due to pressure from Sayyaf, he was retried and sentenced to death. At the time, however, President Karzai announced a moratorium on executions. While in prison, Shah told human rights investigators about massacres carried out by Sayyaf's forces and stated that he could identify mass grave sites at Sayyaf's headquarters in Paghman. Despite interventions by human rights groups and diplomats to maintain the moratorium, after a meeting that included Sayyaf and the US ambassador and presidential envoy Zalmay Khalilzad, President Karzai signed the order for Shah's execution, and it was carried out in secret on April 19, 2004. Diplomats interviewed by the Afghanistan Justice Project confirmed that Karzai had been under growing pressure from Sayyaf to have Shah executed.

<sup>81</sup> Afghanistan Justice Project, Candidates and the Past 31.

“My son was about 11 years old. They held him and asked where his father was. They aimed their guns at him and I threw myself over him. I was shot in the hand and leg but he was shot five times. He died.”

8.53 The soldiers then took the family’s belongings and left.

8.54 Another witness told the Afghanistan Justice Project that when Ittihad forces entered her house, they beat her father to death inside the compound. They then stole all household belongings.<sup>82</sup> One eyewitness reported to an Afghan media source that he had seen an elderly Shi’a man nailed to a tree and then shot in the head. An Afghan human rights organization reported that marauding militiamen chopped off limbs and slit the throats of civilians with bayonets.<sup>83</sup>

8.55 During the fighting between Ittihad and Wahdat in June 1992, Wahdat took civilians prisoner simply because they were Pashtun. In one incident documented by Human Rights Watch, a Pashtun man was stopped by Wahdat gunmen who threatened to imprison him in a nearby container that already held a number of people—it was not clear whether they were captured combatants or civilians. Because the man was with his young son, one of the Wahdat soldiers let him go. As they were leaving, the gunmen fired a rocket-propelled grenade or other incendiary device into the container. The man told Human Rights Watch:

“I was walking away with my son. We heard the explosion. The container had been closed after they put the prisoners in it. I heard the explosion and I looked, and then I took my son and started to move away, because we were in danger. . . . When I looked I saw that all these people were running away from where the container was; people who had been near. I heard screams from the container, and there was smoke coming out of the hole. The rocket had penetrated and exploded.”<sup>84</sup>

8.56 In May–June 1992, fighting broke out between Hizb-i Islami commander Didar and several others, including Wahdat commanders Riza and Haidar Lang and the Shi’a Harakat-i Islami commander Qambar Lang in the Mahtab and Unchi Baghbanan areas of western Kabul. A delegation of ten notables from Unchi met with Wahdat and Harakat-i Islami commanders to negotiate a cease-fire in the area. That part of Chardehi, Unchi, had a mixed population of Pashtuns, Tajiks, and Hazaras, and commanders with various affiliations had established themselves there. The delegation included the mullah of the mosque of Unchi and his twelve-year-old son; the mullah of the mosque of Baghbanan; Jaglan (Major) Wardad, an elder of Unchi; and six others. The delegates, all Sunni Muslim Pashtuns and Tajiks, were allegedly attacked by Wahdat and Harakat forces, and all but one of the delegates were killed. The commanders responsible were reportedly Abbas Payadar of Harakat and Tahir Diwana of Hizb-i Wahdat. After the incident, some five hundred Pashtun and Tajik families from Unchi fled the area.<sup>85</sup>

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<sup>82</sup> Afghanistan Justice Project, *Candidates and the Past* 32.

<sup>83</sup> US Department of State, “Afghanistan,” *Human Rights Practices, 1993* (Washington, D.C.: January 1994).

<sup>84</sup> Interview with Human Rights Watch, June 2004.

<sup>85</sup> Afghanistan Justice Project, *Candidates and the Past* 35.



8.57 There were also some opportunistic attacks on minorities, particularly Hindus and Sikhs, but these increased dramatically after the December 1992 attack on the Babri Masjid in Ayodhya, India, by Hindu militants and subsequent riots in Bombay and other cities, during which hundreds of Indian Muslims were killed. In Afghanistan, some mullahs preached about the incident in the mosque, leading to attacks against Hindus and Sikhs. The mullahs portrayed these attacks as jihad against those who had attacked Muslims. Many Afghan Hindus and Sikhs fled the country as a result, leaving behind their land, homes, and businesses. They claimed that mujahidin and militia factions had held family members for ransom, killing some; occupied their homes; seized their belongings; and looted and ransacked their businesses. The attacks occurred in Kabul, Jalalabad, and Qandahar, among other places.<sup>86</sup>

8.58 In some cases, commanders reportedly robbed and killed civilians at checkpoints. For example, in January 1994 fourteen civilians traveling by car from Jalalabad to Khugyani were stopped by armed gunmen, their possessions were taken, and then they were all shot dead.<sup>87</sup>

#### **D. Summary Executions of Captured Combatants**

8.59 According to survivors and witnesses, the men taken prisoner in Afshar included Wahdat militants, many of whom were allegedly executed in Sayyaf's headquarters in Paghman and buried there with an unknown number of civilians.<sup>88</sup>

8.60 In Mazar-i Sharif, men arrested by the forces of Gen. Dostum (some may have been captured combatants and others were political opponents) were reportedly killed and their corpses dumped in different places in the city.<sup>89</sup>

8.61 One site used by Wahdat as a jail was Qala Gunai in Unchi Baghban in western Kabul. Wahdat commanders held captured members of rival factions and other political opponents, as well as businessmen and traders held for ransom or extortion. A witness interviewed by the Afghanistan Justice Project with intimate knowledge of Wahdat stated that a large number of prisoners captured by Wahdat during different phases of the Kabul conflict were kept in Qala Gunai, and many were killed there. The commander responsible for giving the orders to have detainees executed was allegedly Bahrami of Ghazni province, then a Wahdat commander for internal security.<sup>90</sup>

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<sup>86</sup> E/CN.4/1993/42 para. 30.

<sup>87</sup> Cooperation Centre for Afghanistan, Human Rights Department, Newsletter, Vol. 1, No. 6 (December 1994) 6.

<sup>88</sup> Afghanistan Justice Project interviews, February 2003.

<sup>89</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>90</sup> Afghanistan Justice Project, Candidates and the Past 36.

8.62 By the end of January 1994, Massoud had ousted Dostum from Microraion.<sup>91</sup> According to one report, a number of Junbish fighters taken into custody following the fighting in Microraion were summarily executed.<sup>92</sup>

8.63 The single largest known massacre of prisoners by one of the parties to the Afghan conflict was the summary execution of at least three thousand captured Taliban prisoners and foreign fighters by forces of Abdul Malik Pahlawan in Mazar-i Sharif, Shibirghan, and Maimana in May–June 1997. The precise number of prisoners summarily executed under Malik’s orders in the north in June–July 1997 is not known. One humanitarian agency staff member familiar with the incident told the Afghanistan Justice Project that “at least” three thousand were killed.<sup>93</sup> In addition to Taliban soldiers, Malik took into custody a number of Junbish commanders and prominent leaders, including Ghulam Haidar Jawzjani, who was taken prisoner in Mazar and whose body was found in Maimana; Salam Pahlawan from Shibirghan; and Shibirghan’s most prominent elder, Rais Umar Bay, who was killed in Shibirghan.<sup>94</sup>

8.64 One former Taliban driver who was taken into custody by forces allied with Malik gave this account:

“I am from Qandahar province [name of village withheld]. When we got to Shibirghan we established a base there, then moved into Mazar once fighting began between Malik and the Taliban. As the fighting escalated, I went with two of the mullahs to leave Mazar. We were moving toward the airport when we were attacked. They were killed. I was captured. Many senior Taliban were killed; others surrendered. Commander Zahir, who was with Malik, took us to a prison in Mazar. We were very crowded, we couldn’t move. There was little food. Sometimes we caught birds and ate them. Sometimes they beat us. They beat me on the genitals so severely, I am impotent. Some died from the beatings. The ICRC came and gave food sometimes. One night, men in military suits came and shouted at us, ‘Who is from Qandahar?’ They separated us. They said there was going to be a prisoner exchange. They took our pictures. They tied our hands and put us in a big container. The container I was in was full. We were kept in the container all day, until the next night. Some of the men inside died. They drove out of Mazar. Then the truck got stuck. They opened the door. We were in the desert. They took us out in groups of 30 at a time every ten minutes. They tied the prisoners together and shot them. We were still in the truck and we could see it through small holes in the container. When they shot them they revved the engine loudly. I was in the last group. I prayed to God. We resisted when they came for us, but they pushed us outside. We stood in three lines, one in front of the other. When they started shooting, I just fell down, and others fell on top of me. Then I heard someone say, ‘Let’s shoot each of them in the head.’ But I was under the others, so they did not shoot me. Then they turned the car lights away to

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<sup>91</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1995/64).

<sup>92</sup> Unpublished report, Afghanistan Justice Project.

<sup>93</sup> Afghanistan Justice Project, Candidates and the Past 41.

<sup>94</sup> Afghanistan Justice Project, Candidates and the Past 42.

get the truck unstuck. When they were working on the truck, I asked if anyone else was alive. There were three of us, but one was injured, and we could not help him. When Malik's men left, we went to Tashqurghan and then to Kunduz. Mullah Dadaullah and Mullah Baradar were in Kunduz. Then we were sent to Qandahar.<sup>95</sup>

8.65 Another survivor stated that he was captured along with twenty-eight others while at the airport.

"They beat us and took us to a prison in Shibirghan. In the prison there were 150–200 people in each room. There was little food, just rice sometimes. Sometimes we were taken outside to a walled area. I was there for two weeks. Then they took us to Maimana prison. There were four Taliban ministers there: Mullah Mansur, minister for air defense; Mullah Abdul Razzaq, interior minister; Mullah Mansadiq, secretary to Mullah [Muhammad] Rabbani [chairman of the Kabul shura]; and Mullah Haji Fazl Muhammad, deputy foreign minister. They were transferred to Faizabad, where [President Burhanuddin] Rabbani maintained his office. The commanders there told me there were 700 of us there in Maimana. One day we were told to assemble for a prisoner exchange. The Qandaharis were put to one side. A lorry came and took thirty of them. The guards told us, 'They have been sent home.' This happened two or three times a week. A week after that, one of the soldiers we had gotten close to told us, 'We have killed all of your men.' I knew one of the generals there, and he protected me and a few others—we knew each other from school. When Dostum returned, there were 130 of us left out of 700 in Maimana. We were brought to Shibirghan. There was a prisoner exchange with the Taliban, and in September or October they sent us to Qandahar."<sup>96</sup>

8.66 In December 1997, the Special Rapporteur and Dr. Mark Skinner, a forensic expert provided by the non-governmental organization Physicians for Human Rights, inspected sites containing the remains of the executed Taliban prisoners, as well as sites that apparently contained the remains of combatants who died in battle. At one site, known as the "nine wells" site, the forensic expert determined that at least several hundred prisoners had been forced down the wells. These wells have never been excavated. At all nine wells, there was evidence of a bulldozed track leading up to the well mouth. Seven of the wells were plugged with earth. At all nine wells there were spent cartridges. At three wells there was evidence of the presence of antipersonnel mines as well as one grenade. The forensic expert found two pieces of human skull lying near the earth plugging one of the wells. At another site, near the highway between Mazar-i-Sharif and Hairatan, numerous bodies at several sites could be observed. At one site, there was clear evidence that the victims had been tied up individually or several at a time. There were many spent cartridges and the bodies were lying largely covered with sand in a row on either side of a ridge.<sup>97</sup> In May

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<sup>95</sup> Afghanistan Justice Project, *Candidates and the Past* 42.

<sup>96</sup> Interview with Patti Gossman in December 2001.

<sup>97</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/1998/71) para. 3.

1998, the OHCHR sent a second human rights expert, William O'Neill, to the sites. He also recommended a full investigation.

8.67 During their retreat from Mazar in June 1997, the Taliban reportedly massacred eighty-three people in at least two villages outside the city. According to the report of the Special Rapporteur, fifty-three Shi'a villagers were killed in Qizilabad and some twenty houses set on fire. Village elders stated:

“The Taliban had arrived in the village in the afternoon and had started knocking on doors and asking for weapons. If the person who had opened the door said that they did not have any, they were shot on the spot, in front of their family. If a person provided a weapon, they were allegedly shot on the spot by the Taliban with that same weapon. A number of farmers from the village were killed in the fields, some reportedly with their own agricultural implements. A group of 14 or 15 young men were taken from the village to the nearby airport where they were tortured and subsequently executed.”<sup>98</sup>

8.68 The killings were carried out partly as acts of revenge because the village had fiercely resisted the Taliban during their first offensive on Mazar-i-Sharif in May 1997, and partly because the villagers were Shi'a. In the village of Shaikhabad, many inhabitants had fled the advancing Taliban forces, except for the oldest among them. According to the report of the Special Rapporteur, the Taliban had entered the village, tortured and killed thirty old men, and mutilated some of the bodies. Villagers also claimed that local Pashtun commanders who had joined the Taliban might also have participated in the killings, and that similar killings had taken place in a number of other villages in the area.<sup>99</sup>

8.69 Retreating Taliban soldiers were also reported to have executed Uzbek and Hazara civilian prisoners at the Kunduz airport after retreating from their defeat in Mazar. These were apparently civilians picked up at random during the hasty retreat from Mazar by way of Tashqurghan. According to an account by a former Taliban official who participated in the operation:

(a) “I stood by as the rest of the prisoners, around 240 men, were all lined up in a field. Ten at a time, they were led forward with their blindfolds on, and shot in the head by the Taliban soldiers. In order to save bullets and minimize the chances of missing their targets, the executioners stood within one meter of their victims. The soldiers were standing in such close proximity to their targets that they themselves were soon covered in blood. Their long scraggly beards became red and sticky with blood. I even saw a couple of men who were splattered by the brains of the men they had just shot.

(b) “At one point during the executions, a middle-aged Hazara man tried to escape and ran off across the field. The Taliban soldiers started laughing. We were in the middle of a vast field with no places to hide, except perhaps behind some bombed-out old Soviet tanks along the runway. ‘Where are you running, you stupid man? You think the infidels are going to send in some

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<sup>98</sup> E/CN.4/1998/71, para. 1.

<sup>99</sup> E/CN.4/1998/71, para. 2.

parachutists to save you or something?’ they yelled out with their voices dripping with irony.

(c) “After letting the still blindfolded man run around in circles for a minute or two, a few men got into a pick up truck and took off after him. When he heard the truck roaring behind him, the man let out a scream, suffered a heart attack and died. The soldiers brought back the man’s body, and they were joking about how he had helped to save them one more bullet, which would be reserved to kill General Dostum.

(d) “After all the men had been massacred, they ordered the truck drivers to drive their heavy vehicles over the corpses. After many trips over the bodies, they had been pushed down until they were even with the surface of the earth. . . . Later, I heard from some of my friends who had returned to the airport a few days after the killings that the bodies of the dead men had all been devoured by wild dogs and vultures. The dogs had become mad because of all the human flesh they had consumed. The next time I was at the airport, there were no signs of the mass murder which I had witnessed—somebody must have buried whatever was left of the victims.”<sup>100</sup>

### **E. Assassinations of Afghans in Pakistan**

8.70 As had been the case in the pre-1992 period, Afghans living in Peshawar and other areas of Pakistan continued to be at risk. Those most vulnerable included Afghans who were opposed to certain mujahidin leaders. For example, in December 1993, unidentified gunmen assassinated Wali Khan Karokhel, the head of the Council of Understanding and National Unity.<sup>101</sup> Wali Khan Karokhel had been on the military committee of the National Islamic Front of Afghanistan, led by Sayyid Ahmad Gailani. Commander Shamali, also a Karokhel, was killed at the same time.<sup>102</sup> Other prominent Afghans, including those involved with international or local non-governmental organizations and members of Afghan human rights organizations living in Pakistan, reportedly received death threats.<sup>103</sup> The following represent only a few examples.

8.71 After repeated threats to his life in early November 1995, Abdul Hakim Katawazi, also a member of the Council for Understanding and National Unity of Afghanistan, was shot dead as he was entering the offices of the Council in Peshawar. On November 3, 1995, an Afghan tribal leader, Wakil (former member of parliament) Wazir Muhammad, was reportedly shot dead in Hayatabad Township, Peshawar. Four armed persons killed Dr. Nahid Azamat and her assistant, Ms. Razia Shafaq, a nurse, who were running a private clinic in Jalozaï refugee camp. According to the UN Special Rapporteur, political motives were suspected in all these assassinations.<sup>104</sup>

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<sup>100</sup> Report of “Gulbuddin,” in Alex Klaitis and Gulchin Gulmamadova, Love and War in Afghanistan (New York: Seven Stories Press, 2005 [forthcoming]).

<sup>101</sup> E/CN.4/1994/53 para. 38.

<sup>102</sup> Email communication with Rubin, July 2004.

<sup>103</sup> E/CN.4/1994/53 para. 38.

## **F. Indiscriminate and Disproportionate Use of Force in Predominantly Civilian Areas: The Battle for Kabul**

8.72 During the battle for Kabul between 1992 and 1996, tens of thousands of people were reportedly killed. The vast majority of them were civilians killed in rocket and artillery attacks. Large sections of the city were reduced to rubble. West Kabul, where a significant amount of the fighting took place, saw twenty-seven battles and remains the most devastated area of the city.<sup>105</sup> Although the military factions had their headquarters and other military installations in the neighborhoods they controlled, the rocket attacks and shelling reportedly were mostly indiscriminate. Houses, hospitals, schools, and residential streets were struck on a regular basis. As noted in the US State Department report covering 1993, the Hizb-i Islami faction fired numerous rockets at the capital, frequently demolishing residential or commercial districts of no discernible military value.<sup>106</sup>

8.73 Hizb-i Islami was responsible for the greatest number of rocket attacks, launched mainly from Hikmatyar's base in Charasiyab, Logar province, south of Kabul. As had been the case before the collapse of the Najibullah government, the ISI reportedly supplied and paid Hikmatyar to carry out these attacks under its instructions.<sup>107</sup> A few of the most intense incidents of rocketing are listed below. A driver with Hizb-i Islami based in Logar stated that the rocket attacks were carried out under the direct orders of Hikmatyar. Four military divisions were involved in rocket launching. The commanders in charge allegedly included Turan (Major) Aman, head of Sama division; Abubakar, head of Lashkar-i Isar division; Kashmir Khan, head of Jabha-i Ghandaq; and commanders Zardad, Haji Asadullah Qandahari, Abdul Sabur Farid, and Sayyid Rahman. Another resident of Logar stated that the commanders were launching from Khairabad hill and Dasht-i Saqawa, in Charasiyab district, Logar province, south of Kabul.<sup>108</sup>

8.74 In late April 1992, fierce fighting took place in residential areas near Bala Hissar fort, and journalists reported that civilians were trapped in their homes or basements, unable to bring the wounded to hospitals. Many were killed in rocket attacks or by bullets as contending forces fought street battles in residential areas.<sup>109</sup> According to various press reports, in early May Hikmatyar again pounded Kabul with rockets, and ISA forces responded with artillery and rockets that hit the southern outskirts of Kabul. Civilian casualties were high.

8.75 According to the International Committee of the Red Cross, one to two thousand people were killed by rockets in three weeks in August, and eight to nine

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<sup>104</sup> E/CN.4/1996/64 para. 85.

<sup>105</sup> Unpublished report, Afghanistan Justice Project.

<sup>106</sup> US Department of State, "Afghanistan," Human Rights Practices, 1993 (Washington, D.C.: 1994).

<sup>107</sup> See previous chapter for details.

<sup>108</sup> Afghanistan Justice Project, Candidates and the Past 22, 23, 24.

<sup>109</sup> Steve Coll, "Guerrillas Battle for Kabul; Shelling, Skirmishes Mark Rival Groups' Struggle for Control," Washington Post, April 27, 1992; Steve Coll, "Civilians Bear Brunt of Kabul Battle; New Afghan Government's Forces Gaining Control of Capital," Washington Post, April 30, 1992.

thousand wounded.<sup>110</sup> During that period, Hikmatyar's forces fired most of the rockets that struck civilian areas of Kabul. On August 14, rockets devastated the downtown market area of Kabul, killing at least eighty.<sup>111</sup>

8.76 In his report covering the human rights situation in 1992, the UN Special Rapporteur noted that the death toll from indiscriminate rocket and artillery fire was placed at an average of twenty persons each day. On January 25, 1993, during fierce fighting between the allied forces of Wahdat and Hizb-i Islami on the one hand and the ISA forces under Massoud on the other, twenty reportedly died, and eight hundred were wounded; the majority of these were civilian casualties. On February 2, 1993, seventy-two persons were reportedly killed in rocket attacks in Kabul and more than eighty injured.<sup>112</sup>

8.77 The most powerful of the other factions—particularly Shura-i Nazar/Jamiat, Hizb-i Wahdat, and Dostum's Junbish militia—also engaged in indiscriminate artillery and mortar fire, as well as limited aerial bombardment. On January 1, 1994, a new round of fighting began between government forces and the newly allied forces of Dostum and Hikmatyar in Kabul, accompanied by intensive rocketing and shelling of predominantly civilian areas by both sides. A journalist described the fighting as the worst since the fall of the Najibullah government and characterized the battles around the government-controlled areas of Microraion as particularly bloody.<sup>113</sup> This led to a mass exodus of people from the city. Since Pakistan closed the gate at Torkham, the refugees were accommodated in IDP camps in Nangarhar, east of Jalalabad, at Du Sarak Sarshahi.

8.78 In his report to the General Assembly, the Special Rapporteur described "massive indiscriminate killing in Kabul caused by rocket attacks and air attacks in which cluster bombs were used. . . . The city has been subjected to indiscriminate rocketing and shelling by heavy artillery. A new and very disquieting feature of the current conflict has been the use of aerial bombardment of residential areas of Kabul, with highways reportedly being used as runways for the fighter jets."<sup>114</sup> He also noted that "[p]ersons who managed to leave the city reportedly told human rights organizations that the violence of the rocket and artillery attacks was such that they did not have the time to bury the members of their families who had been killed but simply left their bodies in the house, locked the doors and left. The targeting of hospitals and medical facilities has also continued in this round of fighting."<sup>115</sup>

8.79 According to a US State Department report, Massoud's forces apparently targeted a hospital facility where Hikmatyar was thought to be undergoing treatment for injuries sustained in an August 12 attack by Massoud, but he was not in the

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<sup>110</sup> "Up to 2,000 Killed in Kabul Last Month, Red Cross Says," New York Times, September 6, 1992.

<sup>111</sup> "Afghan Rebels Pound Kabul, Causing Heavy Casualties; Shells, Rockets Devastate Central Market in Capital," Washington Post, August 14, 1992.

<sup>112</sup> E/CN.4/1993/42 para. 20.

<sup>113</sup> "Afghan Army Ousts Foes from Capital," New York Times, June 27, 1994.

<sup>114</sup> E/CN.4/1994/53 para. 16.

<sup>115</sup> E/CN.4/1994/53 para. 17.

hospital at the time and had not been seriously injured in the earlier attack.<sup>116</sup> It is not known how many people were killed or injured in the attack on the hospital. September was a particularly bad month: the ICRC reported that an estimated eleven hundred people had been killed and 23,000 wounded in factional fighting.<sup>117</sup> On September 27, 1994, a rocket struck a Kabul wedding party, killing forty people and injuring seventy.<sup>118</sup>

8.80 An estimated eight thousand persons were killed in Kabul in 1994 and more than eighty thousand wounded by year's end;<sup>119</sup> more than 25,000 had been killed in the city since April 1992.<sup>120</sup> One million had been displaced by the fighting between April 1992 and the end of 1994.<sup>121</sup>

8.81 The Taliban, too, bombed civilian areas of Kabul indiscriminately. In November 1995 Taliban aircraft bombed residential areas of central Kabul, reportedly killing thirty-nine people and wounding 140.<sup>122</sup> In 1996, after their first offensive on Kabul had failed, the Taliban reportedly began to rocket Kabul from the same southern suburbs previously controlled by Hikmatyar. In January 1996, they fired 287 rockets into Kabul, killing forty-four civilians and wounding 167.<sup>123</sup> After Massoud withdrew from Kabul, he too reportedly began to rocket the city. On September 20–21, 1998, his forces fired several volleys of rockets at the northern part of Kabul, with one hitting a crowded night market. Estimates of the numbers killed ranged from 76 to 180. Although a spokesperson for Massoud denied targeting civilians, the ICRC, in a September 23 press statement, described the attacks as indiscriminate and the deadliest that the city had seen in three years.<sup>124</sup>

## **G. Indiscriminate and Disproportionate Use of Force in Other Cities**

8.82 The fighting in 1994 was not limited to Kabul. Once Dostum switched sides to join forces with Hikmatyar, heavy fighting broke out in the northern cities of Kunduz and Mazar-i-Sharif.<sup>125</sup>

8.83 In March 1998, Junbish forces in Hairatan—where Wahdat had been strengthening its positions—killed some thirty Wahdat troops in combat, including

<sup>116</sup> US Department of State, "Afghanistan," Human Rights Practices, 1994 (Washington, D.C.: US Department of State, March, 1995).

<sup>117</sup> Cooperation Centre for Afghanistan, Human Rights Department, Newsletter, Vol. 1, No. 5 (October 1994) 5.

<sup>118</sup> US Department of State, "Afghanistan," Human Rights Practices, 1994, citing UN and media sources.

<sup>119</sup> E/CN.4/1995/64 para 32.

<sup>120</sup> "Afghan Army Ousts Foes from Capital," New York Times, June 27, 1994.

<sup>121</sup> US Department of State, "Afghanistan," Human Rights Practices, 1994.

<sup>122</sup> US Department of State, "Afghanistan," Human Rights Practices, 1995.

<sup>123</sup> Davis 64.

<sup>124</sup> International Committee of the Red Cross, "Afghanistan: Indiscriminate rocket attacks on Kabul," ICRC News 98/38, September 23, 1998. The news release said that the attacks were "concentrated in the northern part of the city . . . notably striking the night market."

<sup>125</sup> US Department of State, "Afghanistan," Human Rights Practices, 1994.



Shafi Diwana, a commander from Bamyan. Wahdat allegedly retaliated by attacking the residences of Junbish commanders in Mazar, including Shir Arab's house in Kart-i Bukhti, next door to the ICRC compound. Wahdat commanders used the top of the ICRC office over the ICRC residence to fire into a Junbish-controlled building next door. The fighting was so intense no one could evacuate the trapped ICRC staff until the commanders involved withdrew their forces after a truce was negotiated.<sup>126</sup>

## **H. Enforced Disappearances**

8.84 In many cases, civilians and combatants detained by armed factions were never released, nor were their bodies ever discovered. The number of persons who "disappeared" during the 1995–96 period in Kabul alone reportedly runs at least into the hundreds, but there has been no official effort by any of the faction leaders to account for the "disappeared." They are presumed to be victims of summary execution.

8.85 On November 20, 1993, Shura-i Nazar/Jamiat forces reportedly raided a house belonging to a Hazara man, Asadullah Wakilzada, beat him unconscious, and abducted his son, aged fifteen. Two days later, in another raid, "government" forces took Wakilzada's two other sons, aged thirteen and eleven. The family attempted to negotiate for the children's release but failed and finally left Kabul. The family might have been targeted because of their ethnicity, or because Wakilzada had worked for foreign embassies.<sup>127</sup>

8.86 Among those who disappeared were members and former members of the Najibullah government. Ajmal Sahak, age thirty-two, "disappeared" after being arrested on May 19, 1993, at his house in Khairkhana in Kabul by government forces. He had earlier been an officer in Najibullah's presidential guard but in February 1991 had voluntarily retired from army service. He ran a vegetable shop in Kabul and was not politically active. As of 1995, his family had not been able to trace him.<sup>128</sup> In mid-1993 Muhammad Yar, a former army officer, together with six of his children, the youngest of whom was eight years old, was taken away by forces of Hizb-i Wahdat during a raid on their home in Microraiion in Kabul. The remaining children could not trace the arrested family members and left Kabul a few days later.<sup>129</sup>

8.87 Prominent Afghans living in Pakistan who were outspoken against the continued fighting in Kabul were targeted for kidnapping or disappearance. Jamiatullah Jalal, a noted Afghan intellectual and the Secretary General of the Peshawar-based Council for Understanding and National Unity of Afghanistan, was last seen on February 18, 1995, in the Defence Colony area of Peshawar.<sup>130</sup> Two other senior members of the organization were assassinated in 1993 and 1995 (see above).

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<sup>126</sup> Afghanistan Justice Project unpublished interview.

<sup>127</sup> Amnesty International, *Afghanistan: International Responsibility for Human Rights Disaster*.

<sup>128</sup> Amnesty International, *Afghanistan: International Responsibility for Human Rights Disaster*.

<sup>129</sup> Amnesty International, *Afghanistan: International Responsibility for Human Rights Disaster*.

<sup>130</sup> Amnesty International, *Afghanistan: International Responsibility for Human Rights Disaster*.

8.88 ISA forces reportedly detained Khan Zia Khan Nassery on October 2, 1992. Nassery had recently returned from the US to organize a pro-Zahir Shah movement. His family was unable to trace him after he was detained.<sup>131</sup>

8.89 Ghulam Farooq Gharazai, formerly a lecturer at Kabul University, was abducted by a mujahidin group on June 3, 1994, on the road from Kabul to Jalalabad. He was then forty-eight years old and working in a pharmacy in Jalalabad. He had previously been imprisoned between late 1979 and 1987, so he was not allowed to teach at the university. He was returning home from Kabul when he was stopped by Hizb-i Islami (Hikmatyar) intelligence personnel. He was told to get out of his car and has not been seen since. His family sent a man to Laghman to find him. The man approached the then commander of Hizb-i Islami, who reportedly told him that Ghulam Gharazai was being held at Naghlu jail near Sarobi.<sup>132</sup>

8.90 Ahmad Irshad Mangal, a former army officer turned shopkeeper, disappeared after being taken into custody by Hizb-i Islami forces on November 1, 1989, in Peshawar. He had served with the Najibullah government forces defending Jalalabad during the attempt by Pakistan, with CIA support, to get some mujahidin factions to take the city in 1989. Pakistani officials told the family they had no information on Mangal's whereabouts. On February 17, 1994, a man who claimed to have been in detention the previous eight months with Mangal told the family that Mangal was in a detention facility run by Jamiat-i Islami. Prior to that, Mangal had allegedly been held at a Hizb-i Islami facility at Hikmatyar's headquarters in Charasyab, where he had allegedly been made to dig trenches. During fighting between Hizb-i Islami and Jamiat/Shura-i Nazar forces, Mangal was taken by Jamiat and eventually transferred out of Kabul, reportedly to Panjshir. When Mangal's brother asked government officials in Kabul for information, he was told that "commanders maintain their own private jails, using the prisoners as house servants, or to work on the land or to undertake military or mine-clearing activities." As of 1995, Mangal's whereabouts were unknown.<sup>133</sup>

## **I. Arbitrary Detentions and Hostage Taking**

8.91 All of the major armed factions involved in the conflict after the fall of the Najibullah government maintained detention facilities. In addition, individual commanders maintained private jails. Between 1992 and 1996 thousands of detainees were reportedly held in facilities ranging from the prisons and detention centers used by the former government to the ubiquitous shipping containers scattered across the country. Those detained included members of the former government, members of rival factions, and civilians detained because of their ethnicity or political affiliation. Extortion was a common apparent motive for detaining both combatants and non-combatants. In addition, hostage-taking was commonplace among all the major factions fighting for control of Kabul. In some cases, militias abducted members of rival militias as an act of retaliation or to exchange for members of their own forces who had been taken hostage.

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<sup>131</sup> Amnesty International, *Afghanistan: International Responsibility for Human Rights Disaster*; Rubin email communication, July 2004.

<sup>132</sup> Amnesty International, *Afghanistan: International Responsibility for Human Rights Disaster*.

<sup>133</sup> Amnesty International, *Afghanistan: International Responsibility for Human Rights Disaster*.

8.92 In January 1994, Hamid Karzai (then deputy foreign minister in the ISA, now president of Afghanistan) was detained and interrogated by agents of the intelligence service under the director of intelligence, Muhammad Qasim Fahim. The reported reason for his detention was his refusal to issue a diplomatic passport improperly at the request of an official affiliated to Shura-i Nazar. He escaped during a rocket attack on the building.<sup>134</sup>

8.93 In early March 1995 positions held by Hizb-i Wahdat in western Kabul were captured first by the Taliban and later by Shura-i Nazar forces. The advancing forces discovered detention centers where some fifteen hundred prisoners were being held, including 150 women.<sup>135</sup>

8.94 Sayyaf allegedly maintained his own jails in Paghman. After the Afshar offensive, Ittihad forces detained hundreds of Hazara men in Paghman. One estimate put the number detained at six hundred, which may include men taken before Afshar. Wahdat held at least sixty Pashtun prisoners at the same time.<sup>136</sup> In July 1994, Mullah Rocketi, a commander of Sayyaf's Ittihad-i-Islami Party, released seven Pakistani and two Chinese hostages he had kidnapped to force the Government of Pakistan to release his brother from prison and return or pay for weapons allegedly taken from him. Rocketi had held some of the captives since 1992.<sup>137</sup> Mullah Rocketi joined the Taliban the next year. Sayyaf, along with some other parties that had maintained secret detention facilities in Pakistan before 1992, continued to use them. According to a report by the Afghan human rights group Committee on Coordination for Afghanistan (CCA), a man who had left Kabul in September 1994 after his home was destroyed in the fighting was abducted in Peshawar by Sayyaf's forces and held in a dark, damp cell and beaten for five days. They accused him of spying. Then he was taken to a larger room, where there were sixteen other detainees held for similar reasons. After family members intervened he was released, but the others remained for an unknown time.<sup>138</sup>

8.95 In his report on the January 1994 fighting in the Shibirghan and Faryab regions of the north between the forces of Gen. Dostum and those allied with President Rabbani, the Special Rapporteur described the motives behind mass detentions that took place during or following outbreaks of fighting: "The prisoners, who were mostly young men, had reportedly been taken during the recent fighting between rival groups in and around Mazar-i Sharif. Allegations were also made that they had been rounded up after the fighting because it was known that they belonged to the enemy forces. It became obvious that these persons were being held as

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<sup>134</sup> Cooperation Centre for Afghanistan, Human Rights Department, Newsletter (March 1994) 5. Susan B. Glasser, "Rivalry Revived in Afghanistan; Karzai Takes On Secret Service Led by Defense Minister," Washington Post, July 24, 2002.

<sup>135</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>136</sup> Amnesty International, Afghanistan: Political Crisis and the Refugees, ASA 11/01/93 (London: 1993).

<sup>137</sup> US Department of State, "Afghanistan," Human Rights Practices, 1994.

<sup>138</sup> Cooperation Centre for Afghanistan, Human Rights Department, Newsletter, Vol. 1, No. 5 (October 1994).

hostages in order to be exchanged. It was indicated that some of them would be not only exchanged against other persons but also against money and goods.”<sup>139</sup>

8.96 The first major episode of hostage-taking in Kabul after the fall of the Najibullah government was during the fighting between Ittihad-i Islami and Hizb-i Wahdat in June 1992. The fighting allegedly began after four members of the Hizb-i Wahdat shura—Sayyid Karimi, Sayyid Ismail Hussaini, Chaman Ali Abuzar, and Muhammad Naim Wasiq—were found dead in Silo Street in southwest Kabul. Wahdat believed that Ittihad was responsible. In retaliation, Wahdat forces captured Ittihad commander Shir Alam in Pul-i Surkh of Kart-i Seh and then released him and shot one of his bodyguards. The fighting escalated, and both groups targeted civilians; Ittihad abducted and detained Hazaras, and Wahdat did the same to Pashtun civilians. Hizb-i Wahdat leader Karim Khalili acknowledged taking Pashtun prisoners in interviews with Reuters and the Associated Press at the time.<sup>140</sup>

8.97 Hostage-taking for ransom or political reasons was common among many of the factions. In one case in September 1993, Muhammed Faruq was kidnapped in Kabul by gunmen who demanded a large sum of money. The family paid the money and it was collected by gunmen using a car that allegedly belonged to Gen. Baba Jan, a former regime general who had joined Massoud’s forces.<sup>141</sup> Baba Jan is currently (as of 2004) the police chief of Kabul city. In 1995 the US State Department report noted that “there were persistent, credible allegations of hostage taking for ransom in Kabul, reportedly by troops loyal to de facto Defense Minister Ahmad Shah Massoud.”<sup>142</sup>

8.98 A Hizb-i Islami commander, Zardad Faryadi, gained notoriety for his predatory behavior. Zardad’s official position in Sarobi was base commander at the Eastern Operations Base at Takht-i-Sarobi, on the outskirts of town. Sarobi was a strategic point along the Jalalabad-Kabul highway through which traders bringing goods to or from Kabul had to pass. It is an important access point into Kabul, and it is situated near a major hydroelectric plant that supplies Kabul with electricity. Zardad’s alleged compensation for holding this strategic checkpoint was to loot any vehicles passing through and extort whatever he could from the drivers and passengers. He and his men reportedly would stop vehicles and demand money, and, if not paid enough, they would detain and beat their victims until they either paid or made arrangements to pay. Those who could not pay immediately would be held as hostages until friends or relatives arrived to pay for their release. In some cases, Zardad reportedly abducted women passengers and detained them for several days, during which time he and his men would rape them. There are many Afghans who experienced torture and detention at the hands of Zardad and his men. A number of people interviewed by the Afghanistan Justice Project described similar experiences of being stopped and told to pay exorbitant amounts of money. If they argued that

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<sup>139</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/49/650, 1994) para. 48.

<sup>140</sup> Andrew Roche, “Kabul fighting erupts again despite ceasefire,” Reuters, June 4, 1992; Sharon Herbaugh, “Civilians Tell of Captivity, Torture by Rebels,” Associated Press, June 6, 1992.

<sup>141</sup> Cooperation Centre for Afghanistan, Human Rights Department, Newsletter, Vol. 1, No. 2 (May 1994) 2.

<sup>142</sup> US Department of State, “Afghanistan,” Human Rights Practices, 1995.

they could not pay, they were severely beaten, in some cases until they lost consciousness. Many describe Zardad giving the orders and overseeing the beatings. They were not released until the payment was made.<sup>143</sup> While extortion was the usual motive, revenge was another. According to a witness interviewed by CCA, in April 1994 a Hazara man was forced off a bus and detained at a checkpoint in Mahipur, east of Kabul. He was released on April 17 after paying. The checkpoint was controlled by militia under Commander Zardad. Zardad's men reportedly claimed that Wahdat forces had detained one of their men and they had to capture a Hazara for revenge.<sup>144</sup>

## J. Torture

8.99 Torture and mistreatment of detainees were ubiquitous throughout the country during this period; virtually anyone taken into custody was reportedly beaten at the very least. Every major faction, as well as forces allied with independent commanders, allegedly engaged in torture. Some former detainees have described particularly gruesome forms of torture, such as being tied to dead bodies for several days and forced to eat what they were told was human flesh. Female and male detainees, including children and juveniles, were raped in detention (see below).<sup>145</sup> Detainees were also tortured with electric shocks, subjected to near-suffocation, or had their testicles crushed by pliers. Many were deprived of food for long periods and exposed to extremes of hot and cold.<sup>146</sup> An unknown number of detainees died as a result of torture. For the most part, detainees, especially those held in private jails, were held in inhumane conditions, with little food, little protection from heat or cold, and severe overcrowding.

8.100 What follows is a sampling of testimony about torture:

(a) A taxi driver traveling with a woman passenger in early 1993: "We were stopped in Kot-i Sangi area of Kabul, which is controlled by Hizb-i Wahdat. There were several of them. They took us to a house which they used as their base. They gave me a paper to write that I had sold my car to them. I refused, and they threatened that they would force me to eat human flesh. They then began to beat me. I signed the paper, but they did not let us go. They then brought some cooked meat and forced us to eat. I ate a small piece and felt sick. They then gave me another paper on which they had written that the woman passenger was my sister, and that I would be selling her for a few afghanis to them. I said I would not do that even if I was killed. They beat me for some time until their commander told them to stop. They told us to go. As we were walking down the stairs, I heard a noise from behind. I turned back and noticed that the woman was not there. I was threatened to go, otherwise I would be killed."<sup>147</sup>

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<sup>143</sup> Unpublished report, Afghanistan Justice Project.

<sup>144</sup> Cooperation Centre for Afghanistan, Human Rights Department, Newsletter, Vol. 1, No. 2 (May 1994) 2.

<sup>145</sup> Amnesty International, Afghanistan: An Update on the Human Rights Situation, ASA: 11/012/1995 (London: 1995).

<sup>146</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

(b) Many prisoners arrested by Shura-i Nazar forces in Kabul were apparently first taken to the detention centers formerly run by KhAD. As of early 1994, there were two hundred prisoners held in Riyasat-i Awal (Directorate One), located in the KhAD office in Sheshdarak. Former detainees stated that torture and ill-treatment were routine there.<sup>148</sup> A man arrested by Shura-i Nazar in early 1994 stated that he had been interrogated under torture by people from the Ministry of State Security. He said he was then categorized by the guards as a “political prisoner” and therefore deprived of contact with other prisoners: “I was put in an isolated cell. In the interrogation room, I could hear cries of pain from cells around me. They interrogated me by putting a picture of a person in front of me asking who he was. I did not know, so they gave me electric shocks. They brought some people from their ‘committee to protect faith.’ They started a new course of torture. They put one of my testicles between a pair of pliers and crushed it. I have had severe pain since then. I was kept in that dirty room for several months. They would not take me to the toilet. There was no water for me to wash my hands and face. One day, they hit me with a Kalashnikov rifle butt, and my skull broke. Electric shocks continued to be given to my hands and feet. I was tortured there for two weeks every other night. One of my ribs was broken which healed on its own. They kept beating me. They wanted me to say yes to everything. They said I was a political prisoner — all this meant was that I should be kept in an isolation cell. In every 24 hours they would give me 250 grams of dried bread. When I was released, my wife weighed me and I was only 48 kilograms. Normally I am 73.”<sup>149</sup>

(c) In January 1994 a woman journalist living in Kabul was reportedly detained and beaten repeatedly with a rifle butt by members of Hizb-i Wahdat. They accused her of wanting to send information to the enemy. She was told that she would be killed because of her bias against the party. She was then told that she would be released if she had sex with the armed guards. When she refused, she was subjected to a mock execution. She was released when a large sum of money was given to the guards.<sup>150</sup>

(d) According to a press report cited by the US State Department, in 1995 prisoners in a Panjshir prison in the north run by Massoud’s forces were routinely beaten, kept awake at night, and fed insufficient and bad food.<sup>151</sup>

(e) During his visit to the north in 1996, the Special Rapporteur was informed that cries of prisoners being tortured could be heard in the city of Kunduz. The prisoners were reportedly detained at the airport in order to serve as human shields to prevent the bombardment of the airport.<sup>152</sup>

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<sup>147</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>148</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>149</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>150</sup> Amnesty International, Afghanistan: International Responsibility for Human Rights Disaster.

<sup>151</sup> US Department of State, “Afghanistan,” Human Rights Practices, 1995.

<sup>152</sup> A/53/493 (1997) para. 50.

## K. Rape

8.101 Rape became a common feature of the inter-factional fighting in Kabul, often occurring on a large scale when rival factions raided each other's territory or attempted to drive one ethnic group out of a part of Kabul. Independent commanders also committed rape, abducting women from a given locality or who were traveling past checkpoints controlled by the commander's forces. Given societal taboos on discussing the subject, firsthand testimony from rape survivors is rare. The reports of the Special Rapporteur mention some instances of rape, but the reports are sketchy. International human rights organizations and local humanitarian agency staff have nonetheless interviewed women who were raped.

8.102 The first major incidents of rape as part of the factional fighting in Kabul occurred during the June 1992 clashes between Ittihad and Wahdat. Also in 1992, unidentified armed groups attacked Hindu and Sikh residents of Kabul—minorities who had a long history of living in Kabul. The violence, which reportedly included rape, drove Hindus and Sikhs to leave Afghanistan. According to reports received by the Special Rapporteur, their family members were held hostage for ransom or murdered indiscriminately, female family members were allegedly raped, their homes were occupied, their belongings were seized, and their businesses were looted and ransacked.<sup>153</sup>

8.103 During the assault on Afshar in February 1993, Ittihad troops raped an unknown number of women in the area, most of whom were Hazaras or members of other minority groups. According to a former Ittihad commander, some women were taken to Paghman and raped for a year.<sup>154</sup> The Afghanistan Justice Project interviewed several women who were raped during the offensive.

(a) One woman, F., a resident of Afshar whose son was killed by Ittihad forces, was raped by the same soldiers after her son had been shot. (An earlier Ittihad search party had detained her husband, described above.) She had been injured by bullets in her hand and leg while trying to protect her son, and she told the Afghanistan Justice Project, "While I was still bleeding they raped me." She stated that three soldiers held her down while the fourth raped her in the basement of her own house. A neighbor, Z., was staying with F. that day. The first group of soldiers took F.'s husband. The second group, which came in the afternoon, raped F. and Z.'s two daughters, ages fourteen and sixteen, and another woman, R., who was also in the house. The soldiers took them by turns down to the basement to carry out the rape. One girl was injured by bayonet when she attempted to resist.<sup>155</sup>

(b) Another witness, S., stated that armed men had burst into her house at Afshar-Silo on the second day of the Afshar operation. They beat and raped her and her sister in their house and looted the contents.<sup>156</sup>

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<sup>153</sup> E/CN.4/1993/42 para. 30.

<sup>154</sup> Afghanistan Justice Project interview with Abdullah Shah, February 2004.

<sup>155</sup> Afghanistan Justice Project, Candidates and the Past 32.

<sup>156</sup> Afghanistan Justice Project, Candidates and the Past 32.

(c) Witness Sh. stated that after capturing Afshar, Ittihad-i Islami troops forcibly entered her house at 7 A.M.. They raped four girls in their residential compound, including Sh., her sister, aged fourteen years, and two others.<sup>157</sup>

8.104 During the fighting in 1994, there were also incidents of rape. The Special Rapporteur received a report about alleged imprisonment and rape of more than eighty women in the basement of a house in the Garga neighbourhood in the northwestern part of Kabul.<sup>158</sup> In March 1995, following the capture of the Kart-i Seh district from Wahdat, Shura-i Nazar forces allegedly “went on a rampage,” raping women and looting houses, apparently in revenge for attacks by Wahdat forces on Tajiks and to punish the local population for their support of Wahdat forces, or to drive them from the area. Medical workers said that they knew of at least six rapes and two attempted rapes, but that they believed the actual number was much higher.<sup>159</sup>

8.105 During fighting between Jamiat and Dostum in the north in 1994, “marauding militiamen abused many women in Mazar-i-Sharif in January and in Kunduz, according to international media and other sources.”<sup>160</sup> On January 13, 1995, armed gunmen said to be affiliated with Hizb-i Islami reportedly attacked a refugee camp near the town of Kunduz inhabited by Tajiks who had fled Tajikistan. They raped thirteen Tajik women before killing them.<sup>161</sup>

8.106 In September 1997, when the Taliban tried and failed for a second time to take Mazar-i Sharif, factional fighting broke out in the city, with widespread looting of homes, UN offices, and the offices of international and local non-governmental organizations.<sup>162</sup> Wahdat troops linked to the brother of the late Haji Ahmadi reportedly attacked the ICRC compound and raped one of the expatriate staff members.<sup>163</sup>

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<sup>157</sup> Afghanistan Justice Project, Candidates and the Past 32.

<sup>158</sup> E/CN.4/1995/64 para. 10.

<sup>159</sup> US Department of State, “Afghanistan,” Human Rights Practices, 1995.

<sup>160</sup> US Department of State, “Afghanistan,” Human Rights Practices, 1994.

<sup>161</sup> US Department of State, “Afghanistan,” Human Rights Practices, 1996.

<sup>162</sup> A/52/493 (1997) para. 37.

<sup>163</sup> Unpublished report, Afghanistan Justice Project.



## IX. PERIOD OF THE ISLAMIC EMIRATE OF AFGHANISTAN, 1996–2001

9.1 The Taliban's ruling structure was based on their understanding of Islamic precepts of government. It was headed by an amir (Mullah Muhammad Umar), who was assisted by shuras, or consultative bodies. Since their concept of Islamic authority was that of the amir leading a community (millat) of Muslims, Mullah Umar renamed the Islamic State of Afghanistan the Islamic Emirate of Afghanistan in October 1997.

9.2 The Taliban had well-developed civilian and military structures, with some overlap between the two. Both recognized the supreme authority of Mullah Umar and had their own chain of command.<sup>1</sup> The Taliban had established clear structures of command and control. Throughout this period Mullah Umar and his confidants in Qandahar both retained supreme authority and remained actively involved in operations and decisions. Military communications and a fairly flat organizational hierarchy allowed operational commanders to communicate directly with Qandahar.<sup>2</sup>

9.3 Almost from its inception, the Taliban movement reportedly had the financial backing and political support of Pakistan and Saudi Arabia. According to military analysts and human rights researchers who have investigated outside military support to the Afghan parties, of all the countries involved with providing military assistance to favored armed factions in Afghanistan, none matched Pakistan in the scope and breadth of its relationship with the Taliban. Pakistan provided the Taliban with financial assistance, weaponry, and sufficient logistical, operational, and intelligence support to transform a small movement into a formidable military power in Afghanistan. According to human rights reports, some of which quoted UN sources, Pakistani intelligence and military figures were active in directing operations at crucial battles in Afghanistan.<sup>3</sup>

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<sup>1</sup> Mullah Umar was "elected" as amir al-mu'minin (commander of the believers, a title of the caliph) by an assembly of about twelve hundred invited ulama in Qandahar in 1996. Subordinate to him was the Kabul shura, effectively a cabinet of ministers, chaired by Mullah Muhammad Rabbani, whose position was analogous to that of a prime minister or head of government. See Ahmed Rashid, Taliban: Militant Islam, Oil and Fundamentalism in Central Asia (New Haven: Yale University Press, 2000) 98-102.

<sup>2</sup> Email communication with former UN staff, August 2004.

<sup>3</sup> Human Rights Watch, Crisis of Impunity: The Role of Pakistan, Russia and Iran in Fueling the Civil War in Afghanistan, Human Rights Watch Publications (July 2001) Vol. 13, no. 3 (C).

### **A. Political Developments 1994–2001<sup>4</sup>**

9.4 “Taliban,” or madrasa students, exist throughout rural Afghanistan in the private madrasas that dot the countryside. Such taliban, often fighting under the leadership of their teachers, formed one of the components of several mujahidin parties, notably Harakat-i Inqilab-i Islami and Hizb-i Islami (Khalis).

9.5 In 1994, Qandahar city and province were notoriously insecure. The commanders’ shura that had taken control of the province after the Najibullah government collapsed had fallen apart, and the city and province were divided among rival commanders. According to human rights, press, and other reports, few humanitarian agencies worked there, and hostage-taking of civilians for extortion and rape was rampant. Traders trying to transport (often smuggled) goods from Pakistan to Iran were at the mercy of commanders whose checkpoints segmented the road between Quetta and Qandahar.<sup>5</sup>

9.6 Sometime in late 1994 a group of former mujahidin from southern Pashtun tribes coalesced around Mullah Umar, a former commander with Hizb-i Islami (Khalis) who had returned to his home district after the Soviet withdrawal. Because the core group included students and teachers at the madrasas affiliated with the Jamiat-ul-Ulema-i Islam party in Baluchistan and the Northwest Frontier Province of Pakistan, they called themselves “taliban.” Others who joined the group later had been commanders in other predominantly Pashtun parties and former Khalqi PDPA members.<sup>6</sup> The Taliban’s official version of how the movement originated has the character of a legend. Sometime in early 1994 this group of former mujahidin, deeply disturbed by the state of anarchy prevailing in the province, attacked a particularly predatory commander in Umar’s home district of Sangisar. This commander had reportedly abducted and raped local girls. Umar and his group rescued the girls and executed the commander. They captured the commander’s weapons and went on to attack other commanders in the area, acquiring more weaponry.<sup>7</sup> The Taliban emerged, claiming that their objective was to restore Islam and justice. By then the movement had attracted the attention of Pakistan. According to reports cited in more detail below, Pakistan, disillusioned with Hikmatyar’s repeated failures to take Kabul, badly needed a client in Afghanistan to establish a government in Kabul that would protect Pakistan’s interests.

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<sup>4</sup> The Taliban proclaimed the Islamic Emirate of Afghanistan after they had taken control of Kabul in 1996. This background section also provides information about the emergence of the Taliban as a military force, and thus begins with their origins in 1994.

<sup>5</sup> See Barnett R. Rubin, The Search for Peace in Afghanistan: From Buffer State to Failed State (New Haven: Yale University Press, 1995) 139-140 for some specific instances of insecurity in Qandahar.

<sup>6</sup> William Maley, “Interpreting the Taliban,” in Fundamentalism Reborn? Afghanistan and the Taliban ed. William Maley (London: C. Hurst & Co., 1998): 15.

<sup>7</sup> The incident is recounted by Rashid 25, among others.

9.7 Benazir Bhutto was then prime minister of Pakistan. She and her interior minister, Gen. Naseerullah Khan Babar, reportedly sought to secure trade routes to Central Asia. In a now-famous incident, in October 1994, Colonel Imam of the ISI accompanied a trade convoy that was to travel from Quetta to Turkmenistan via Qandahar and Herat in order to determine the feasibility of constructing a rail line along the route.<sup>8</sup> Imam was one of a handful of top ISI officers who ran the operation. On November 1 or 2, 1994, tribesmen across the border in Qandahar province stopped the convoy. On November 3, the convoy was freed after Taliban on the Pakistani side of the border crossed over and joined the Taliban in attacking the tribesmen who had seized the convoy.<sup>9</sup> Also in October, the Taliban captured Spin Boldak from Hizb-i Islami (Hikmatyar) and possibly took over a cache of weapons there.<sup>10</sup> Within days, the Taliban movement, its ranks swollen with newly armed recruits, took Qandahar city, routing the feuding commanders who had controlled it. In Qandahar the Taliban acquired a real arsenal: MiG jet fighters, helicopters, and tanks.<sup>11</sup> In Qandahar city, they closed schools for girls and prohibited women from working. They also decreed that women could not go out alone, including to the bazaar.<sup>12</sup>

9.8 After Qandahar, the Taliban, who now numbered several thousand, moved into Zabul and Uruzgan and took both provinces with little fighting, either because the local commanders simply joined up or were bribed not to resist.<sup>13</sup> The Taliban had to fight for Helmand, but rivalries within the Akhundzada clan that ruled (and still rules) the province benefited the Taliban, and they took control of Helmand in January 1995. Ghazni also fell to them in January, and from there they fought Hikmatyar's forces at Maidanshahr, Wardak province. On February 14, Hikmatyar abandoned his base at Charasyab to the Taliban, leaving them with his stockpile of 220 mm Urgan multiple rocket systems, ammunition, and one helicopter. Their ranks also included increasingly large numbers of Afghan students from Pakistan's madrasas. The core of the Taliban leadership comprised a twenty-two-member shura, with Umar at the head.<sup>14</sup>

9.9 As described above, the Taliban made their first move on Kabul from the south (Charasyab) in March 1995 but were driven out by Massoud.<sup>15</sup> By then, they

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<sup>8</sup> Anthony Davis, "How the Taliban became a military force," in *Fundamentalism Reborn?* ed. Maley 45–46.

<sup>9</sup> Rubin, *Search for Peace* 139.

<sup>10</sup> The incident is described by Davis 45–46. There is some doubt as to whether there was a munitions dump there or if it had been looted long before. Davis argues that the Taliban either captured the dump, possibly with ISI support, or that they received military support at that point from the ISI through other means.

<sup>11</sup> Davis 47–48.

<sup>12</sup> The Taliban's policies with respect to women have been described in numerous publications, including the reports of the Special Rapporteur from 1994 on. See for example United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/1996/64).

<sup>13</sup> Davis 50.

<sup>14</sup> Davis 53.

<sup>15</sup> See previous chapter for a description of the Taliban's first effort to take control of Kabul in 1995.

were already moving west from Qandahar and Helmand, taking Nimruz province by late March. But the battle for Farah and Herat was ferocious, and the Taliban advance remained stalled and even suffered serious setbacks in August that caused them to lose previously occupied territory in Helmand. Ismail Khan's forces, however, were now overstretched, and at this point Pakistan apparently intervened to bolster the Taliban with additional weapons and logistical support.<sup>16</sup> The Taliban also obtained financial support from the Afghan traders in Quetta who were taxed heavily by Ismail Khan.<sup>17</sup> On September 3 Ismail Khan abandoned Shindand. He fled Herat for Iran on September 5.<sup>18</sup>

9.10 When the Taliban took control of Herat, they promptly ordered the imposition of their interpretation of shari'a and closed all schools for girls and women, as they had done in Qandahar. Taliban decrees also prohibited women from working (which effectively closed schools for boys, as well, since most schoolteachers were women), ordered all women to cover their bodies and faces completely when outside the home, and ordered them not to go outside the home unless accompanied by a close male relative. The decree exempted women working in health care, who were permitted to continue working. The same restrictions applied to other areas under Taliban control. In response, UNICEF and some other aid agencies suspended assistance activities in Qandahar and Herat.<sup>19</sup>

9.11 After repeated failed offensives on Kabul through late 1995 and early 1996, during which the Taliban pounded the city with rockets, the Taliban moved east, seizing Paktia and Paktika. These areas were home to a mix of armed groups, including those of Jalaluddin Haqqani and Usama bin Laden, who was then in Sudan. Jalalabad fell to the Taliban on September 11, 1996, and Kabul on September 26.

9.12 With the Taliban's capture of Kabul, the country's civil war entered a new phase. While fighting between the Taliban and the forces opposed to them continued for the next five years, the Taliban once again established centralized control in the areas they occupied. Their primary means of social control was through the judiciary, which was now bound to adhere to the Taliban interpretation of the shari'a, and through the establishment of the Ministry of Enforcement of Virtue and Suppression of Vice (al-Amr bi al-Ma'ruf wa al-Nahi 'an al-Munkir), which was responsible for the enforcement of all Taliban decrees regarding moral behavior. The ministry, modeled on a Saudi ministry of the same name, reportedly received financial support from Saudi sources.<sup>20</sup> They also had a highly developed intelligence apparatus, the main organization of which was run by Qari Ahmadullah, who operated out of the former office of KhAD in Sedarat. The provincial governors were also key to maintaining central control. Core Taliban who had been with Umar from the start were assigned to all the sensitive provinces — Mullah Hasan Akhund Rahmani in

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<sup>16</sup> Davis 61; Rashid 39.

<sup>17</sup> Rashid 191, especially n. 12

<sup>18</sup> Davis 61.

<sup>19</sup> E/CN.4/1996/64 para. 76. The Herat Declaration was a joint SCF-UNICEF stance withdrawing education assistance. Thus, the agencies began acknowledging that certain kinds of assistance were no longer possible. Interview with former UN staff member.

<sup>20</sup> Human Rights Watch, Crisis of Impunity.

Qandahar, Mullah Qabir in Nangarhar, and Khairullah Khairkhwa in Herat.<sup>21</sup> In October 1997, the leader of the Taliban, Mullah Umar, renamed the Islamic State of Afghanistan the Islamic Emirate of Afghanistan.

9.13 When the Taliban took control of Kabul, two Taliban commanders seized former President Najibullah and his brother from the UN compound, beat them, and executed them. (For details, see below.) The authorities issued decrees banning music, television, cinemas, chess, and kite-flying. As in Herat and Qandahar, women were prohibited from going to work and girls from going to school. Women were required to wear the burqa and men to have untrimmed beards.

9.14 After capturing Kabul, the Taliban launched an offensive in October against Massoud's forces, reaching the entrance to the Panjshir valley and the Salang tunnel. In October, Massoud and Dostum's forces halted the Taliban offensive and retook Bagram airbase.

9.15 In May 1997 the Taliban made their first effort to take control of the northern city of Mazar-i Sharif with the help of Abdul Malik Pahlawan, as recounted in the previous chapter. In the Taliban's worst defeat, thousands of Taliban soldiers were reportedly killed in fighting or summarily executed. Their opponents retook territory in the north and northeast. The Taliban made another attempt on Mazar in September 1997 but were again forced to retreat. They did, however, establish bases in the north in areas with significant Pashtun populations, in particular Baghlan and Kunduz.

9.16 The influence of non-Afghans over Mullah Umar increased after 1998. Usama bin Laden returned to Afghanistan from Sudan in 1996 and lived under the protection of the Jalalabad shura until the Taliban took Kabul in 1996. His official "host" in the tribal sense was reportedly Mawlawi Yunus Khalis. He was living in Tora Bora, in Khalis' home district of Khugiani. In 1997 he moved to Qandahar. According to human rights and other reports, the increasingly close relationship between Mullah Umar and bin Laden was a boon for Pakistan, which needed bin Laden's training camps in Khost to train militants to fight across the line of control in India-occupied Kashmir.<sup>22</sup> In August 1998, after the US accused bin Laden of responsibility for simultaneous bombings of US embassies in Kenya and Tanzania, the US fired missiles at camps in Khost, killing a number of members of the Pakistani militant group Harakat-ul-Ansar.

9.17 The US imposed unilateral economic sanctions against the Taliban by executive order in January 1999. Then, on October 15, 1999, in support of its demand that the Taliban end the use of Afghanistan as a base for international terrorism and hand over bin Laden, the United Nations Security Council imposed limited sanctions on the Taliban through Resolution 1267. The specific measures included a freeze of Taliban assets and an international flights ban for Taliban-owned aircraft (i.e. Ariana, the national carrier). The Security Council strengthened its sanctions through the adoption of Resolution 1333 on December 19, 2000. The measures included in the second sanctions resolution were an arms embargo on the Taliban, a general flight

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<sup>21</sup> Interview with former UN staff.

<sup>22</sup> Rashid 137–138.

ban, a travel ban on senior Taliban officials, and closure of Taliban missions abroad. However, there was little effort to enforce the arms embargo; between 1998 and 2001, truckloads of ammunition and weaponry crossed the border from Pakistan.<sup>23</sup>

9.18 Pakistan again reportedly backed the Taliban for an offensive on Mazar in mid-1998. Thousands of new recruits from Pakistani madrasas came across the border to join the Taliban. Mullah Umar openly recruited them in cooperation with JUI madrasas in Karachi (Binoori Town) and Attock.<sup>24</sup> The Taliban also received considerable support from Saudi Arabia in the form of pickup trucks and money, and the ISI sent advisers to help with training and logistics for the offensive.<sup>25</sup> In July the Taliban captured Maimana, and on August 8 they entered Mazar. According to many human rights reports and reports by humanitarian agencies cited below, over the next week Taliban forces massacred at least two thousand residents, most of them Shi'a Hazara civilians, exacting revenge for what had happened to their troops the year before. Hundreds of refugees fled Mazar for Bamiyan and, as the Taliban moved on to take that city, to Peshawar and Quetta. Bamiyan fell to the Taliban on September 13. (For details on the killings and other abuses in Mazar and Bamiyan, see below.)

9.19 The Taliban failed to capture the northwestern district of Balkhab, in Sar-i Pul province, during their clean-up operations in the north after the fall of Mazar. Balkhab then emerged as a center of anti-Taliban resistance in the surrounding provinces. During February to May 1999, resistance forces (mainly Hizb-i Wahdat) challenged the Taliban for control of Bamyan province. In May, however, the resistance collapsed and retreated into the remotest parts of Hazarajat. The Taliban were able to reoccupy both Bamyan and Yakaulang. Resistance to the Taliban continued in an enclave that covered various districts of Bamyan, Ghor, Sar-i Pul, Balkh, and Samangan provinces, from 1998 to 2001.<sup>26</sup> But, according to human rights researchers, the inability of the resistance to defend the territory against superior Taliban forces provided the occasion for a series of reprisal operations and episodes of collective punishment.

9.20 In March 1999, Hizb-i Wahdat forces returned from the mountains and captured Yakaulang in Bamyan province. The Taliban retook the area on May 9, 1999. On July 27, 1999, the Taliban launched a major offensive across the plain north of Kabul known as "Shamali" (north). According to analysts and human rights groups, their troops also included, besides Pakistanis, a significant number of non-Afghans of other nationalities—primarily Arab. Prior to the offensive, the Taliban

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<sup>23</sup> In April and May 2001 Human Rights Watch sources reported that as many as thirty trucks a day were crossing the Pakistan border; sources inside Afghanistan reported that some of these convoys were carrying artillery shells, tank rounds, and rocket-propelled grenades. Such deliveries were in direct violation of UN sanctions. Human Rights Watch obtained this information from sources in Pakistan and Afghanistan. Interviews and email communication, April and May, 2001. Such reports are not new. A 1997 report of the UN Secretary-General cites "reliable eyewitnesses" who saw "numerous" such deliveries. United Nations Security Council, "The situation in Afghanistan and its implications for international peace and security," Report of the Secretary-General (S/1997/894, November 14, 1997) para. 18.

<sup>24</sup> This has been documented in a number of reports, especially Rashid 90-92, and Human Rights Watch, *Crisis of Impunity*.

<sup>25</sup> Rashid 72.

<sup>26</sup> Interview with former UN staff who worked in the area.

allegedly received an influx of supplies, weapons and logistical support from Pakistan. The offensive included aerial bombardment.<sup>27</sup> According to human rights reports, thousands of civilians were displaced during the offensive. The Taliban forces summarily executed civilians and burned down villages, fields, and orchards, uprooting vineyards and cutting down fruit trees one by one with the help of prison labor, apparently to prevent the population from returning. (For more detail, see below.)

9.21 Fighting spread further north in September and early October, as the Taliban took control of areas around Taluqan (Takhar province) and the districts of Khwajaghar (Takhar), Dasht-i Archi (Kunduz), and Imam Sahib (Kunduz). Badakhshan was the sole province left entirely under the control of forces opposed to the Taliban—principally Massoud and other Jamiat commanders. Displacement continued as the Taliban moved east and north.<sup>28</sup> According to human rights reports, a number of villages around the town of Khwajaghar in Takhar province also changed hands several times in January, and the Taliban summarily executed at least thirty-four Uzbeks in one incident there.

9.22 Fighting also continued in Bamyan province. On December 29, 2000, Hizb-i Wahdat forces recaptured Yakaolang. According to human rights reports cited below, when the Taliban regained control of Yakaolang in early January 2001, they summarily executed 176 men in reprisal, including staff members of a local aid agency. During the fighting in Yakaolang, both parties to the conflict violated the neutrality of medical facilities.<sup>29</sup> On June 5, Hizb-i Wahdat recaptured Yakaolang, but it fell again to the Taliban on June 10. Fighting continued, and when the Taliban were again forced to retreat, they reportedly first burned over four thousand houses, shops, and public buildings in central and eastern Yakaolang. According to these reports, they also burned villages along the path of their retreat, and detained and executed civilians. (For details, see below.)

9.23 On March 11, Taliban forces in Bamyan destroyed two enormous statues of the Buddha, thirty-eight to fifty-three meters tall, which had been carved into sandstone cliffs overlooking the city in the second and fifth centuries, A.D.

9.24 In September 2000, the Taliban took territory in Badakhshan up to the Qoqcha river, threatening Massoud's front lines. According to a number of reports, they once again had substantial logistical and operational assistance from Pakistan, despite UN sanctions.<sup>30</sup>

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<sup>27</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" (A/54/422, 1999). The UN documents never specifically name Pakistan as a supplier of military aid to the Taliban, but Pakistan's role has been well documented by Rashid, 183-184, and by Human Right Watch, Crisis of Impunity.

<sup>28</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/2001/43).

<sup>29</sup> E/CN.4/2001/43.

<sup>30</sup> Human Rights Watch cited the involvement of Pakistan in directing offensives at this time. Human Rights Watch, Crisis of Impunity. This development is also described in detail in Coll, Ghost Wars 532.

9.25 For information on developments after September 11, 2001, see the following chapter.

### **B. Pattern of Human Rights Violations and Violations of International Humanitarian Law**

9.26 According to human rights reports quoted below, Taliban forces engaged in a systematic pattern of violations of international humanitarian law on the battlefield. The Taliban operated as a centralized military force. These reports identify a number of top commanders who were responsible for major operations and moved around the country as front lines shifted. The names of these commanders recur in witness testimony about massacres in various parts of the country and are listed below. Human rights and UN reports cited below describe Taliban military operation in which the Taliban carried out reprisal killings of civilians, sometimes in the thousands.

9.27 These reports also describe the “scorched-earth” tactics employed by the Taliban, burning down homes, businesses, and, in some cases, entire villages. The Taliban also systematically destroyed the means of livelihood of civilian populations in areas they wished to depopulate, apparently to prevent local residents from providing assistance to opposing forces.<sup>31</sup>

9.28 In urban areas, the Taliban’s abuses were of two kinds. Those carried out as a matter of policy included harsh restrictions aimed at controlling the civilian population. Many of these restrictions targeted women, who were prohibited from working outside the home (except in limited circumstances), and girls, who were prohibited from attending school (at least above the primary level). They imposed restrictions on movement that made it difficult for women to move outside the home, even to seek medical care. The Taliban also prohibited women from appearing in public without their bodies and faces completely covered and ordered men to have untrimmed beards. They also required men to attend prayer in mosques five times a day. According to human rights reports, they enforced these restrictions with violence; women and men were beaten on the streets for violating dress codes and women were detained who appeared outside the home unaccompanied by a male relative or who appeared to be in the company of men who were not their relatives. Taliban forces also imposed harsh punishments according to their interpretation of Islamic law, stoning accused adulterers and cutting off hands of accused thieves.

9.29 According to human rights reports cited in more detail below, Taliban forces also engaged in abuses of power. They abducted women or used threats of violence to coerce families into giving their daughters to Taliban soldiers in forced “marriages.” Taliban security forces in areas outside the Pashtun-dominated areas from which they originated detained men on the basis of their ethnicity. In some

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<sup>31</sup> Michael Semple, “The Experience of Civilians in Conflict 1999”, unpublished paper (Islamabad: Office of the UN Coordinator for Afghanistan, November 1999); Michael Semple “Vulnerability and Humanitarian Implications of UN Security Council Sanctions in Afghanistan,” unpublished paper (Islamabad: Office of the UN Coordinator for Afghanistan, December 2000); “Compilation of Evidence on Human Rights Abuses Committed by the Taliban in Yakaolang and Western Bamyān, February to September 2001,” unpublished paper (Islamabad: Office of the UN Coordinator for Afghanistan, 2001).



cases, they suspected the detainees of supporting the opposition; in other cases, they held detainees for exchange or for ransom.

### **C. Extra-Judicial Executions**

9.30 In areas where the Taliban encountered resistance, particularly as they took control of non-Pashtun areas of the north and central parts of the country, they frequently carried out summary executions of captured combatants and reprisal killings of civilians, according to human rights reports. In the north central part of the country, where resistance forces continued to fight the Taliban through 2001 but were unable to hold territory, the Taliban carried out a series of reprisal operations for the purpose of collective punishment. Similarly, in the northeast, following back-and-forth fighting, the Taliban reportedly massacred civilians.

9.31 Some of these killings took place early in their military campaign. In July–August 1996, the Taliban summarily executed thirty to fifty captured combatants whom they had taken prisoner in Herat and Ghor provinces.<sup>32</sup> As described in the previous chapter, when the Taliban withdrew from Mazar-i Sharif after failing to take control of the city in May 1997, they massacred eighty-three civilians, according to UN and human rights reports, and 240 civilians in the Kunduz airport.

### **D. The Massacre in Mazar-i Sharif**

9.32 In one of the largest massacres of the war, during August 8–15, 1998, Taliban forces summarily executed at least two thousand people in Mazar-i Sharif, the vast majority of whom were civilians, according to human rights groups who documented the massacre. Prior to the attack on Mazar, Balkh Pashtuns affiliated with Hizb-i Islami reportedly switched sides to allow the Taliban entry into the city. Given the previous year's experience with Malik (see previous chapter), the Taliban did not enter Mazar until the Hizb-i Islami forces had encircled the front-line Wahdat base, made up primarily of Bamyan fighters, at Qalai-Zaini-Takhta Pul, a large walled area northeast of Mazar on the road to Balkh city. The Hizb-i Islami forces trapped fifteen hundred to three thousand Wahdat fighters, who were then blocked from escaping the advancing Taliban troops.<sup>33</sup> Most of the Wahdat fighters at Qalai Zaini were killed on the spot. Some seven hundred managed to escape the ambush and move toward Hairatan, but as they were on foot, most were killed by Taliban forces that were crossing the desert in pickup trucks. It is impossible to say how many were killed in battle and how many were captured and then summarily executed by the Taliban forces.<sup>34</sup>

9.33 According to witnesses, Taliban troops entered the western outskirts of Mazar-i Sharif at about 9:30 A.M. on August 8. Residents reported hearing firing from the west from the early morning. Many stated that they assumed that fighting had broken

<sup>32</sup> US Department of State, "Afghanistan," Human Rights Practices, 1996 (Washington, D.C.: US Department of State, 1997).

<sup>33</sup> Interview with former UN staff who worked in Mazar, August 2004. See also Human Rights Watch, Massacre in Mazar-i Sharif, Human Rights Watch Publications (November 1998) Vol. 10, No. 7 (C).

<sup>34</sup> Confidential interview. by UNHCR, 1998.

out between various factions within the United Front and that they did not realize that the Taliban had reached the city until they saw their characteristic black turbans and white flags.<sup>35</sup> Witnesses also reported that on August 5 or 6, Jamiat offices were ransacked and looted by its own troops eager to get hold of anything valuable before anyone else did.<sup>36</sup> Some Hazara families began leaving the city several days before the Taliban attack, and Wahdat fighters reportedly detained seventy-six Pashtun men from Chaharak; the men were freed by the advancing Taliban troops.<sup>37</sup>

9.34 Because they were accompanied by Balkh Pashtuns with local knowledge, the Taliban could locate and seize key installations within the city very quickly.<sup>38</sup> One unit, which reportedly included Pakistani members of a radical Sunni organization, Sipah-i Sahaba, entered the Iranian consulate in Mazar and shot dead eight diplomats and intelligence officers, and one journalist.<sup>39</sup> Wahdat troops inside Mazar abandoned the city in a rout, shooting wildly at the advancing Taliban forces and anyone else “because they were afraid of the other factions” in Mazar. The Taliban forces pursued them, shooting “at anyone who moved,” according to one witness. The Wahdat commander, Muhammad Muhaqiq, and other senior leaders evacuated by helicopter.<sup>40</sup>

9.35 According to Human Rights Watch, within the first few hours of seizing control of the city, Taliban troops killed scores of civilians in indiscriminate attacks, shooting noncombatants and suspected combatants alike in residential areas, city streets and markets. Witnesses described it as a “killing frenzy.”<sup>41</sup> The following accounts are taken from the Human Rights Watch report. One witness who passed through a market area on her way home saw that among those killed were a boy who had been selling bread from a cart, a woman who she was told had been on her way to a social gathering, and a man who had been grinding wheat. Many merchants in the bazaar were reportedly killed as the Taliban moved through the streets shooting at random. In some cases the Taliban used machine guns mounted on jeeps to fire continually into the streets. A witness who watched from the roof of a shop described the scene of panic in the city:

“From the roof I could see smoke coming from the west. I came out of my shop and went to the customs area from where I could see people fleeing from the west. It was chaos. People were running and being hit by cars trying to leave, market stalls were overturned. I heard one man say, ‘It’s hailing,’ because of the bullets. I went home and from the windows I could hear shouting and see white flags on the cars.”<sup>42</sup>

9.36 A woman described the killing of her thirteen-year-old son:

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<sup>35</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>36</sup> Confidential interview by UNHCR.

<sup>37</sup> Confidential interview by UNHCR.

<sup>38</sup> Confidential interview by UNHCR.

<sup>39</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the situation of human rights in Afghanistan” (E/CN.4/1999/40) para 10.

<sup>40</sup> Confidential interview by UNHCR.

<sup>41</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>42</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

“He was working in a carpet factory and was shot on the first day near Rawza-i Mubarak [the shrine in the center of Mazar]. Some people came and told me he had been taken to the hospital. They said that before he died he said, ‘We came to Mazar [from Kabul] to survive and now I am going to die. Who will support the family?’ I did not even see him. I did not want to leave because of him, but we had to leave.”<sup>43</sup>

9.37 In the days that followed, Taliban forces carried out a systematic search for male members of the ethnic Hazara, Tajik, and Uzbek communities in the city. The Hazaras in particular were targeted, in part because of their Shi’a religious identity and in part for revenge: Resistance to the Taliban in May 1997 began in the Hazara sections of the city. During house-to-house searches, reports indicate that hundreds of Hazara men and boys were summarily executed, apparently to ensure that they would be unable to mount any resistance to the Taliban. A witness told Human Rights Watch, “In some cases the detained male members of the families were beaten or shot on the spot. Some had their throats slit.”<sup>44</sup> While most of those killed were Hazara, witnesses saw or knew of executions of Tajik and Uzbek men as well. A Tajik man who was detained on August 10 provided this description:

“I lived in Kart-i Bukhti. On the third day the Taliban surrounded the streets and searched every house looking for Hazaras. They were asking, ‘Where are the Hazara houses?’ There was only one near us. There were four young Hazara men in the house, including a friend who was visiting and a young man who was doing some work at the house. The Tajiks, Uzbeks, and Hazaras [“adult” males] in the neighborhood were also all arrested. We were all put into trucks, but the four Hazaras’ hands were tied very tight and they were taken elsewhere. There were two other Hazara boys in our truck. When we stopped near the customs area, the two Hazaras were taken off and told to go to the square behind the customs area. A Taliban soldier pushed them and then shot them both in the head. I was told later that the four others were taken to Takia Khana Mahdia and shot there. They were all workers, not fighters. They were all nineteen to twenty years old.”<sup>45</sup>

9.38 A medical student testified that the Taliban also searched the hospital looking for Hazaras.

“I saw two Hazara boys, one about thirteen years old and one about twenty. One had a broken arm. The Taliban wanted to take them away, but the director intervened. But they came back the next day and took them.”<sup>46</sup>

9.39 Almost immediately after the Taliban took control of the city, the new Taliban governor, Mullah Manan Niazi, delivered speeches at mosques throughout the city, threatening violence against Hazaras in retaliation for the killing of the Taliban prisoners in 1997, warning them that they should convert to the Hanafi Sunni sect or

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<sup>43</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>44</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>45</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>46</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

leave the city, or face the consequences, and threatening punishment for anyone who tried to protect Hazaras. In another speech he reportedly said, “Hazaras are not Muslim, they are Shi’a. They are kuffar [infidels]. The Hazaras killed our force here, and now we have to kill Hazaras.”<sup>47</sup> As Human Rights Watch noted, “These speeches, given by the most senior Taliban official in Mazar at the time, clearly indicate that the killings and other attacks on Hazaras were not the actions of renegade Taliban forces but had the sanction of the Taliban authorities.”<sup>48</sup>

9.40 Thousands of men from various ethnic communities were detained first in the overcrowded city jail and then transported to other cities, including Shibirghan, Herat, and Qandahar. Most of the prisoners were reportedly transported in large container trucks capable of being packed with 100 to 150 people in inhumane and life-threatening conditions. In two known instances, when the trucks reached Shibirghan, some 130 kilometers west of Mazar, nearly all of the men inside the closed metal containers had died of heat stroke or asphyxiation. As in the case of the Taliban prisoners captured in 1997—and, according to Mullah Niazi, in retaliation for those killings—the deliberate overcrowding indicated not mere negligence, but an intention to torture and kill detainees.<sup>49</sup>

### **E. Bamiyan**

9.41 The Taliban took control of Bamiyan city on September 13, 1998, but their control over the province was incomplete. According to Human Rights Watch, “Despite the apprehensions of many local residents, the transition involved far fewer civilian casualties than had been the case in Mazar-i Sharif. Some observers attributed this to an alliance that was forged with the Taliban by Hujjat-al-Islam Sayyid Muhammad Akbari, a Hizb-i Wahdat faction leader, shortly after the Taliban seized Bamiyan, the major city in Hazarajat and the capital of a district and province of the same name. The Taliban subsequently withdrew most non-local forces from several districts of Hazarajat, leaving them under the nominal control of Akbari appointees or other Shi’a commanders. Bamiyan, Yakaolang, and a few other districts were directly administered by the Taliban.”<sup>50</sup> According to humanitarian agencies, the Taliban did engage in widespread confiscation of assets, especially commercial trucks, during the initial Taliban occupation of Hazarajat. After the collapse of the Bamiyan front line, Hizb-i Wahdat essentially offered no further resistance and its military forces dispersed, withdrew, or sided with the Taliban. The deal with Akbari represented an example of the way in which the Taliban used a local client as a way of administering an area they did not consider important with a minimal presence of their own troops. But the strategy had its limitations and never really led to a stable political solution. Akbari was powerless to prevent subsequent abuses, which were very damaging to him politically.<sup>51</sup>

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<sup>47</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>48</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>49</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>50</sup> Human Rights Watch, Massacres of Hazaras in Afghanistan, Human Rights Watch Publications (February 2001) Vol. 13, No. 1 (C).

<sup>51</sup> Email communication with Michael Semple, former UN regional coordinator for Hazarajat, August 2004.

9.42 Many of the “Taliban” troops were Ahmadzai kuchis led by Hajji Naim Khan, whom the Taliban made governor. Naim had been minister of tribes and frontiers under the ISA. He did not share the core Taliban vision of an Islamic state, but had a personal and tribal interest in gaining pasture land and rent from the Hazaras.<sup>52</sup> In addition, the Bamyan Tajiks who had encroached on Hazara lands over the years with the help of the Sunni state and were subsequently subjected to various depredations by Wahdat, had an interest in siding with the Taliban to get back land and houses. Ultimately, the Taliban’s failure to crush resistance in Bamyan led Umar to replace Naim.<sup>53</sup> The forces of Wahdat and Harakat-i Islami took refuge in mountain redoubts, and areas of the province changed hands several times over the course of the next three years. Most of the resistance forces in Hazarajat were Wahdat (Khalili), but they operated under the auspices of the military committee of the Islamic state and included contingents from Harakat and even Junbish. The Taliban retook Bamyan city on May 9, 1999. Upon their entering Bamyan city, there were reports of some summary executions.<sup>54</sup> The Special Rapporteur reported that he had obtained eyewitness statements describing summary executions of non-combatants, including women and children. Some of the Taliban field commanders were specifically named in the reports of violations, including Abdul Wahid Ghorbandi.<sup>55</sup> Summary executions remained a feature of the Taliban occupation of Bamyan province with the resumption of the resistance.<sup>56</sup>

#### **F. Massacres in Sar-i Pul, 1999–2000**

9.43 After their occupation of the northwest, the Taliban were unable to move further into Balkhab District, in the south of Sar-i Pul province—a rugged, mountainous district, predominantly Shi’a, which became a base for various forces opposed to the Taliban. Najibullah had made this area, formerly the southern part of Jawzjan, into a separate province. The first PDPA government had reportedly carried out several mass killings in this area in 1979 (see Chapter Three). According to human rights researchers, the Taliban repeatedly attempted to destroy this base and eliminate any local support for opposition forces. During “counter-insurgency operations” in Gosfandi District in 2000, Taliban forces reportedly carried out a series of massacres of civilians. The massacres took place within a two-month period, as part of a systematic effort to impose collective punishment on the civilian population. In addition to these massacres, Taliban forces reportedly carried out other summary executions.<sup>57</sup>

9.44 In the five massacres reported by human rights researchers in the reports summarized below, killing was by firing squad. The victims were taken prisoner, had

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<sup>52</sup> Email communication with Semple, August 2004.

<sup>53</sup> Email communication with Rubin and Semple, August 2004.

<sup>54</sup> United Nations General Assembly, Report of the Economic and Social Council, “Situation of Human Rights in Afghanistan” (A/54/422, 1999) paras 8, 15.

<sup>55</sup> A/54/422 (1999) para 10, 12.

<sup>56</sup> Email communication with Semple August 2004..

<sup>57</sup> Afghanistan Justice Project, Candidates and the Past: The Legacy of War Crimes and the Political Transition in Afghanistan (October 2004) 49.

their hands tied, and were then shot. The massacres were ordered and supervised by senior Taliban commanders who were operating in the area, including Mullah Abdul Manan Hanafi, front commander; Aminullah Amin, his deputy; Mullah Abdul Sattar Lang, a senior commander; and Mullah Wali Jan, a provincial governor and field commander. These senior commanders were assisted in the operation by a number of local commanders affiliated with the Taliban who clearly had knowledge of the massacres and whose actions—for example, conducting mass arrests—contributed to the killing of the civilians.<sup>58</sup>

### **The Khassar Elders Massacre, February 12, 2000**

9.45 After resistance forces (principally Wahdat, with some Harakat and Junbish) had retreated from Gosfandi for the second time, and the Taliban forces were conducting a clean-up operation, a group of elders from Khassar village attempted to meet with senior Taliban officials to seek security guarantees for the civilian population. Agha Dehqan led the delegation. Abdul Manan Hanafi was the Taliban front commander with authority over all the Taliban combat forces operating in Gosfandi at that time. He was accompanied by his deputy Aminullah Amin. Hanafi refused to see the elders and allegedly sent Amin to arrest them and have them executed. A witness stated that Hanafi was sitting in a vehicle eating fruit when the elders tried to approach him. Instead of seeing them, he ordered his deputy to take them away and shoot them. Amin intercepted the group and took them to Boldiyon where a group of Taliban soldiers shot them in a firing squad.<sup>59</sup>

### **The Ab Khor-Achabor Massacre, February 2, 2000**

9.46 On February 2, 2000, the Taliban summoned a gathering of the villagers of Ab Khor in the Agha Shahansha mosque. They called on people to surrender weapons, which some men did. The Taliban generally “disarmed” an area by demanding a quota of weapons, without targeting only fighters with the request. According to local witnesses, the active United Front fighters had already left with their weapons. The Taliban then arrested ten men, all civilians, and took them to a mosque, where they were held overnight. After morning prayers the Taliban allegedly tied the prisoners’ hands using their turbans and loaded them into pick-up trucks. The senior Taliban present in the execution party were reportedly Mullah Abdul Sattar Lang and Mullah Malang. (This is not the same Mulla Malang of Qandahar cited in Chapter Six.) They unloaded the prisoners at Chapa Gardana, near Achabor. There the Taliban fired on the group of prisoners with automatic weapons. There was one survivor from the firing squad. He escaped, receiving three bullet wounds and was sheltered by local people.<sup>60</sup>

### **The Yoltorob Massacre, February 10, 2000**

9.47 As the Taliban moved into the Yaltarab area, many locals fled. Others remained, however, apparently believing that they did not face a threat from the Taliban. Village elders arranged for food for the Taliban—a customary ritual of

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<sup>58</sup> Afghanistan Justice Project, *Candidates and the Past* 44.

<sup>59</sup> Afghanistan Justice Project, *Candidates and the Past* 46.

<sup>60</sup> Afghanistan Justice Project, *Candidates and the Past* 46.

surrender and reconciliation. After eating, the Taliban conducted a search of houses. They rounded up adult males from the village and held them in the house of Hatam Bay. In the initial roundup, the Taliban detained up to ninety people in the house. They then screened the detainees, releasing elders. The Taliban held approximately twenty-six of the men and detained them for one night in a house in the village. The next day, a group of five Taliban escorted the detainees to the execution site, at Tatar village. They reportedly lined them up beside a ditch and then fired on them with a PK machine gun on automatic and Kalashnikov on single fire. Four of the prisoners who were shot in the firing squad escaped alive. They were wounded and left for dead.<sup>61</sup>

### **The Sayyad Massacre, March 26, 2000**

9.48 Residents of Sayyad reported that on March 26, 2000, during the Taliban cleanup operation in Gosfandi, the Taliban summarily executed twenty-two men and women from Sayyad in four different locations: Jar-i-Shorab, Jar-i-Bator, Sayyad village, and Bashom Aikashom.<sup>62</sup>

### **The Jar-i-Rajab Massacre, March 28–29, 2000**

9.49 On March 28, Taliban forces raided Ab Khor and rounded up the men, sparing the elders. The Taliban then tied the prisoners' hands and transported them to Khassar village. There the Taliban reportedly killed the prisoners by firing squad in a large ditch, using a PK machine gun and Kalashnikov. The people of Khassar found and buried twenty-five bodies in the village. Two of the detained men were never found.<sup>63</sup>

### **Summary Executions in Ismail, Shahmard, and Baldiyan, February–March 2000**

9.50 In addition to these massacres, Taliban forces reportedly summarily executed sixteen people from Ismail and Shahmard villages. In one case, after the retreat of the opposition from Ismail, an elderly mullah named Muhaqqiq, together with five other men, went to meet the Taliban in order to obtain from them some guarantee for the security of the civilian population. They met a patrol of Taliban fighters in the village. When the leader of the delegation introduced himself, the Taliban allegedly shot him on the spot. They then detained and interrogated the other men. Those who identified themselves as Hazara were reportedly killed on the spot. The other three, who called themselves Sayyids (Sadat) or Tajiks, were spared.<sup>64</sup>

## **G. The Rabatak Massacre**

9.51 The Taliban also resorted to arbitrary detentions as a means of social control. In provinces where the Taliban had faced resistance, they detained men from villages in the area and held them for prolonged periods as hostages. In May 2000, Taliban

<sup>61</sup> Afghanistan Justice Project, *Candidates and the Past* 47.

<sup>62</sup> Afghanistan Justice Project, *Candidates and the Past* 47.

<sup>63</sup> Afghanistan Justice Project, *Candidates and the Past* 47.

<sup>64</sup> Afghanistan Justice Project, *Candidates and the Past* 47.

forces reportedly summarily executed a group of civilian detainees near the Rabatak pass, which lies along the road connecting the towns of Tashqurgan and Pul-i Khumri. Thirty-one bodies were found at the execution site, twenty-six of which were identified as the bodies of Ismaili Shi'a Hazara civilians from Baghlan province.<sup>65</sup> Their remains were found to the northeast of the Rabatak pass, in an area known as Hazara Mazari, on the border between Baghlan and Samangan provinces. The area was controlled by the Taliban at the time of the executions. All of those who have been identified were detained for four months before being killed; many of them were tortured before they were killed. The men were taken from their homes by Taliban troops between January 5 and January 14, 2000. The facilities at which the men were detained were under the command of Commander Mullah Shahzad Qandahari, who was the Taliban commander of the Khinjan front north of Kabul. The following account of the incident is taken from Human Rights Watch, "Massacres of Hazaras in Afghanistan,"

(a) "On January 5, 2000, a Taliban force raided the village cluster of Naikpai, in Doshi district of Baghlan province. The Taliban soldiers came in a convoy of pickup trucks at dawn. They started to round up men from Bakas, Zaighola, and other hamlets in Naikpai, seizing many of them in their houses. A number of those who were arrested were village elders. There were many other people present and virtually the entire population of the village witnessed the arrests. Local residents assumed that the arrests were a warning to deter them from having contacts with United Front forces. The detainees were held at Mullah Shahzad's operational military base at Khinjan. Relatives of the detainees were allowed to visit the base, and were informed of conditions in the facility by the detainees. The men who were detained between approximately January 5 and 10 were subjected to severe beatings with electric cables and were forced to stand outside in sub-zero temperatures and snow. One of those who was later killed near the Robatak pass, Sayyid Tajuddin, who was thirty-eight, suffered frostbite as a result of the exposure following his beating. When the detainees were transferred to Pul-i Khumri, he was admitted to the Textile Factory hospital. Both feet were amputated there, and he was provided with a pair of locally fabricated crutches.

(b) "At the end of the military operation, around January 14, all of the detainees were transferred to Pul-i Khumri, where Shahzad maintained his rear base. The detainees were held in the residential quarters attached to the Pul-i Khumri Textile Mill. On or around May 8, the detainees were removed from the facility. When relatives inquired as to their whereabouts, they were ordered by the authorities to leave the area. However, a staff member of the facility informed them that the men had been loaded onto a single truck during the evening. The truck was reportedly escorted by a Taliban Toyota pickup. The prisoners were later found dead at Hazara Mazari, a journey of approximately one-and-a-half hours from the detention facility. On the basis

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<sup>65</sup> These Ismailis, followers of the Agha Khan, are even further outside the pale of orthodox Islam than the Imami Shi'a, according to Hanafi fiqh. They lived just north of the Salang pass, around Doshi, and they had formed a regime militia under Najibullah to protect that segment of the Salang highway. They were led by the wealthy Sayyid Nadir of Kayyan. In January 1992 Sayyid Nadir joined with Dostum as one of the constituents of Junbish. When the Taliban reached his area, Sayyid Nadir fled with his family. Email communication with Rubin.



of the evidence described below, it appears that the men were shot the night that they were taken from the facility.

(c) “On or around May 18, shepherds from the Robatak pass area reported the presence of bodies to the provincial authorities in Samangan. The mayor of Samangan detailed a party of ten workmen, with an escort of Taliban troops, to locate and bury the bodies at the Hazara Mazari site. It was apparent from the appearance of the bodies that the detainees had been brought to the execution site with their hands bound behind their backs, and tied together by their forearms in groups of three, according to a worker who assisted in the burials. Twenty-eight of the victims were found lying where they were shot, face down on the ground. The execution party had made no attempt to remove or cover the bodies. The body of another detainee, identified as Sahib Dad, was found tied to a tree, his arms and legs each tied separately with a length of rope in such a way that his captors would have been able to manipulate them while he was immobilized.<sup>66</sup> The workmen buried the twenty-nine bodies at the Hazara Mazari site. The burial was perfunctory. The bodies were covered with at most thirty centimeters of earth, inadequate to protect them from wild animals. The worker who assisted in the burials described what he saw:

The bodies were lying on the ground face down. All of their hands were bound behind their backs. . . . The bullet wounds could not be made out on the backs but there was blood on the ground beneath the chests. I saw the bodies about four days after they had been killed. Their backs had not been blown up but the blood had obviously poured out of the chests and I understood that they had been killed by firing into the back because there was no visible wound on any other part of the bodies and they were lying in pools of blood that had poured out of their chests. They were tied together in groups of three using their turbans and scarves which had been wound together to make ropes. They were tied together one to the other, using their own turbans. . . . To tell you the truth we were so terrified and upset that we barely dared look at the ground. You could hardly stand there.

(d) “Soon after the workmen returned, word reached Naikpai that some of its people were among the dead. A group of residents went to inspect the gravesites, where they found shallow graves and recognized bits of clothing belonging to their missing relatives. They also found two more bodies at a short distance from the others; the two men had been shot and their bodies were left where they fell.

(e) “The Robatak area remained under Taliban control. Local human rights researchers visited the site at Hazara Mazari in November 2000 and photographed the remains that were visible from the surface.<sup>67</sup>

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<sup>66</sup> According to Rubin, this is a common form of torture in rural Afghanistan. Rubin was a witness the day after Hajji Shamali Khan Karokhel used it on a prisoner he interrogated in Ghaziabad State Farm, Nangarhar, in January 1994. Email communication from Rubin, July 2004.

<sup>67</sup> The photographs are available in the Human Rights Watch report, Massacres of Hazaras in Afghanistan.

(f) “As general commander of the Khinjan front in Baghlan province during the first half of 2000, Mullah Shahzad had authority over the detention facilities in Khinjan and Pul-i Khumri, where the Robatak prisoners were held, and was in command of the troops stationed in the area. The Taliban Chief Military Commander for the Northern Zone (Fifth Corps, based in Mazar-i Sharif), Mullah Abdul Razak Nawfiz, was the immediate superior officer of Mullah Shahzad, and was responsible for directing his operations and briefing him on Taliban strategy and policy. He was also the official who would have had primary responsibility for investigating crimes by the commander and preventing further abuses.”<sup>68</sup>

## **H. The Yakaolang Massacre of January 2001<sup>69</sup>**

9.52 Yakaolang district continued to be contested after its occupation by the Taliban in September 1998. Khalili’s Hizb-i Wahdat faction and Harakat-i Islami briefly retook joint control of Yakaolang at the end of 1998 and Bamiyan district in April 1999. However, they lost both districts in May of that year, after heavy fighting in Bamiyan. On December 28, 2000, Hizb-i Wahdat and Harakat-i Islami forces again occupied Yakaolang.

9.53 On January 7, 2001, Taliban forces began advancing on Yakaolang from Bamiyan in a bid to recapture the district. At that time, Mullah Shahzada was commander of the Taliban strike force, responsible for all Taliban troops operating in Yakaolang between January 6 and January 11. His troops were based close to his command center. After capturing Yakaolang, he based them in the district hospital, the old district administration building, the UNOCHA office and the girls’ school, all of which were within 250 meters of the command center in the Irfani Library. The close proximity of the temporary bases, the coordinated fashion in which the Taliban launched search operations, and the fact that search parties brought their detainees back to the center before shooting them, all indicate that the roundup of civilians was a coordinated exercise, controlled by the operational command.<sup>70</sup> After some fighting, during which the Taliban brought in reinforcements, the Taliban proceeded to Nayak, the district center, without further resistance, reaching it on the morning of January 8. A witness described the Taliban advance in the Human Rights Watch report:

“On the evening of the January 7, a friend told me that a helicopter had been heard flying into Feroz Bahar. Initially people thought that it was supplying the United Front troops, but it turned out that it had been flying in Taliban troops. That night there were sounds of heavy fighting. In the morning again, we heard intense firing, and there was clearly a battle going on in Nayak. Later that morning Nayak fell and the fighting was over. . . . From 2:00 p.m. on January 8 we watched United Front troops [The term used in those days was jabha mutahid, United Front, the formal name of the coalition commonly

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<sup>68</sup> Human Rights Watch, Massacres of Hazaras in Afghanistan.

<sup>69</sup> Unless otherwise noted, this account is taken from Human Rights Watch, Massacres of Hazaras in Afghanistan, and Michael Semple, “A Detailed Account of the Summary Execution of Civilians and Combatants Hors de Combat, Yakaolang, 7<sup>th</sup> to 22<sup>nd</sup> January 2001,” unpublished paper (Islamabad: Office of the UN Coordinator for Afghanistan, February 2001).

<sup>70</sup> Semple, “Compilation of Evidence on Human Rights Abuses.”

known as the Northern Alliance] retreating, walking past us and with their mounted column, heading west towards lower Yakaolang. There were so many of them that it took the rest of the day for them to pass us—they were trooping past us until late evening. They were heading for Deh Surkh and Daga.”

9.54 Upon reaching the district center, the Taliban organized eleven search parties. They were each allocated a sector of central Yakaolang and moved from house to house within their respective sectors, rounding up male occupants. The search party allocated to Dar-i Ali commandeered twelve horses and so was able to travel extensively through the valley, only part of which is accessible by road.

9.55 A witness who was detained by the Taliban stated that he went to a friend’s house for safety but was told that the Taliban were searching the area. After leaving his friend’s house, the witness encountered a group of Taliban troops who ordered him to join a crowd of men who were being herded toward a local aid agency. The witness saw three bodies lying in front of the aid agency. The Taliban soldiers said that they were men who had tried to run away. The witness described what happened next in the Human Rights Watch report:

“A group of about one hundred men was gathered at the [aid] center. After some time the Taliban ordered us to move, and we were herded down towards Nayak [the district center]. At first the pace was slow, but after some time we were met by a group of mounted Taliban and the soldiers started to whip the detainees and ordered us to move more quickly. When we got to Nayak, another group of Taliban was waiting there at the entrance to the bazaar, armed with sticks. They beat us and told the Taliban in charge of the group to ‘take them to the Mullah.’”

9.56 According to other witnesses, the detainees were herded to the office of a relief agency located in Nayak, where most were later executed.

9.57 On at least two occasions, the Taliban allegedly killed delegations of Hazara elders who had attempted to intercede with them. On January 9, elders of Kata Khana gathered to meet with the Taliban. The Taliban arrested the entire group and killed everyone except two neighborhood leaders. In another case, the elders of Bed Mushkin village met with the Taliban to discuss security for the area. All were killed except one.

9.58 The main execution site in Yakaolang appears to have been outside the Oxfam office in Nayak. The Taliban reportedly had rounded up some fifty men from their homes in Darra Ali between 10 A.M. and 3 P.M. on January 8, and then screened the men in their operational headquarters at the OXFAM compound before taking them the short distance to the execution site. The Taliban then allegedly executed the men by firing squad at Qala Mohammad Hassan Khan around 5 P.M. on the same day. Eyewitness testimony includes men who were arrested in Darra Ali but spared at the screening stage. This operation was supervised by the Taliban operational command.<sup>71</sup>

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<sup>71</sup> Semple, “Compilation of Evidence on Human Rights Abuses.”

9.59 The Taliban arrested eleven men from near Mindayak village on January 8 and executed them the same day by firing squad at Qala Hasan Khan at 8:30 A.M.. One Mindayak man (who the source of the information) survived the firing squad. The Taliban killed twenty-two men from Kata Khana by the same firing squad. The Taliban had arrested the men inside the communal prayer hall of Kata Khana, where they had taken refuge the previous day, and held them prisoner overnight. One Kata Khana man survived the firing squad. This operation was supervised by the Taliban operational command. The actual firing squad consisted of about eight men.<sup>72</sup>

9.60 The Taliban also summarily executed about ten members of a group of elders who were trying to surrender to the new authorities. The elders were arrested as they left the home of a local influential person, Arbab Ahmad. The Taliban first screened them, sparing some, and then executed the rest by firing squad behind the OXFAM compound at 11 A.M. the same day. Witnesses noted that the Taliban foreign militia, both non-Pashtun Pakistanis and Arabs, participated in the screening. A second contingent of Bedmushkin elders who came to central Nayak to surrender was also executed at the same place at 11:30 A.M. on January 8.<sup>73</sup>

9.61 Witnesses also reported seeing piles of bodies in four other locations in and around Nayak: outside the district hospital, in the ravine behind the mosque in the old bazaar area, outside the prayer hall of Mindayak village, and at Qala Arbab Hasan. Of these, the largest pile of bodies was at Qala Arbab Hasan. Other killings were reported in neighborhoods in areas surrounding the district center, including outside the leprosy and tuberculosis clinics. A human rights investigator who visited Yakaolang district four weeks after the incident inspected one of the mass graves at Bed Mushkin village, in which twenty-six bodies had been found. One of the bodies was that of a seventeen-year-old boy, Mir Ali, much of whose skin had been removed either prior to or after his death. In a separate case, seven men were shot dead at the Zarin crossroad near the leprosy clinic in Yakaolang.<sup>74</sup>

9.62 Eyewitnesses reported that Sayyid Sarwar and Sayyid Talib, two staff members of the Center for Cooperation on Afghanistan (CCA, a local aid agency), were among the civilians rounded up in Dar-i Ali and executed outside the relief agency office. Other staff members of relief agencies were identified among those killed. These included a driver named Daud who was working for an international humanitarian agency; a man named Qasim who worked as an assistant in the leprosy clinic; and Sayyid Ibrahim and a man named Tahsili, both of whom worked in the district hospital and were staff members of a local assistance organization. Witnesses reported seeing a Land Cruiser and a Russian-made jeep in the possession of the Taliban, both of which belonged to the Yakaolang offices of humanitarian aid organizations. Several staff members of another local leprosy clinic were also identified among those executed: Sayyid Yakut, a gardener from the village of Kata Khana, near the center of Yakaolang district; a man named Taqi, a carpenter, from Akhundun village; Gul Agha, son of Mahmud, of Sarasiab village; and Sayyid Mahdi,

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<sup>72</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

<sup>73</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

<sup>74</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

son of Burki, a watchman, also from Sarasiab. One of the center's leprosy patients, Sayyid Amir of Panj-o-Ak village, was also executed.<sup>75</sup>

9.63 Taliban forces were able to remain in Yakaolang for only two weeks before being driven out of the district again on January 23. While retreating north through the Dar-i Shikari valley on or about January 20, a convoy of Taliban forces encountered a group of Hazara herders at Tala Burfak. Apparently frustrated that their path was blocked by the Hazaras' herds, some of the Taliban fired gunshots at the group, killing three of them on the spot.<sup>76</sup>

9.64 According to the report of the Special Rapporteur, at least one United Nations employee, a driver named Daud who worked for the FAO, was unaccounted for and had not been seen since January 7.<sup>77</sup> According to a former UN staff member who worked in the region, Daud was shot by the Taliban.

9.65 According to the report of the Special Rapporteur, eyewitnesses stated that both parties to the conflict violated the neutrality of medical facilities in the district.<sup>78</sup> Witnesses reported that Mu'allim Aziz, a Harakat commander, personally entered the Yakaolang hospital on the day the resistance took the town and shot dead a young Talib who had been airlifted into Yakaolang half an hour before the other Taliban retreated.<sup>79</sup>

### **I. The Burning of Yakaolang and Summary Executions of Civilians, June 2001**

9.66 Between February and September 2001, fighting continued in Bamyan province between the Taliban forces and the two Shi'a parties allied with the United Front that had bases in the area, Hizb-i Wahdat (Khalili faction) and Harakat-i Islami. The conflict involved three major assaults by the Taliban and a series of counterattacks and raids mounted by the opposition forces. During the major offensives, the Taliban were able to bring to bear overwhelming force, and on all three occasions the United Front forces retreated, abandoning territory and population centers that they had been occupying. According to human rights reports, almost all abuses occurred in the immediate aftermath of the Taliban offensives, when the Taliban targeted civilian inhabitants of areas that they had recaptured from the opposition. The United Front forces adopted a military strategy that rendered the civilian population vulnerable, in that they occupied population centers without having the means to defend them. For their part, the Taliban incorporated abuses against the civilian population as a core part of their strategy.<sup>80</sup>

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<sup>75</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>76</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>77</sup> E/CN.4/2001/43 para. 44.

<sup>78</sup> E/CN.4/2001/43 para. 44.

<sup>79</sup> Email communication with Semple, August 2004. The incident is also described in Human Rights Watch, Massacres of Hazaras in Afghanistan.

<sup>80</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

9.67 After the Taliban abandoned Yakaolang on January 23, 2001, Wahdat and Harakat, assisted by some Junbish units, advanced further into Bamyān District. On or around February 12, they attacked the Taliban, forcing them to retreat outside Bamyān city. The United Front forces briefly occupied Bamyān but withdrew within a few days when the Taliban sent in reinforcements. Then, in May 2001, the Taliban launched a new offensive. The precipitating factor was probably the arrival of the first supply flight from Iran for the United Front into the Iranian-built Shibartu military airfield.<sup>81</sup> Barely five days after the first supply flight, the Taliban attacked out of Bamyān and were able to capture in quick succession Shahidan, Shibartu, and central Yakaolang. They immediately proceeded as far as Yakaolang second district, Daga.<sup>82</sup> The United Front abandoned all positions in Bamiyān district. By late May, when the Taliban were mobilizing for a major offensive against northeastern Afghanistan, the United Front advanced close to Nayak. The Taliban commander Jihadyar, fearing that he would be surrounded, ordered his troops to withdraw from Yakaolang.<sup>83</sup>

9.68 From this point on, the Taliban strategy on combating the United Front shifted, and collective punishment of the local population became a key part of that strategy.<sup>84</sup> The first response was a punitive bombing raid on the district center of Yakaolang. In this raid the Taliban air force was able to hit the district hospital and the OXFAM office, both located in the center. Then the Taliban rapidly mobilized a large strike force, consisting of both Afghan Taliban and foreign militants, both Pakistani and Arab, to attack Yakaolang. According to UN staff working in the area, senior United Front commanders knew of the mission in advance and warned the UN that it would involve further abuses against the civilian population.<sup>85</sup>

9.69 Mullah Dadaullah, a senior Taliban commander, was assigned command of a strike force that set off from Bamyān on June 8 and advanced to central Yakaolang. There the Taliban established their headquarters in Nayak. On June 10 the Taliban forces burned down the old bazaar of Yakaolang. According to human rights reports, Dadaullah then carried out what the Taliban's official news agency termed a "mopping up operation"; over a two-day period, his troops allegedly burned over four thousand houses, shops, and public buildings in central and eastern Yakaolang, including a medical clinic, twelve mosques and prayer halls, and the main madrasa, or Islamic seminary, which was Shi'a and therefore considered heretical. Over the next two weeks, troops under Dadaullah reportedly moved through the district, burning villages and summarily executing civilians.<sup>86</sup> Some civilians were killed while trying to escape, and a number of detainees were held for a period of forced labor.<sup>87</sup>

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<sup>81</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

<sup>82</sup> Yakaolang II, like Behsud II, is a district that borders Yakaolang.

<sup>83</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

<sup>84</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

<sup>85</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

<sup>86</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

<sup>87</sup> Semple, "Compilation of Evidence on Human Rights Abuses."

## **J. The Burning of Shamali, Summary Executions, and Other Abuses Against Civilians**

9.70 The devastation wrought by the Taliban in Shamali is probably the most extreme example of the Taliban's strategy of collective punishment. Beginning on July 27, 1999, the Taliban and their al-Qaida allies undertook a series of offensives across the Shamali plains north of Kabul that, according to the UN Special Rapporteur, included arbitrary killings, the forced displacement of women, the burning of homes, and the destruction of other property and agricultural assets, including fruit trees and vineyards, one of the mainstays of the local economy.<sup>88</sup> Two specific instances of killings of groups of men were reported, one of which involved groups of twelve, nine, and thirteen being killed and the other groups of twenty-three and fifteen. These took place in the Bagram area and involved male civilians.<sup>89</sup> Fighting again broke out in the Shamali plains on July 1, 2000.

9.71 According to the Special Rapporteur, there were reports of repeated aerial bombardment by the Taliban forces, including bombardment of civilians in the Shamali plains.<sup>90</sup> The Shamali offensive resulted in massive displacement of the civilian population, in particular women and children. According to the report by the Special Rapporteur, estimates of the number of displaced civilians ranged from 100,000 to 150,000 (United Front leaders claimed as many as 250,000); the bulk of these people sought refuge in the Panjshir valley. A substantial number (over fifty thousand) were reportedly moved by the Taliban forces to Jalalabad and Kabul. According to a Taliban spokesman, Mullah Amir Khan Mutaqqi, some eighteen hundred families were transported to Jalalabad (Sar Shahi camp). Sar Shahi had been set up in January 1994 on the road east of Jalalabad to hold IDPs fleeing the fighting in Kabul. A similar number were brought to Kabul. "Widespread first-hand reports indicated that there were house and crop burnings, forced deportations, family separations, the separation and deportation of women, and arbitrary killing in southern Shamali. House burnings were reportedly worst in Istalif, Farza, Kalakan and Guldara with lesser levels in Qarabagh and parts of Bagram district."<sup>91</sup>

72 A large number of internally displaced persons took refuge in the compound of the former Soviet embassy in Kabul, where they suffered a lack of basic sanitary facilities and water. The Special Rapporteur reported that access to the internally displaced persons was controlled by the Taliban, and women were not permitted to leave the area without a written medical note to seek health care.<sup>92</sup>

9.73 UNHCR officials in Pakistan recorded an increase in new arrivals in September 2000–January 2001. A significant number of these arrivals were from northern Afghanistan. According to the Special Rapporteur, "The Government of

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<sup>88</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/2000/33) para. 39-40.

<sup>89</sup> E/CN.4/2000/33 para. 40.

<sup>90</sup> A/54/422 (1999) para. 31.

<sup>91</sup> E/CN.4/2000/33 para. 40.

<sup>92</sup> E/CN.4/2001/43 para. 32.

Pakistan banned the entry of new refugees from Afghanistan on 9 November 2000, citing ‘security and economic considerations.’<sup>93</sup>

9.74 According to UN reports, Pakistani officials initially asserted that they could not cope with the additional influx of Afghan refugees in the absence of international support. They also expressed concern that United Front supporters tasked with carrying out acts of sabotage might infiltrate Pakistan in the refugee influx. Pakistani border guards continued to allow entry to Afghans who could produce identification documents establishing prior refugee status in Pakistan, as well as to Afghans without such papers if they had a note from the Taliban authorities attesting to their status as prior refugees, traders, or NGO or government workers. Persons fleeing from the northern areas in the face of Taliban military operations, who were among the most vulnerable, were not in these categories. According to a UN official, “Many of those seeking to cross into Pakistan, some of whom were stranded in the Samar Khel camp at Jalalabad, had been affected by the conflict in the north, and ... members of the Ismaili (Shi’a minority) were reportedly buying their exit from Afghanistan to destinations in Pakistan.”<sup>94</sup>

9.75 The armed conflict in Yakaolang in 2001 and the abuses committed in the district by the Taliban resulted in massive internal displacement. Humanitarian aid workers estimate that thousands of persons from Yakaolang took refuge in Panjao and Lal districts, the Tarpuch sub-district of Balkhab district, the Kashan valley in Kohistanat district, and Dar-i Chasht in Lower Yakaolang district.<sup>95</sup> Further east, increased displacement occurred across the Qoqcha River as conflict spread within Khwajaghar (Takhar), emptying the district. Many of those internally displaced persons and the host population subsequently moved within Dashti-i-Qala and into Khwaja Bahauddin districts. With few public buildings, the districts of Khawja Bahauddin and Dashti-i-Qala quickly became saturated, and large numbers of internally displaced persons consequently remained under soft shelter outside.<sup>96</sup> According to a report of January 31, 2001, by the Office of the United Nations Coordinator for Afghanistan, over 110 displaced persons in camps in Herat died due to extreme cold on the night of January 29–30.<sup>97</sup>

### **Attacks on International Humanitarian Workers**

9.76 In August 1998, following the US bombing of training camps near the Pakistan border, gunmen in Kabul opened fire on a UN vehicle, killing one staff member and injuring another. The UN repeatedly pressed the Taliban authorities to bring those responsible for the crime to justice. Two suspects, both from the Pakistani organization Sipah-i Sahaba, were arrested, but they were never brought to trial.

9.77 In July 1999, an ICRC international team was detained and beaten by Taliban forces at Hajigak Pass.<sup>98</sup> In 2000, seven deminers working for a UN-funded rehabilitation program were ambushed, killed, and burned in Badghis province; one of

<sup>93</sup> E/CN.4/2001/43, para. 36.

<sup>94</sup> E/CN.4/2001/43, para 36.

<sup>95</sup> Human Rights Watch, Massacres of Hazaras in Afghanistan.

<sup>96</sup> E/CN.4/2001/43 para 21.

<sup>97</sup> E/CN.4/2001/43 para. 24..



the deminers was reportedly still alive at the time he was burned.<sup>99</sup> The Taliban were believed to be responsible.<sup>100</sup>

### **Individual Summary Executions**

9.78 In addition to mass executions and reprisal killings, reports indicate that the Taliban summarily executed persons because of their political affiliations or because they were suspected of supporting forces opposed to the Taliban. Examples of some of these summary executions documented by human rights groups are included below. These were separate from executions carried out after sentencing by an Islamic court. The Taliban targeted certain groups—homosexuals or persons accused of being homosexuals, and persons accused of adultery among them—for execution. The forms of execution in these cases were particularly brutal (stoning to death or crushing under a wall) and constituted cruel and inhumane forms of punishment. Some instances of these are described separately below.

9.79 Early on September 27, 1996, as Taliban forces took control of Kabul, a number of Taliban troops entered the UNSMA compound and abducted former president Najibullah and his brother. According to UN and human rights reports, as well as press accounts, both men were severely beaten, tortured and executed, their mutilated bodies left hanging in public.

9.80 Amnesty International compiled a partial list of such killings in a 1999 report. The killings below are all of former military personnel and intellectuals who were members of Da Sulh Ghorzan, a party founded by former Defense Minister Shahnawaz Tanai, and reflected a purge that Mullah Umar ordered of Khalqis at that time. The list included:

(a) Pohandoy [associate professor] Muhammad Nazir Habibi and Pohanmal [assistant professor] Mohammad Hashim Basharyar, both Nangarhar university teachers. Pohandoy Habibi was a Pashtun from Qarabagh in Shamali plain, Kabul province; Pohanmal Basharyar was a Pashtun from Wardak province. They were both reportedly arrested in Nangarhar by the intelligence services and city security of the province on July 13, 1998. They were reportedly forced into a car as they were waiting for a vehicle to take them to the offices of the UN in Jalalabad. Basharyar's body was found on July 18 on the outskirts of Jalalabad and Habibi's body on July 19 near Torkham.

(b) Dagarwal (Colonel) Agha Mohammad, about forty-five years old, with a paralyzed leg; a Pashtun from Ghazni province; member of Da Sulh Ghorzan (Peace Movement Party). In February 1998, a number of Taliban officials reportedly came to his house and took him away. About a month later, his body was found hanging from a tree in Muqur (Ghazni province).

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<sup>98</sup> Email communication from Semple, August 2004.

<sup>99</sup> US Department of State, "Afghanistan," Human Rights Practices 2000 (Washington, D.C.: 2001).

<sup>100</sup> Email communication with former UN staff member.

- (c) Shir Muhammad, a Khalqi Pashtun from Qandahar; teacher and influential tribal leader; member of Da Sulh Ghorzan (Peace Movement Party). He was reportedly killed in March–April 1998, possibly while in Taliban custody. Prior to his killing, he had met some twenty-five local leaders in Panjwai near Qandahar. His body was later found in Dand, near Qandahar.
- (d) General Sulhmal, Pashtun, from Helmand, a former army general in active service until 1996 in Kabul who remained in his post as the deputy defense minister after the arrival of the Taliban until May 1998. He was a member of Da Sulh Ghorzan. Taliban guards came to his house in Musa Qala (Helmand province) in May 1998 in a red Toyota pickup and took him away, but he never returned. The family was granted an audience with Mullah Umar, who reportedly told them that perhaps he was arrested because he was a “communist.” About twenty days later, Sulhmal’s body was found in the fields in Arghandab area near Qandahar. Taliban officials handed over the body to the family.
- (e) Abdul Ghani, a Baluch from Qandahar; worked with the UN in Afghanistan; member of Da Sulh Ghorzan. He was killed in Qandahar city in early November 1998 in a car accident that his colleagues believed was an assassination.
- (f) Ghadim Shah, a Pashtun from Paktia, former secretary of the PDPA committee. Prior to his arrest, he had reportedly taken an active role in support of peace negotiations in Afghanistan. He was reportedly arrested in late 1998 at his house in Microraion 3. His body was found in Kotal Tira area between Logar and Gardez.
- (g) Mohammad Khan Tudai, a Pashtun from Paktia province, staff member of Afghan Ariana Airlines, worked with the former Babrak Karmal government, and had joined Da Sulh Ghorzan in 1998. He was reportedly arrested by Taliban officials from his house in Kabul in 1998, and his body found some days later.

9.81 The Taliban were also reportedly responsible for the assassinations of some Afghans in Pakistan, including former deputy speaker of the Wolesi Jirga Abdul Ahad Karzai, father of current Afghan President Hamid Karzai. Abdul Ahad Karzai was shot in Quetta on July 14, 1999. Two bystanders were also killed.<sup>101</sup>

### **Indiscriminate Use of Force, Deliberate Destruction of Means of Livelihood**

9.82 From about 1999, the Taliban increasingly adopted a policy of collective punishment and mass eviction in areas populated by non-Pashtuns whom they suspected of supporting opposition forces. The mass burning of villages, orchards and fields in Shamali in 1999–2000 and the burning of Yakaolang and surrounding villages in Bamiyan in 2001 (discussed above) represent some of the extreme

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<sup>101</sup> Cooperation Centre for Afghanistan, Human Rights Department, *Newsletter*, Vol. VI, No. 4, August 1999: 1.

examples of this strategy. The destruction forced massive displacements, with internally displaced populations fleeing to already overcrowded areas.

9.83 In an earlier example, following a retreat from areas north of Kabul in October 1996, the Taliban bombed a village to the north of Kabul and burned almost all the houses in Sar Chishma village north of the city, which was populated mainly by persons of Tajik ethnic origin.<sup>102</sup>

9.84 In July–August, 1999, Taliban forces bombed the town of Dara-i Suf with incendiary cluster munitions. Ground demolition forces burned down the entire central market and destroyed wells and homes.<sup>103</sup> This occurred at the same time as the massacres in Sar-i Pul mentioned above.

9.85 On March 28, 1999, in reaction to an uprising by the local population, Taliban forces led by Mullah Abdul Wahid Ghorbandi reportedly destroyed and burned houses in the villages located on the road between Shibar and Bamyan city, including Shashpul and Ahangiran. The road was the only one between north and south Afghanistan before the completion of the Salang Highway. Ghorband stands between Hazarajat and Parwan, so it has considerable strategic value. The Taliban also burned houses in Surkh Qul and other villages located in the Kalu valley. People living in those villages were forcibly evacuated. Two takyakhanas (Shi'a mosques) in Sarasiab and Gurvana villages were also reportedly burned.<sup>104</sup> There was a steady exodus of the civilian population from Bamyan from February to mid-April 1999; the civilian population was almost totally displaced from the area by the end of the conflict there in mid-May.

9.86 In addition, during most of the period 1996 to 2001, the Taliban were involved in the systematic use of economic blockades of primarily civilian areas as part of their strategy to overcome resistance. According to humanitarian staff who worked in the area, these blockades significantly exacerbated humanitarian suffering in areas whose main trade routes were affected. The first and most widely publicized Taliban blockade was that of Hazarajat, during 1996–1998. The Taliban prevented commercial deliveries of food staples, fuel, and medicine along the main trade routes to Hazarajat from the south and east. This contributed to food shortages in the area, prompting the UN to launch emergency relief operations (although these in turn were disrupted by difficulties of access). During their campaign against residual resistance in northern Afghanistan from 1999 to 2001, the Taliban imposed a similar blockade on the resistance-controlled territory in the northeast (Takhar, Baghlan, and Badakhshan) and the northwest (parts of Samangan, Sar-i Pul, and Bamyan). Again, during the northern blockades, they banned the movement of food staples, vegetable oil, fuel, lubricants, vehicle parts, and medicines into resistance-controlled territory. The internal blockade was approved at a senior level within the Taliban and was imposed in a coordinated fashion by Taliban front-line military units. These units both searched traffic openly moving across the front lines (movement of passengers

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<sup>102</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1997/59) para. 15.

<sup>103</sup> Human Rights Watch, Crisis of Impunity.

<sup>104</sup> A/54/422 (1999) para 10.

and non-banned items was allowed) and conducted ambushes against people suspected of breaking the ban.<sup>105</sup>

9.87 The northern blockade coincided with a collapse in local food production because of the prolonged drought, so the local population was forced to rely on smuggling wheat and rice across the front line, usually in donkey caravans. According to reports by UN staff, Taliban enforcing the blockade imposed harsh punishments on people accused of breaching it, including confiscation of foodstuffs, imprisonment and beating, forced labor, and, sometimes, killing of both the smugglers and the pack animals. The large number of people involved in the smuggling operations meant that the Taliban sometimes made mass arrests of donkey drivers. For example, the arrests of 120 and 200 people were reported in two separate incidents in Takhar in 1999–2000. Numerous assessments conducted during the UN-led humanitarian operations during this period indicated that the population in the blockaded areas was already highly vulnerable, and the imposition of an economic blockade at such a time could—and did—exacerbate the suffering of the civilian population.<sup>106</sup>

### **Arbitrary Detention and Hostage-taking**

9.88 According to human rights researchers, the Taliban systematically used the arbitrary detention of civilians as a form of collective punishment or deterrence in dealing with areas where the Taliban had encountered some military resistance. Human rights reports indicate that the detentions policy was sanctioned at a senior level within the Taliban administration, as evidenced by the coordinated involvement of military and civilians units in conducting arrests and the prolonged incarceration that many of the detainees faced in government jails. In addition to the apparent official motivation of collective punishment, it seems that some of the officials involved also benefited from substantial bribes or ransoms for the release of detainees.<sup>107</sup>

9.89 According to human rights reports cited below, Taliban commanders detained persons, often on the basis of ethnicity, as had been the case when rival factions had fought for control of Kabul. In some cases the detentions were part of the Taliban's overall strategy for social control; persons belonging to ethnic groups who had resisted the Taliban lived in fear of arrest, torture, and execution. In other cases, persons were detained for the purpose of extortion. The Afghanistan Justice Project has documented cases of Hazara merchants whose sons were arrested and held until the family paid a stated price.

9.90 According to Human Rights Watch, when the Taliban took control of Mazar-i Sharif in August 1998, they arrested thousands of men, primarily on the basis of their

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<sup>105</sup> Semple “The Experience of Civilians in Conflict 1999”; Semple, “Vulnerability and Humanitarian Implications of UN Security Council Sanctions in Afghanistan.”

<sup>106</sup> Semple, ““Vulnerability and Humanitarian Implications of UN Security Council Sanctions in Afghanistan.”

<sup>107</sup> Afghanistan Justice Project, “Taliban system of arrests and disappearances,” unpublished document, a compilation of testimony from North Eastern Afghanistan,.

ethnicity. Many were executed, and some were transported to Qandahar and elsewhere.<sup>108</sup>

9.91 There is sufficient documentation of mass arbitrary arrests in the central, northwestern, and northeastern regions during the period from 1998 to 2001 to indicate a pattern of abuse. For example, in October 1999 three hundred detainees from Bamyan were still held in Pul-i Charkhi prison, Kabul.<sup>109</sup> The largest source of these Bamyan detainees had been a public meeting that the Taliban authorities called in Madrasa Shinya, supposedly to be addressed by the governor. Taliban troops rounded up men who had arrived to attend the meeting and transported them to Kabul. The Taliban also arrested many members of the Security Liaison Commission in Bamyan, a body that they had themselves established to liaise with community leaders. In August 2001, a neutral negotiator who was given access to Taliban prisons in several provinces identified 201 Shi'a detainees, the vast majority of whom were arbitrarily detained civilians.<sup>110</sup>

9.92 The Afghanistan Justice Project has documented mass arrests of civilians in Kunduz and Takhar during the Taliban military campaign in those provinces during 1999–2001..<sup>111</sup> In 1999, Taliban under Mullah Abdul Razzaq Nafis arrested 520 civilians from Bangi and Siyab, Takhar province, and jailed them in Kunduz central prison. The mass detentions were associated with other collective punishment measures in response to a localized uprising against the Taliban. Similarly, in 2000, Taliban arrested some six hundred civilians from Farkhar and Kalafkan in Takhar province and transferred them to Kunduz. Accounts of other Taliban military operations indicate that mass arbitrary detentions of civilians, followed by indefinite, protracted periods of detention in official prisons and complex processes of individual or collective negotiations for release, became a standard aspect of Taliban operating procedures. The pattern of arrests also indicate that these were not individual punishments for alleged wrongdoing, but that the Taliban held whole populations, in particular community elders, collectively responsible for any opposition activity in areas where they faced resistance.<sup>112</sup>

9.93 An additional aspect of the mass detentions was the alleged use of detainees for forced labor, including hazardous activities. Testimony from detainees who were arrested in Bamyan in 1999 indicates that Taliban forces commanded by Abdul Wahid held them in Siahgird, in the Ghorband Valley. The Taliban used their detainees for forced labor in private construction and road-building. In addition, during the 1999 Shamali offensive, the Taliban compelled some of these detainees to participate in the destruction of agricultural infrastructure there and used others in mine-clearing in the lower Ghorband Valley. Similarly, the Afghanistan Justice

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<sup>108</sup> Human Rights Watch, Massacre in Mazar-i Sharif.

<sup>109</sup> Semple, "The Experience of Civilians in Conflict 1999."

<sup>110</sup> Original document provided by the prisoner negotiators, made available by Michael Semple.

<sup>111</sup> Afghanistan Justice Project, "Taliban system of arrests and disappearances."

<sup>112</sup> Afghanistan Justice Project, "Taliban system of arrests and disappearances."

Project has documented the use of two hundred detainees in Takhar, captured as part of Taliban efforts to enforce their food blockade, who were used for forced labor.<sup>113</sup>

9.94 In early 1999, after Hizb-i Wahdat forces captured Yakaolang in Bamiyan province, the Taliban reportedly detained 550 people from Bamiyan as hostages and transferred them to different prisons in Parwan, Kabul city, and Qandahar. Among the arrested people were members of a council that had been formed by the Taliban themselves, namely Sayyid Adil Kazimi Paykar from Fatmasti, Natiqi from Kushak, Shaikh Imami from Surmara, and Shaikh Zaki from Kalu. After the Taliban retook Bamiyan on May 9, 1999, they detained a group of 150 people, including women and children, from Berson village and transferred them to Parwan province.<sup>114</sup>

### **Cruel and Inhumane Forms of Punishment**

9.95 Taliban judges imposed huddud punishments according to their interpretation of Islamic law. Accused adulterers were sentenced to death by stoning. One case of such a stoning reportedly took place in Qandahar in July 1996.<sup>115</sup> Persons accused of theft were punished by having a hand, or in some cases a foot, amputated. The severity of the crime determined the kind of amputation. According to a report by Amnesty International, Taliban officials stated that a minor theft might result in the amputation of a finger; a repeat offense of a serious nature might result in both a hand and foot being amputated.<sup>116</sup> Persons accused of homosexual acts were punished by having a wall toppled over on them. The US State Department reported one incident of such a punishment in 1998; the accused man survived.<sup>117</sup> According to a 1998 Amnesty International report, at least five men convicted of sodomy had been similarly punished in that year. In one case in Qandahar in February 1998, the men were placed beside a stone wall which was then knocked over by a tank. The men were buried under the rubble and left for half an hour with the understanding that if they survived they would be pardoned. All three were still alive after half an hour, but two died in the hospital later that day. It is not known whether the third survived.<sup>118</sup>

9.96 The Taliban also forced detainees to perform life-threatening tasks, including removing land mines and digging trenches in mined areas. Some examples of these were discussed in connection with the destruction in Shamali and other northern areas. According to Amnesty International, several people detained in Qandahar in early 1995 were reportedly brought to the front line southwest of Kabul in September 1995 and made to dig trenches in an area that was mined. An unknown number of the prisoners reportedly died.<sup>119</sup>

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<sup>113</sup> Afghanistan Justice Project, "Taliban system of arrests and disappearances."

<sup>114</sup> A/54/422 (1999).

<sup>115</sup> US Department of State, "Afghanistan," Human Rights Practices 1996.

<sup>116</sup> Amnesty International, Afghanistan: Grave Abuses in the Name of Religion, ASA 11/12/96 (London: 1996).

<sup>117</sup> US Department of State, "Afghanistan," Human Rights Practices 1998 (Washington, D.C.: 1999).

<sup>118</sup> Amnesty International, Flagrant Abuse of the Right to Life and Dignity, ASA 11/03/98 (London: 1998) 1.

<sup>119</sup> Amnesty International, Flagrant Abuse of the Right to Life and Dignity 21.

## **Discriminatory Treatment of and Violence against Women**

9.97 The Taliban imposed harsh restrictions aimed at controlling the civilian population, particularly in urban areas with ethnically mixed populations. Many of these restrictions targeted women. Taliban decrees prohibited women from working outside the home (except in limited circumstances) and girls from attending school (at least above the primary level). They imposed restrictions on movement that required women to be accompanied by a close male relative. The Taliban also prohibited women from appearing in public without their bodies and faces completely covered by a burqa. The institution responsible for enforcing these decrees was the Ministry for the Promotion of Virtue and the Prevention of Vice (al-Amr bi al-Ma'ruf wa al-Nahi 'an al-Munkir), which “ruthlessly enforced Taliban restrictions against women through arbitrary and humiliating public beatings and the threat of public beatings. These religious police not only beat women publicly for, among other things, wearing socks that are not opaque enough; showing their wrists, hands, or ankles; and not being accompanied by a close male relative; but also for educating girls in home-based schools, working, and begging.”<sup>120</sup>

9.98 Taliban forces also abducted women or used threats of violence to coerce families into giving their daughters to Taliban soldiers in forced “marriages.” In one case documented by the Afghanistan Justice Project, one woman had been forced to accompany a Taliban commander after he threatened her family. He had told the family that he wanted her to be his wife. The commander took her out of Kabul to a house where several other women were detained. All of the women were forced to perform sexual acts with the commander and other commanders he brought there. After several months the woman managed to escape.<sup>121</sup>

9.99 Afghan women were allowed to work in the medical sector as doctors and nurses. A restricted number of Afghan women were allowed to be employed in agencies headed by women until July 2000, when the Taliban issued a decree of law banning Afghan women from working in aid agencies, except in the health sector.<sup>122</sup>

## **Child Soldiers: Recruitment Patterns and Numbers**

9.100 The recruitment of children for military purposes constitutes a crime against humanity under international law. In Afghanistan, children reportedly have been recruited since 1979. (See previous chapters for information on child soldiers during the period of 1979–1992.) A UN study reported that in Afghanistan—as in many other countries—children have been forced to commit atrocities against their own families or communities.<sup>123</sup>

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<sup>120</sup> Human Rights Watch, Humanity Denied, Human Rights Watch Publications (October 2001) Vol. 13, No. 5 (C.).

<sup>121</sup> Afghanistan Justice Project, unpublished document.

<sup>122</sup> E/CN.4/2001/43/Add.1.

<sup>123</sup> United Nations General Assembly, “Promotion and Protection of the Rights of Children: Impact of Armed Conflict on Children” (A/51/306, 1996).

9.101 It is difficult to obtain accurate estimates of child soldiers recruited under various regimes. Research conducted in 1995 on the situation in Afghanistan for the UN Study on the Impact of Armed Conflict on Children (the “Machel Study”) found that the youngest child soldier was thirteen years old (though the report did not mention for whom he was fighting). The recruitment continued during the 1990s under the ISA/Northern Alliance and Taliban regimes.

9.102 In June 2001, the Global Movement for Children-Afghanistan Working Group published a report on children in Afghanistan (1990–2000).<sup>124</sup> It indicated that in the 1990s there had been several large-scale recruitment initiatives of boys by the Taliban, bringing thousands of students, both Pakistani and Afghan, from madrasas in Pakistan to the front lines. It noted:

“This occurred in 1997 and 1998 in response to significant defeats with large numbers of casualties amongst their existing troops, or in preparation for major offensives. Some of the boys, aged mainly between 14 and 18 years but occasionally younger, were reportedly forced to go to the front lines by their religious teacher.”<sup>125</sup>

9.103 In 1998, after international condemnation, the Taliban leader Mullah Omar announced a ban on involving boys “young enough not to have a beard” in combat. Despite the ban, Taliban commanders reportedly continued compulsory recruitment in Afghanistan and Pakistan. The 2000 Child Soldier Coalition Report noted that NGOs and other governments have continued to report compulsory recruitment by Taliban within Afghanistan. It said:

“An Afghan aid worker based in Pakistan stated that each land-owning family was required to provide one young man and 2.4 million afghanis (about USD 500) in expenses. Each draftee can expect to spend two months fighting every 6 to 12 months.”<sup>126</sup>

9.104 Taliban recruitment was often cyclical, with large-scale recruitment drives associated with significant defeats or major offensives. Pakistani madrasas allegedly provided the Taliban with thousands of new Afghan and Pakistani recruits after the final capture of Mazar-i Sharif in August.<sup>127</sup> According to other reports, Pakistan facilitated this recruitment drive by closing madrasas and arranging transportation for the students.<sup>128</sup>

9.105 In 2000, a report prepared for UNICEF stated that it was not known whether there were any specific rules governing minimum age of recruitment in the Northern Alliance, and there had not been reports of widespread recruitment of minors, but that numbers reportedly increased in 2000 in comparison with previous years.<sup>129</sup>

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<sup>124</sup> Global Movement for Children, Lost Chances: The Changing Situation of Children in Afghanistan 1990–2000 (Islamabad, June 2001).

<sup>125</sup> Global Movement for Children, Lost Chances.

<sup>126</sup> Human Rights Watch, Crisis of Impunity.

<sup>127</sup> Barnett R. Rubin, “Afghanistan under the Taliban,” Current History 98 (February 1999): 79-91.

<sup>128</sup> Human Rights Watch, Crisis of Impunity.



## **X. SEPTEMBER–DECEMBER 2001: THE CAMPAIGN AGAINST THE TALIBAN**

10.1 The last four months of 2001 saw a new phase in the Afghan conflict. Following the attacks on the US by al-Qaida on September 11, the US led a coalition in an offensive against al-Qaida and the Taliban in Afghanistan. The coalition included forces of the Islamic United Front for the Salvation of Afghanistan (Northern Alliance) that the US supplied with arms, money, and logistical support. On October 7, the US began bombing Taliban positions in the north. On November 10, the Taliban abandoned Mazar-i Sharif. On November 13, they abandoned Kabul, and on December 7, the Taliban leadership fled Qandahar. In November, the UN brought together leaders from several Afghan groups to negotiate an agreement on an interim government and the reestablishment of permanent government institutions. That agreement, known as the Bonn Agreement (for the city in which the negotiations were held), was signed on December 5 and entered into force on December 22, 2001. Since then, US forces have continued to engage Taliban and al-Qaida forces in southern and eastern Afghanistan and pursue senior Taliban and al-Qaida leaders. The mandate for this report covers only the period up to the entry into force of the Bonn Agreement; abuses that occurred after December 22, 2001, are not covered in this report.

10.2 The violations of the laws of war and other abuses that took place during this period include summary executions of noncombatants by the Taliban; summary execution of captured Taliban and foreign combatants by Northern Alliance forces; reprisal attacks on civilians by Northern Alliance forces; torture and mistreatment of Taliban detainees by Northern Alliance forces; the use of indiscriminate weapons by US forces; and prolonged detention of civilians, Taliban, and suspected al-Qaida members by US forces without appropriate legal safeguards.

### **A. Violations by the Taliban and al-Qaida**

10.3 This phase of the war could actually be said to begin on September 9, when Ahmad Shah Massoud was assassinated at his headquarters in northeastern Afghanistan. Two Moroccan men, apparently al-Qaida operatives posing as journalists, detonated an explosive device hidden in a camera while interviewing Massoud. One of the assassins died in the explosion along with Massoud and Azim Suhail, an aide. The other assassin was wounded in the explosion and then shot by Massoud's forces, apparently while trying to escape.

10.4 In the post-September 11 period, the Taliban were on the defensive. Thus, while some of the abuses described in the previous chapter continued, the Taliban soon lost their position of strength on the battlefield. Within two weeks after the beginning of the US bombing campaign, Taliban fighters began deserting their positions in the north and west.<sup>1</sup> Nevertheless, the Taliban did violate international humanitarian law. One of the most blatant examples of this was the execution on October 27 of a prominent opposition commander, Abdul Haq, together with a relative named Hamid, whom the Taliban had captured in October in Logar province.

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<sup>129</sup> Campbell, *Lost Chances* 70.

<sup>1</sup> Patricia Gossman, "Tapping Afghanistan's Peacemakers," *Washington Post*, September 27, 2001.

According to press reports, the execution had been ordered by the Taliban leader, Mullah Umar.<sup>2</sup> Abdul Haq, who had opposed the US bombing campaign, had entered Taliban-held areas of Afghanistan to organize Pashtun resistance to the Taliban.

## **B. Violations by Northern Alliance Forces**

### **Summary Executions of Detainees**

10.5 In mid-November, Northern Alliance forces surrounded the last Taliban stronghold in Kunduz. When the Taliban forces and the Pakistani and Arab fighters with them surrendered, thousands were taken into custody and transported to prison facilities at Shibirghan and Qala-i Jangi, near Mazar-i Sharif. At least two hundred detainees (and possibly many more) reportedly died en route in the overcrowded container trucks used to transport them and were buried in mass graves in the desert area of Dasht-i Laili near Shibirghan.

10.6 On two occasions, forensic investigators from Physicians for Human Rights visited a site that appeared to be the disposal ground of some of the Taliban fighters who surrendered to the United Front in November and December of 2001. According to international organizations, Afghan officials, community members, and journalists, there continues to be no reliable accounting for a number of the prisoners taken into custody at that time. At the site the investigators found disassociated skeletal elements strewn on the surface. Some bones were missing flesh, bleached, and lacking residual soft tissue. Others were less weathered and retained odor and vestigial soft tissue. Three pelvic elements were observed; all were males. Ages ranged from late teens to middle age. The majority of bones had been scavenged. Shoes, prayer caps, prayer beads, and other apparel were found. All clothing was in relatively good condition, exhibiting minimal weathering or fading.<sup>3</sup>

10.7 One witness interviewed by PHR drove by the site early in the morning and observed six container trucks backed into the site with their back doors open and cabs facing the paved road. Another witness saw three trucks in a T-formation. Both witnesses observed men covering their faces as if avoiding bad odors, and armed guards prompted the witnesses to take a different path to the main road. According to another witness, bodies of soldiers who died in container transports were taken to an area near the perimeter of the grave site. Another witness reported that on about January 5, 2002, he drove by the site and observed and photographed two mounds that allegedly contained the bodies of Taliban soldiers. These mounds had been “flattened” out by the time he drove by there a second time with the PHR team on January 20, 2002.<sup>4</sup>

10.8 Local witnesses told PHR that shortly after the end of Ramadan (from the end of November to the beginning of December 2001) bulldozers were seen at work in the area, which was closely guarded by soldiers. One witness stated that he believed the

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<sup>2</sup> BBC World South Asia, “Key Taliban opponent executed,” October 27, 2001.

<sup>3</sup> Physicians for Human Rights, Preliminary Assessment of Alleged Mass Gravesites in the Area of Mazar-i-Sharif, Afghanistan: January 16–21 and February 7–14 (Boston and Washington, D.C.: May 2, 2002).

<sup>4</sup> Physicians for Human Rights, Preliminary Assessment of Alleged Mass Gravesites.

bulldozers were there because dead bodies had been brought there during the night, when villagers were not allowed out. Soldiers guarding the area did not allow locals to observe what was going on. The second witness stated to PHR that he believed the dead were brought there on one day. He said that he remembered seeing one container truck and two bulldozers. He believes that this happened toward the end of Ramadan in 2001.<sup>5</sup>

10.9 When AJP visited the site in February, heavy vehicle tracks were visible, criss-crossing the site. Witnesses stated that during one night after the end of Ramadan, earth-moving vehicles came to the area, and there was a smell of decay.<sup>6</sup> The witnesses were afraid to speak about the incident.

10.10 Gen. Dostum later acknowledged that some two hundred Taliban prisoners had suffocated in container trucks due to inadvertent overcrowding.<sup>7</sup> A full investigation of the incident has never taken place.

### **The Revolt at Qala-i Jangi**

10.11. Following the surrender of several thousand Taliban and foreign fighters at Kunduz in November, some five hundred detainees—most of whom were reportedly non-Afghans, including Pakistanis, Arabs, Uzbeks (from Uzbekistan), and Chechens—were held at Gen. Dostum's Qala-i Jangi fort, near Mazar-i Sharif. On November 24, one detainee allegedly detonated a hidden grenade while being interrogated by a CIA officer, killing both men. A full-scale revolt then broke out, with United Front forces battling a number of the detainees, who had concealed weapons in their clothing and had managed to obtain other weapons, including rocket-propelled grenade launchers and machine guns. By the next day, US and British forces joined the fight, and US forces bombed areas of the fort controlled by the prisoners. After alliance forces flooded the basement, the last fighters surrendered, six days after the battle began. Dozens of United Front forces and at least four hundred of the detainees were reportedly killed in the fighting and bombing. United Front and US forces were killed when a mistargeted US bomb struck them. While the majority of those killed were combatants who died in the course of the battle, journalists reported that a number of the bodies of detainees were found with their hands tied behind their backs.<sup>8</sup> On December 21, 2001, the Special Rapporteur, referring to expressions of concern by human rights groups, urged that inquiries on the reported incidents should be held by the concerned authorities and corrective action taken.<sup>9</sup> The incident was never fully investigated, however.

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<sup>5</sup> Physicians for Human Rights, Preliminary Assessment of Alleged Mass Gravesites.

<sup>6</sup> Afghanistan Justice Project unpublished report based on interviews with witnesses, February 2002.

<sup>7</sup> BBC World South Asia, "Fresh bloodshed at Mazar Fort," November 29, 2001; BBC News, "UK rules out prison revolt inquiry," November 29, 2001; BBC News, "Fort revolt: What really happened?" December 1, 2001.

<sup>8</sup> BBC World South Asia, "UK rules out prison revolt inquiry."

<sup>9</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/2002/43) para 8.

## Reprisal Killings

10.12 As Northern Alliance forces recaptured territory in the north, they reportedly carried out abuses against Pashtun communities who they believed had benefited from or collaborated with Taliban rule at the expense of other ethnic communities. In some cases the abuses were carried out in reprisal against specific Pashtuns for similar abuses committed three years earlier, when the Taliban came to power in the area; in other cases, whole Pashtun communities were targeted simply because of their ethnic identity, and in many cases the motive behind the abuses appeared to be as much extortion and looting as revenge. Whole communities evacuated the area as a result of the abuses.

10.13 According to human rights reports cited below, various armed factions carried out killings, robberies and other abuses against local Pashtuns as territories changed hands in the north. In some cases those responsible were local residents whose land had been taken from them when the Taliban controlled the area, and who were seeking restitution or revenge. In some cases commanders with the three major United Front factions controlling the north—Junbish, Wahdat, and Jamiat—were allegedly directly involved in attacks, had armed the local villagers, or did nothing to stop or prevent the abuses.

10.14 Human Rights Watch documented a number of reprisal killings of Pashtuns in Balkh, Baghlan, Faryab, and Samangan provinces. In one incident that took place in the first week of December, a group of about three hundred armed Hazaras attacked the remote Pashtun village of Bargah-i Afghani, located in the Chimtal district of Balkh province. Just two days prior to the arrival of the Hazara fighters, the villagers of Bargah-i Afghani had handed over their firearms to Manzullah Khan, an Uzbek commander of Junbish, and in return had received a written confirmation from him that they had been disarmed. Manzullah Khan had also placed twelve of his soldiers in the village after its population was disarmed, but the soldiers ran away when the Hazara fighters attacked the village. The Hazara fighters reportedly killed thirty-seven men who stayed behind, the largest documented killing of civilians since the fall of the Taliban. Of the thirty-seven killed, seventeen were local villagers, and the remaining twenty were ethnic Pashtuns who had resettled in the village.

10.15 A.S., a thirty-six-year-old farmer from Bargah-i Afghani who was beaten by the gunmen during the attack, told Human Rights Watch that his attackers accused him of being Taliban and al-Qaida: “They told me that I had come from Pakistan and should give them money. I gave them 30 lakhs [af 3 million, about US \$42]. They threw the money away, saying it was not enough. They looted everything.” A.S. witnessed the summary executions of three Pashtun men from the village and later recovered the body of a fourth executed villager.

10.16 Los Angeles Times reporter Geoffrey Mohan interviewed a Wahdat commander named Rajab about the attack. Rajab, who is believed to control a significant area of Chimtal district, admitted that killings took place in Bargah-i Afghani and claimed that the attack was in retaliation for earlier incidents of attacks against Hazara villagers by Pashtuns:

“Yes, that’s right, something happened [in Bargah-i Afghani]. . . . But when the Taliban first came, there were about 2,000 Hazara families in Chimtal

[district]. These Pashtun people killed about 300 Hazara people and put 500 in jail. They looted the Hazara people's houses. They looted my house and knocked down the walls. . . . They killed about 300 people, and we killed maybe 10. We took cattle from dead people, but it was cattle they had taken from us. . . . No one knows who did this, but these people who are living in Bargah now, they oppressed people, they looted houses, they raped people.”<sup>10</sup>

10.17 Other killings took place in Yengi Qala, in Chimtal district. A group of Pashtun families who had resettled in Yengi Qala abused the non-Pashtun population during the Taliban period, according to a village elder interviewed by Human Rights Watch, but the majority of Pashtun villagers did not. When the area changed hands, armed Hazara men allegedly killed at least four Pashtun men and looted houses. According to Human Rights Watch, villagers blamed two additional killings on Hazara fighters belonging to Hizb-i Wahdat. In one incident, witnesses identified Hizb-i Wahdat commander Abdullah Chatagh as present when his troops looted Pashtun homes. Another commander, Zafi, assembled eight Tajik men, lined them up, and then fired over their heads. The men ran away as the soldiers were preparing to shoot again—it is unclear from the testimony whether the commander intended to kill the men or terrorize them. The Tajik men sought protection from Jamiat forces in the area.<sup>11</sup>

10.18 One of the village elders from Haji Mullah Hashim, seventy-five-year-old Lala Jan, disappeared from the village around November 20, 2001, after he was unable to pay two thousand lakhs [about US \$2,800] demanded from him by Uzbek gunmen. The men beat him severely and then took him away. The villagers believe that Lala Jan died from the beating and that the gunmen disposed of his body.<sup>12</sup>

## Rape

10.19 There were also numerous reports of rape of women in the north by different armed forces, but few documented cases, given the social stigma attached to rape victims. Human Rights Watch received second-hand reports that women and girls had been raped and kidnapped in Chimtal district but was able to confirm only one case of rape in the district. A Pashtun school administrator in Mazar-i Sharif told Human Rights Watch that three Hazara soldiers raped a sixteen-year-old female relative of hers in Chimtal town on January 16, 2002. A group of four soldiers allegedly came to the home while the girl was bathing. The men tied up her father in the front room, and three of the soldiers raped his daughter in front of him and looted the home. The girl has been forced to leave her village “because everyone heard about [the rape] and it was shameful for the family.” The school administrator stressed that there were other cases of rape, but that in most cases the families affected tried to keep the information private.<sup>13</sup>

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<sup>10</sup> Geoffrey Mohan, “Vengeance is Taking its Toll in Wake of Taliban,” *Los Angeles Times*, March 2, 2002; cited in Human Rights Watch, *Paying for the Taliban's Crimes: Abuses against Ethnic Pashtuns in Northern Afghanistan*, Human Rights Watch Publications (April 2002) Vol. 14, No. 2 (C).

<sup>11</sup> Human Rights Watch, *Paying for the Taliban's Crimes*.

<sup>12</sup> Human Rights Watch, *Paying for the Taliban's Crimes*.

<sup>13</sup> Human Rights Watch, *Paying for the Taliban's Crimes*.

### **Assaults for Extortion and Looting**

10.20 Armed Tajiks also reportedly carried out abuses against Pashtun civilians. Around December 10, 2001, three armed Tajiks took forty-two-year-old A.M., a Pashtun, from his home and held a gun to his head, demanding money. They let him go after he paid them.

10.21 Around November 15, 2001, a group of about thirty to forty armed Uzbek men entered the Pashtun village of Nawarid Janghura. They beat local residents and looted property. Witnesses testified that the armed men were Junbish fighters belonging to a nearby military base. Around the same day, Junbish fighters looted property while ostensibly looking for weapons in other villages near their base, including Khanabad, Kakrak, and other villages. In some cases they beat local Pashtuns in order to extort money.<sup>14</sup>

10.22 One witness identified the troops as being under the command of Commander Lal and Commander Qara. When one villager complained to a Jamiat administrator about the incident, he was told nothing could be done, because the responsible soldiers belonged to another militia.<sup>15</sup>

10.23 Similar incidents took place in other parts of the north. Witnesses described attacks by Wahdat forces on Pashtuns in the Turwai Kai settlement on the outskirts of Balkh city and in Aghab-i Gudam settlement, during which the gunmen beat men, took money, and looted other property, including livestock. In one village, the Wahdat forces held the men of the village hostage for several days until other forces intervened. Following attacks on Tajik villagers, Jamiat forces provided guns to the villagers.

10.24 In Pai-i Mashhad Afghani, a Pashtun village in Dawlatabad district of Faryab, two Hazara commanders named Anwar and Musa reportedly came to the village and collected about twenty AK-47 assault rifles from the villagers. Then, around November 28, a group of about sixty Hazara soldiers commanded by Commander Basiri of Hizb-i Wahdat attacked the village, beating men and looting property.<sup>16</sup>

10.25 On December 7, the Pashtun village of Koter Ma was looted by a group of armed Uzbek men belonging to Junbish. Following the attack, most of the Pashtun families fled to Pashtun areas of southern or eastern Afghanistan or to Pakistan.<sup>17</sup>

10.26 One witness described how Junbish, Hizb-i Wahdat, and Jamiat troops had all raided the village of Bagh-i Zakhira on different days, in some cases beating local villagers, and always stealing any property they could.<sup>18</sup>

10.27 A witness in Nagara Khan stated that groups of ethnic Uzbek Junbish soldiers repeatedly came to the village over a five-day period immediately after the fall of the

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<sup>14</sup> Human Rights Watch, [Paying for the Taliban's Crimes](#).

<sup>15</sup> Human Rights Watch, [Paying for the Taliban's Crimes](#).

<sup>16</sup> Human Rights Watch, [Paying for the Taliban's Crimes](#).

<sup>17</sup> Human Rights Watch, [Paying for the Taliban's Crimes](#).

<sup>18</sup> Human Rights Watch, [Paying for the Taliban's Crimes](#).

Taliban and looted the village. When the villagers turned over only eight guns, the Junbish soldiers took a group of about twenty-five young men from the village into the mosque, accused them of being Taliban, and threatened to kill them. When village elders approached Commander Majid Rawzi, he rebuffed them, saying “you did the same thing to us before, now we will do the same to you.” All families of the village then abandoned their homes after losing most of their possessions to the looters.<sup>19</sup>

10.28 Qona Qala, Lakan Khel, Jadran, and Baraki are Pashtun villages in Nahrin district, Baghlan province, which had a population of some 1200 Pashtun families before the fall of the Taliban. Many fled after the Taliban retreated. Jamiat forces attacked the remaining Pashtuns in early December, beating them and demanding money. One villager who remained in Lakan Khel when the Taliban regime collapsed reported that Jamiat soldiers looted the village:

(a) “At first, when they started to beat me, they beat me with the front and back sides of their AK-47 assault rifles. They beat me for ten minutes. They jabbed me in the back with their AK-47 assault rifles.

(b) “They asked me for money—50 or 100 lakhs—and to turn in my weapons. They were threatening me, that they would kill me if I didn’t pay. I didn’t have money, so they took my two cows. . . . They also beat my thirty-year-old son and my next son, who is twenty-six-years old. They verbally abused the women of my family.”<sup>20</sup>

10.29 Another villager from Jadran interviewed by Human Rights Watch identified two Jamiat commanders who oversaw the looting:

“My last harvest was all looted at the time of the change of government [collapse of the Taliban] by Commander Khurshid and his men and by Commander Gul Rahman. They took 200 sers [1,400 kilograms] of wheat from me. They came with their vehicles and loaded it up. It happened on the first night [following the Taliban collapse]. Between fifty and fifty-five men came to the village.”<sup>21</sup>

10.30 Pashtun villagers from Shurkul in Hazrat-i Sultan district in Samangan province described beatings and looting by Junbish soldiers in November 2001. Two commanders, Commander Azim and Commander Najmuddin, were identified in a number of incidents. “When they came, they collected all of the men and put them in a room, like they were jailed. . . . They beat my husband so badly that they fractured his skull and [injured] his shoulder.” Soldiers returned in December, taking money and beating the villagers with heavy cables and guns. Three of them were beaten so badly that they could not walk. In two Pashtun villages located near Aibak, villagers described looting in November and December by Commander Ahmad Khan and other Junbish commanders. Villagers from Ghazi Mullah Qurban stated that at least three

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<sup>19</sup> Human Rights Watch, *Paying for the Taliban’s Crimes*.

<sup>20</sup> Human Rights Watch, *Paying for the Taliban’s Crimes*.

<sup>21</sup> Human Rights Watch, *Paying for the Taliban’s Crimes*.

cars had been stolen from the village by a Junbish commander and were being used by Junbish commanders.<sup>22</sup>

10.31 Villagers in the Shur Darya river valley near Dawlatabad and Faizabad in Faryab province described looting and beating by Junbish forces. One man described what happened in his village:

“Just after the fall of Mazar-i Sharif [on November 9, 2001] they came to disarm us, but not the other [non-Pashtun] villages. We are the weakest village here, we’ve been completely robbed. They took the bread from our plates, from the mouths of our children. I was beaten three times. They just said ‘You are Pashtun.’ They did not even say, ‘You are Taliban.’ When they came [immediately after the fall of Mazar] they beat me with rifle butts. They took me to jail because I would not pay them. They beat me again there. They twisted my testicles, until the left one is completely gone.”<sup>23</sup>

10.32 According to reports, some of the looting appeared to be in retaliation for looting carried out by Pashtun villagers when the Taliban came to power, which was also in response to previous acts of theft by Uzbek forces before the Taliban. But in some villages, the Pashtun communities affected had not benefited from Taliban rule.

10.33 In Haji Mullah Hashim, Junbish forces also beat villagers:

(a) “It was 9 A.M. when I returned [to the village]. Three vehicles stopped by my house, and about fifty soldiers got off and moved to the mosque. They called all of the villagers to come to the mosque. When all of the villagers went there, they locked us inside the mosque.

(b) “Then, the soldiers were calling us out, one or two at a time. They asked us to find them weapons. I told them we do not have weapons, I even swore to God. Then they told me that if I don’t have weapons, I should give them money. I explained that I didn’t have anything, because I had been looted.

(c) “They ordered me to lie down. I put my turban in my mouth because of the soil, and to prevent myself from screaming. Then one of them sat on my legs, and the other on my head. Two were standing by my sides. They had their whips and started beating me. It lasted for about thirty minutes, until I lost consciousness. I was in a very bad state.”<sup>24</sup>

10.34 A thirty-five-year-old Pashtun farmer from Islam Qala fled the village after he was abused and threatened by Uzbek soldiers:

(a) “[In late December 2001], at 5 P.M., three armed people came to my house. . . . They were Uzbeks, under the command of Commander Hashim of Junbish. They entered my house and asked for 100 lakhs [about US \$140]. I explained I didn’t have this. Since I didn’t have the money, they beat me.

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<sup>22</sup> Human Rights Watch, Paying for the Taliban’s Crimes.

<sup>23</sup> Human Rights Watch, Paying for the Taliban’s Crimes.

<sup>24</sup> Human Rights Watch, Paying for the Taliban’s Crimes.



(b) “They tied my feet together. One stood on my neck and the others were using wooden sticks to beat me. I couldn’t count the number of hits, but I guess it must have been over one hundred. Then, I lost consciousness. . . . When I woke up, the soldiers were gone.”<sup>25</sup>

### **Abuse of Prisoners**

10.35 Human rights investigators from Physicians for Human Rights studied conditions at Shibirghan prison, a large facility that held thousands of Afghan Taliban and some foreign prisoners after the defeat of the Taliban in northern Afghanistan in November 2001. The prisoners were captured by Northern Alliance forces fighting as allies of the US-led coalition against the Taliban. Thus, responsibility for protecting the security and well-being of the prisoners rested with both the US and the Northern Alliance forces—in this case, principally Junbish, which administered Shibirghan prison. The investigators found that, contrary to international law,<sup>26</sup> the detainees were held in severely overcrowded conditions. The food available to inmates was inadequate, and 80 to 110 men were held in cells built to hold ten to fifteen men. The PHR investigators found many men suffering from gastrointestinal illnesses, and the men complained about inadequate blankets and medical care. According to PHR, General Jarobak, the director of the prison, stated that “many, many, many prisoners” had died, mainly from dysentery, some from pneumonia.<sup>27</sup>

### **Denial of Access to and Obstruction of Humanitarian Assistance**

10.36 As part of the reprisals against Pashtuns in the north of Afghanistan following the defeat of the Taliban, Pashtuns faced discrimination when trying to obtain humanitarian assistance. As one example, the villagers of Bagh-i Zakhira told Human Rights Watch that they were unable to obtain ration cards for the distribution of World Food Programme-sponsored humanitarian aid and were told that there were no cards for Pashtuns. Women could obtain cards if they wore burqas to hide their identity.<sup>28</sup>

10.37 Pakistan blocked entry for refugees fleeing the fighting, leaving thousands stranded without food or shelter in a no-man’s-land near the border crossing point of Chaman. The Uzbek government also refused to reopen the Friendship Bridge across the Amu Darya, leaving aid agencies to use much longer routes through Turkmenistan and Pakistan to reach displaced populations in the north who were in need and living in freezing conditions.<sup>29</sup>

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<sup>25</sup> Human Rights Watch, [Paying for the Taliban’s Crimes](#).

<sup>26</sup> This would include, at the very least, Common Article 3 to the Geneva Conventions, which requires that detainees be treated humanely. Access to the prisoners and their disposition was controlled during this period by the US. Having transferred full custody to an allied partner, the US was still required to ensure that the detainees were treated humanely, even if the forces having physical custody of the prisoners have no capacity to provide the material supports essential to meet the standards of the Convention. See Physicians for Human Rights, [A Report on Conditions at Shebarghan Prison, Northern Afghanistan](#) (Boston and Washington, D.C.: January 28, 2002).

<sup>27</sup> Physicians for Human Rights, [A Report on Conditions at Shebarghan Prison](#).

<sup>28</sup> Human Rights Watch, [Paying for the Taliban’s Crimes](#).

<sup>29</sup> [BBC World South Asia](#), “Refugees trapped in no man’s land,” December 4, 2001.

### **C. Violations by US Forces**

#### **US Bombing of Civilians**

10.38 Although US forces for the most part hit military targets during this period, a number of bombs hit civilian targets either because they went astray or because of inadequate information that misidentified civilian targets as military ones. Although these do not constitute war crimes, US officials refused to provide adequate explanations for the incidents. Some examples of these are:

- (a) On October 22, US forces bombed the village of Chawkar-Karez in southern Afghanistan, reportedly killing at least twenty-five civilians. Despite repeated calls from Human Rights Watch for an investigation of the incident, the Pentagon provided no explanation for the mistake.<sup>30</sup>
- (b) A convoy of community leaders reportedly on their way to attend the inauguration of the Interim Administration in Kabul on December 22 was struck near Gardez (Paktia Province), resulting in over sixty deaths.<sup>31</sup>

10.39 Doctors in Kabul hospital appealed for an end to the US bombing, saying they were operating on wounds in conditions “reminiscent of the 19<sup>th</sup> century.”<sup>32</sup> The bombing also led to a large-scale evacuation of urban areas, adding to internally displaced communities.<sup>33</sup>

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<sup>30</sup> Human Rights Watch, “Pentagon should explain civilian deaths in Chowkar,” press release, November 1, 2001.

<sup>31</sup> E/CN.4/2002/43 para. 9.

<sup>32</sup> BBC World South Asia, “Key Taliban opponent executed,” October 27, 2001.

<sup>33</sup> “Situation of Human Rights in Afghanistan,” A/56/409/Add.1 (2001), para. 10.

## Use of Indiscriminate Weapons

10.40 After US forces began bombing Afghanistan on October 7, cluster bombs were reportedly deployed within a matter of days. According to reports, B-1 bombers dropped some fifty CBU-57 cluster bombs in five missions during the first week of the bombing.<sup>34</sup> Human rights groups have called for a moratorium on the use of cluster bombs because they are inherently indiscriminate weapons. They disperse over a wide area and have a high initial failure rate, leaving many to lie in areas used by civilians, where they pose the same long-term risk as antipersonnel land mines. As of November 8, 2001, the US reportedly had used 350 cluster bombs in Afghanistan, each releasing 202 bomblets for a total of 70,700 bomblets in this period alone. One variety of the bomblets dispersed from a container that resembled a yellow soda can, and human rights and assistance groups warned that they could be confused for air-dropped food packets. US officials vowed to change the color of the food packets, but the risk from unexploded cluster bomblets remained.<sup>35</sup>

10.41 As of November 8, the UN had confirmed one civilian death and three injuries from handling unexploded cluster bomblets. In one incident near Herat investigated by the Afghan Independent Human Rights commission, eleven people were killed, all of whom were reportedly civilians. Twenty people were injured. The victims included women and children.<sup>36</sup>

## Prolonged Detention without Due Process

10.42 Captured combatants and others suspected of being Taliban or al-Qaida members have been detained in facilities in Afghanistan. Many of these detainees have since been transferred to the US naval base at Guantanamo Bay, Cuba—a facility that was to hold more than seven hundred detainees from forty-four countries by 2004, according to Human Rights Watch. “Guantanamo was deliberately chosen in an attempt to put the detainees beyond the jurisdiction of the US courts.”<sup>37</sup> US officials declared the prisoners to be “unlawful combatants.” Under the Geneva Conventions captured fighters are considered prisoners of war (POWs) if they are members of an adversary state’s armed forces or are part of an identifiable militia group that abides by the laws of war. Al-Qaida members, who neither wear identifying insignia nor abide by the laws of war, probably would not qualify. Taliban soldiers, as the armed forces of Afghanistan, could be entitled to POW status. Some of those captured may be held in error, despite not having taken up arms. If there is doubt about a captured fighter’s status as a POW, the Geneva Conventions require that he be treated as such until a competent tribunal determines otherwise. Detainees may also challenge the factual basis of their designation as combatants. The first detainees did not arrive at Guantanamo until January 2002.

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<sup>34</sup> Human Rights Watch, Cluster Bombs in Afghanistan, Human Rights Watch Backgrounder (New York: October 2001).

<sup>35</sup> Human Rights Watch, “Cluster Bomblets Litter Afghanistan,” Human Rights Watch News, November 16, 2001.

<sup>36</sup> Afghan Independent Human Rights Commission, Herat Province, unpublished document on cases related to US air attack on Qala-i-Shatar.

<sup>37</sup> Human Rights Watch, The Road to Abu Ghraib (New York: June 2004).

10.43 CIA agents have reportedly conducted military and intelligence operations in Afghanistan since September 2001. The agency controls its own detention and interrogation facilities at Bagram air base and the former Ariana Hotel in Kabul. As the facilities are not officially acknowledged, there is no information available about the number of persons detained there, how long they have been detained, or the conditions under which they have been held. According to Human Rights Watch, detainees at Bagram air base have been subjected to mistreatment, and the treatment of detainees in late 2001 was particularly harsh.<sup>38</sup>

10.44 The testimony available about mistreatment comes from detainees held in 2002, not 2001, but it indicates the kinds of abuse US forces resorted to, including sleep deprivation, forcing detainees to stand in positions for prolonged periods, and, in some cases, beatings and threats of torture.<sup>39</sup>

### **Disappearances**

10.45 According to some reports, the US government also allegedly facilitated or directly transferred persons to other countries for interrogation, including countries where torture is a routine practice, without following extradition proceedings in carrying out these transfers. Reports also indicate that persons deemed to be particularly important, including top al-Qaida officials, have been held in undisclosed locations with no access to the ICRC or their families. In general, according to these reports, the US does not acknowledge they are in custody.<sup>40</sup>

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<sup>38</sup> Human Rights Watch, “Enduring Freedom”: Abuses by US Forces in Afghanistan, Human Rights Watch Publications (March 2004) Vol. 16, No. 3(C).

<sup>39</sup> Human Rights Watch, “Enduring Freedom”: Abuses by US Forces in Afghanistan.

<sup>40</sup> Human Rights Watch, The Road to Abu Ghraib.

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