

AFGHANISTAN

Afghans feel enormous anxiety as the 2014 deadline for withdrawing international combat forces from Afghanistan looms, and powerbrokers jockey for position.

The Afghan government's failure to respond effectively to violence against women undermines the already-perilous state of women's rights. President Hamid Karzai's endorsement in March of a statement by a national religious council calling women "secondary," prohibiting violence against women only for "un-Islamic" reasons, and calling for segregating women and girls in education, employment, and in public, raises questions about the government's commitment to protecting women. The minister of justice's description of battered women shelters as sites of "immorality and prostitution" deepens that skepticism.

Government efforts to stifle free speech through new legislation and targeting individual journalists were a worrying new development in 2012, while a crackdown on a political party that advocates prosecuting warlords provided a troubling indication of the government's approach to the rights to freedom of association and expression of political parties ahead of the 2014 presidential election.

Civilian casualties from the civil armed conflict remained alarmingly high, and re-vetting of the Afghan Local Police (ALP) was underway due to abuses by these forces. Rising numbers of "green on blue" attacks where members of the Afghan security forces target foreign soldiers prompted joint operations with foreign troops to be curtailed during the year.

Taliban laws-of-war violations against civilians continued, particularly indiscriminate attacks causing high civilian losses. Following the end of the United States military "surge," many areas of Afghanistan remained under Taliban control, where Taliban abuses, particularly against women and girls, were endemic.

Violence and Discrimination against Women and Girls

A series of high-profile attacks on women highlighted the heightened danger that the future holds for Afghan women. The Law on Elimination of Violence Against Women, adopted in 2009, remains largely unenforced. Women and girls who flee forced marriage or domestic violence are often treated as criminals rather than victims. As of spring 2012, 400 women and girls were in prison and juvenile detention for the “moral crimes” of running away from home or sex outside marriage.

The late December 2011 arrest and subsequent trial of the in-laws of Sahar Gul—a girl sold into marriage at 13, locked in a basement, and tortured by her in-laws after she refused their demands that she become a prostitute—underlined the threat posed to Afghan girls by unchecked violence against women.

The unsolved February murder in Bamiyan of an adolescent girl named Shakila led to street protests in Kabul and Bamiyan, and complaints from Bamiyan officials to President Karzai over what was seen as a cover-up by government officials of a murder. In July, a videotaped public execution of a woman in Parwan for the alleged “crime” of adultery followed by the assassination of the head of the government’s Department of Women’s Affairs in Laghman highlighted the erosion of legal protections for Afghan women.

In the spring and summer, a series of “poisonings” at girls’ schools in several provinces, alleged by the Afghan government to have been perpetrated by opponents of girls’ education, escalated fear for schoolgirls and their families. World Health Organization (WHO) investigations of some cases pointed to mass hysteria as the likely cause. The Afghan government made several arrests, prompting the United Nations to accuse the Afghan government of extracting forced confessions from the alleged perpetrators.

Armed Conflict

The security transition moved rapidly, with international forces handing over large areas of the country to Afghan security forces. NATO claimed no increases in insurgent attacks in most areas, while evidence emerged of the failure by Afghan security forces to maintain control in other areas including formerly peaceful Bamiyan province. Afghan security forces

increasingly assumed a leadership role in military operations, according to NATO, including controversial “night raids.”

The Afghan government continues to allow well-known warlords, human rights abusers, corrupt politicians, and businesspeople to operate with impunity, further eroding its public support. Worries about the potential for a civil war along geographic and ethnic lines following the withdrawal of international forces led to reports of re-arming and preparations for conflict by warlords.

Civilian casualties from fighting remained high with 3,099 civilian casualties (1,145 civilians killed and 1,954 injured) in the first 6 months of the year, down from 2011’s high of 3,654 civilian casualties (1,510 killed and 2,144 injured) during the same period, according to the UN. Most civilian casualties were due to Taliban attacks that failed to distinguish between combatants and civilians, or sometimes intentionally targeted civilians.

Pro-government security forces were also responsible for abuses against civilians. In September, concerns about the US-backed ALP prompted a temporary suspension of training of new recruits while all 16,300 members of the program were re-vetted. While ALP abuses included reports of extortion, assault, rape, and murder of civilians, ALP “reform” by the US and NATO focused solely on measures to halt the rapidly escalating number of “green on blue” killings where members of Afghan security forces, including possible Taliban infiltrators, attack their international military mentors.

In May, a number of “uprisings” against the Taliban began in Ghazni as apparently spontaneous community reactions and spread to other provinces. The view that these local actions could help solidify government control of the country were tempered by the apparent involvement of Hezb-i-Islami, an insurgent Taliban-rival group. In September, the suggestion by International Security Assistance Force (ISAF) Commander John Allen that the US might support arming these groups raised the specter of yet another untrained, undisciplined militia operating with impunity.

Negotiations for a political settlement with the Taliban made little progress in 2012. Preliminary discussions between the Taliban and the US, ongoing since 2011, were widely

reported to have broken down in March over failure to agree on a US transfer of key Taliban prisoners from the US military facility at Guantanamo Bay to Qatar.

Efforts by the Afghan government and some international experts to portray the Taliban as significantly reformed since 2001 were undermined by the Taliban's continued abuses. These included the Taliban's March attack on a Kabul restaurant, its announcement in May of a spring offensive specifically aimed at killing key civilians— including senior government officials, members of parliament, High Peace Council members, contractors, and “all those people who work against the Mujahideen”—and its order in April that schools in Ghazni be closed, which led to local uprisings against the group in some communities.

The Taliban also continued to attack schools and to recruit children, including as suicide bombers. The UN reported 34 attacks against schools in the first 6 months of 2012 (6 of which involved targeted assassinations of school staff or education officials),

Ethnic violence between Tajiks and Hazaras in Kabul in September renewed fears of rising sectarian strife, which has plagued neighboring Pakistan but has so far been largely avoided in Afghanistan.

Abuse of Prisoners and Detainees

A March agreement between the Afghan and US governments set a deadline of September for full transfer of the US-run Bagram detention facility to the Afghan government. The handover occurred, but amid recriminations as the US refused to hand over a number of prisoners, as well as disagreement over the continuing role of the US in holding and interrogating detainees.

Provisions of the Afghan-US agreement also obliged the Afghan government to establish an administrative detention system, which would permit the government to hold conflict-related detainees without charge. Agreed upon in secret, Afghan lawmakers criticized the deal as unconstitutional under Afghan law. However, both governments agreed on plans for the US to maintain custody of approximately 50 non-Afghan “third country national” prisoners being held indefinitely at Bagram without trial until the US makes arrangements for their transfer or release.

The January 2012 transfer of responsibility for the Afghan prison system back to the Ministry of Interior from the Ministry of Justice raised serious concerns about potential torture and other ill-treatment of prisoners. The government had shifted responsibility for prison operations from the former to the latter in 2003 as part of an effort to reform the justice system and reduce torture by the abusive Interior Ministry.

In March, additional concerns about the transfer were raised when a newly appointed Ministry of Interior warden ordered invasive vaginal searches of all female visitors at Pul-i-Charkhi, Kabul's main men's prison.

In September, Karzai's appointment of Asadullah Khalid to head the National Security Directorate, the country's intelligence service, sparked domestic and international dismay. Khalid, a former governor of Ghazni and Kandahar provinces, has been accused of abuses that include operating a private, unlawful prison where torture was routine during his tenure as governor of Kandahar from 2005-2008. The intelligence service has a long and well-documented history of torture of detainees.

Human Rights Defenders and Transitional Justice

The Afghanistan Independent Human Rights Commission (AIHRC) is an independent government agency that has been praised globally as an example of an effective human rights body. However, in December 2011, Karzai announced the dismissal of three of its nine commissioners. The three positions remained vacant at this writing. The move effectively disabled the commission. A fourth position has been vacant since January 2011 when the commissioner responsible for children's rights was killed with her husband and four children in a Kabul supermarket bombing.

Karzai may have sought to undermine the AIHRC by intervening to block the release of one of the commission's key projects—a 1,000-page report that maps war crimes and crimes against humanity in Afghanistan since the communist era. Completed in December 2011, it is needed to provide a foundation for future steps to prosecute those implicated in past abuses.

Freedom of Expression and Association

The rights to freedom of expression and association of the media and political parties, hailed as one of the few clear human rights success stories since 2001, came increasingly under threat in 2012. In March, the Afghan government supported calls for banning and prosecuting a political party that sponsored a protest calling for prosecution of suspected war criminals, some of whom are current government officials. The Afghan government repeatedly lashed out at journalists. In April, one reporter was detained without charge after his TV station broadcast a show critical of the Kabul mayor.

In May, the government accused a foreign journalist of being a spy after she alleged government corruption, but took no further action, and in November reacted harshly to an International Crisis Group (ICG) report, calling the group's activities "detrimental to Afghanistan's national interests" and said it was "assessing the ICG's operations in the country."

In June, the government presented a new draft media law that sought to dramatically tighten government control of media through measures including establishing a government-controlled media complaints body, creating a long list of media "violations," limiting broadcast of foreign programming, and establishing special courts and attorneys across the country to deal with media violations. The draft law was significantly revised following outcry from Afghan journalists, but the October creation of a new media standards committee raised concerns that the government was simply taking a new approach in its effort to crack down on the media. In September, the media commission instructed the attorney general's office to launch criminal investigations of two Afghan media organizations accused of broadcasting "immoral" programs.

Key International Actors

Growing international fatigue with Afghanistan negatively impacted human rights in 2012, particularly by reducing political pressure on the government to respect women's rights. In spite of efforts by many countries to sign partnership agreements with Afghanistan, and pledges of goodwill and support at the 2012 Tokyo Conference on Afghanistan, commitments to support human rights in Afghanistan remain glaringly short on details.

Diplomats admit behind closed doors that willingness to continue high-level support to Afghanistan is fading fast, and the planned military drawdown by 2014 is already prompting further disengagement when it comes to using political pressure and providing aid. Cuts in international aid are already leading to the closure of some schools and health clinics.

Afghanistan remained under preliminary analysis by the prosecutor of the International Criminal Court (ICC). Since 2007, the court has been looking into allegations of crimes, including torture, recruitment of child soldiers, attacks on humanitarian targets and the UN, and attacks on objects or locations protected under international law that are not military targets.