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## Afghanistan

Four years after U.S. forces ousted the Taliban from Kabul, Afghanistan faces an increasingly violent insurgency in southern and southeastern areas, while in the rest of the country regional military commanders—warlords—further entrench themselves by subverting the political process and controlling the country's drug trade.

Insecurity hampers development in much of Afghanistan, one of the least developed countries in the world. Economic growth remains mostly limited to urban areas, and in particular, Kabul. Human rights abuses, poverty, and insecurity increase markedly with distance away from city centers.

Women and girls continue to suffer from discrimination and restrictions. Only 35 percent of school-age girls are in school. According to 2005 U.N. and Afghan government figures, most marriages continue to involve girls below the age of sixteen, many of them forced.

The election of a parliament completed the process initiated by the Bonn Agreement in 2001. Election day was free of serious violence or technical problems, but during the campaign period Human Rights Watch documented pervasive intimidation of voters and candidates, in particular women. Over half the members of the new parliament are linked to armed groups or have records of past human rights abuses.

In early May 2005, sixteen protesters were killed by police and army troops during violent demonstrations in several cities in response to reports of U.S. interrogators desecrating a copy of the Koran during interrogations at Guantanamo Bay.

Afghanistan again produced nearly 80 percent of the world's heroin, and narcotics production and trafficking brought in an estimated U.S. \$3 billion to the Afghan economy, far and away the largest single source of income for the country and a significant source of criminality and resistance to the rule of law.

### *Insurgency*

In 2005, Taliban and other anti-government forces, some allied with Gulbuddin Hekmaytar, significantly expanded their insurgency in the predominantly Pashtun areas in southern Afghanistan. It was also the deadliest year for U.S. forces and their coalition allies in Afghanistan: more than eighty-five U.S. troops were killed, more than fifty of them as a result of hostile fire. Over 1,500 Afghan civilians died because of this political violence.

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On May 7, a suicide bomber set off a bomb in a Kabul internet café, killing several Afghan civilians and a Burmese engineer working for the United Nations. Several other suicide attacks, previously rare in Afghanistan, took place, mostly in southern Afghanistan. Another alarming development was the Taliban's assassination of at least eight clergymen supportive of the central government.

The sharp increase in violence indicates that the Taliban has succeeded in regrouping, with significant assistance from across the Pakistani border. It also reflects growing resentment by local Afghans against a central government that fails to deliver on promises of development and the heavy-handed tactics employed by U.S. and coalition forces.

### ***Insecurity***

Despite the insurgency's growing strength, the majority of Afghans cited the numerous regional warlords as the greatest source of insecurity. In some remote areas, there are still no real governmental structures or activity, only abuse and criminal enterprises by warlords, many of whom were brought to power with the assistance of the United States after the Taliban's defeat.

Armed clashes between rival factions decreased in 2005, but in many areas warlords and their troops continue to engage in arbitrary arrests, illegal detentions, kidnapping, extortion, torture, murder, extrajudicial killings of criminal suspects, forced displacement, and rape of women, girls, and boys.

### ***Women and Girls***

Women and girls continue to face severe discrimination and suffer the worst effects of Afghanistan's insecurity. Conditions are better than under the Taliban, but four years later progress has been inadequate and too slow. Women who are active in public life as political candidates, journalists, teachers, or NGO workers, or who criticize local rulers, still face disproportionate threats and violence.

Women and girls are subject to both formal and informal (customary) justice mechanisms that fail to protect their rights. Violence against women and girls remains rampant, including domestic violence, sexual violence, and forced marriage. Authorities often fail to investigate or prosecute these cases. Dozens of women are imprisoned around the country for "running away" from abusive or forced marriages, or for transgressing social norms by eloping. Some are placed in custody to prevent violent retaliation from family members. Women and girls continue to confront tight restrictions on their mobility, and many are not free to travel without a male relative and a burqa.

In mid-April 2005, a twenty-nine-year-old woman was beaten to death by her own family for adultery in Badakhshan province. And on May 4, three women were found murdered in Baghlan province with notes attached to the bodies warning women not to work for nongovernmental organizations or Western aid agencies.

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The most recently available figures show that in Afghanistan, one woman died every thirty minutes due to complications in pregnancy and childbirth. Maternal mortality claims 1,600 women per every 100,000 births in the country. According to the most recently available figures, only 35 percent of girls of school age attend classes, with only 10 percent of girls attending secondary school. In five Afghan provinces in the south, at least 90 percent of school-age girls do not attend school.

On October 11, Ali Mohaqiq Nasab, editor of the monthly *Haqqoq-i-Zan* (Woman's Rights), was sentenced to two years in prison on blasphemy charges for allegedly offending Islam by suggesting the need for reinterpreting Islamic law to protect women's rights. His sentence was the first such conviction in post-Taliban Afghanistan. Despite significant public outcry from inside and outside Afghanistan, he remains behind bars as of the time of writing.

### ***Parliamentary Elections and the End of the Bonn Process***

On October 18, Afghanistan held elections for a lower house of parliament (the Wolesi Jirga) as well as for provincial councils. The elections marked the end of the process begun by the 2001 Bonn Agreement, which brought President Hamid Karzai to power as the president of Afghanistan and produced a new constitution for the country.

On election day, Afghans again demonstrated their eagerness for embracing a political process instead of violence; there was little systematic violence and election authorities managed to distribute ballot boxes in most of the country. Women comprised almost half the votes in several provinces, but the overall turnout was significantly lower than expected. Afghan election authorities declared the participation of 53 percent of registered voters, as compared with over 75 percent of voters in the presidential elections last year. In the south and southeast, anti-government forces opposed to the elections managed to drive down participation to nearly a third of registered voters.

Although there were no security problems in Kabul, only 36 percent of the registered voters showed up at the polls. Human Rights Watch found that voters were put off by the complexity of the ballots, disenchantment with the performance of the government and international community, and the presence of too many candidates with records of serious human rights abuses.

Human Rights Watch documented attempts by warlords to subvert the parliamentary elections. Election regulations barring candidates associated with armed factions from running for office were poorly enforced, and armed factions supported their own candidates by threatening independent candidates and intimidating voters. Women candidates, who were guaranteed at least a quarter of the parliamentary seats, faced particular challenges in reaching out to voters and campaigning; nevertheless, sixty-eight women—a slightly higher number than the 25 percent quota set aside for them—were elected to parliament.

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Among the more infamous successful candidates were Abdul Rabb al-Rasul Sayyaf, Burhanuddin Rabbani, Mullah Taj Mohammad, Younis Qanooni, Haji Almas, and Mullah Ezatullah—candidates from in and around Kabul—who were all implicated in war crimes and crimes against humanity that occurred during hostilities in Kabul in the early 1990s. Even Mullah Abdul Salim “Rocketi,” a notorious Taliban commander, ran and won in Zabul province.

### ***Transitional Justice***

In January 2005, the Afghan Independent Human Rights Commission published the results of its consultation with the Afghan people, which found that more than 90 percent of those polled supported efforts to obtain justice for the victims of the crimes of the past twenty-five years. In June, representatives of the Afghan government and the international community met in The Hague and agreed to pursue a plan for creating a transitional justice process, beginning with commemoration of the victims of abuses and documentation of their ordeals and then moving toward a system of accountability.

Parts of the plan were approved by President Karzai’s cabinet in October, but the crucial decision on commencing an accountability process was delayed until the convening of the newly formed parliament, which is dominated by warlords.

Several cases under the doctrine of universal jurisdiction have proceeded outside the country against Afghan human rights abusers living abroad. In July, a U.K. court convicted Faryadi Zardad, a notorious warlord, of torturing Afghan civilians between 1991 and 1996 and sentenced him to twenty years in prison. Similarly, on October 14, a Dutch court convicted Hesamuddin Hesam and Habibullah Jalalzoy, both high level members of KHAD, Afghanistan’s infamous communist-era intelligence service, of engaging in torture and sentenced them to twelve years and nine years in prison, respectively.

### ***Key International Actors***

U.S. and coalition forces active in Afghanistan under Operation Enduring Freedom since November 2001, continue to arbitrarily detain civilians and use excessive force during arrests of non-combatants. Ordinary civilians arrested in military operations are unable to challenge the legal basis for their detention or obtain hearings before an adjudicative body. They have no access to legal counsel. Generally, the United States does not comply with legal standards applicable to its operations in Afghanistan, including the Geneva Conventions and other applicable standards of international human rights law. At least six detainees in U.S. custody in Afghanistan have been killed since 2002. U.S. Department of Defense documents show that five of the six deaths were homicides.

In late 2003 NATO took over the U.N.-mandated International Security Assistance Force (ISAF). In 2005, some ten thousand NATO forces expanded ISAF’s reach to western and central parts of the country. Areas where ISAF operates show improved security. ISAF has promised to increase its presence

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in the south and southeast but has not resolved how it will engage in counterinsurgency activity not previously experienced by ISAF in the relatively more peaceful parts of the country.