



AFGHANISTAN

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What has changed in Afghanistan?
All our hopes are crushed. We are
completely disappointed. Look: all
the same warlords are in power as
before.

--Herat resident, September 11, 2002

Troops under the command of Ismail Khan, the governor of Herat province in Afghanistan, assembling outside a political rally at Herat's main mosque on November 21, 2001, days after the Taliban retreated from Herat. Troops broke up the rally, held by supporters of the former king of Afghanistan Zahir Shah. The rally's leaders were taken to Herat's police station and, on Ismail Khan's orders, severely beaten. (c) 2002 Agence France Presse

All Our Hopes Are Crushed: Violence and Repression in Western Afghanistan

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"ALL OUR HOPES ARE CRUSHED: Violence and Repression in Western Afghanistan"

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GLOSSARY

Amniat: “Security,” used to refer to the Afghan intelligence service, *Amniat-e Mille* (“National Security”). There is an independent Amniat service in Herat province.

Burqa and Chadori: Terms used interchangeably in many parts of Afghanistan to describe a head-to-toe garment worn by women that completely covers the body and face, allowing vision through a mesh screen. In Herat, many use only the term “burqa” to describe this garment, and the term “chadori” to describe a floor-length cloth that is wrapped around the head and body and held under the chin, with the face exposed.

Hijab: Generally, dress for women that conforms to Islamic standards, varying among countries and cultures; usually includes covering the hair and obscuring the shape of the body.

Lakh: Afghans count larger sums of money in terms of lakhs, with one lakh equaling 100,000 old afghanis, or Afs. Old afghanis traded at various levels through 2002: U.S.\$1 bought 27,000 to 51,000 Afs. (Newly valued afghanis were released in October 2002: one new afghani is worth 1,000 old afghanis.)

Loya Jirga: In this report, “loya jirga” refers to the meeting of delegates convened in Kabul in mid-June 2002 to appoint the Afghan Transitional Administration. Loya jirga is a Pashto phrase meaning “grand council,” and is a traditional Afghan mechanism in which leaders meet to choose new kings, adopt constitutions, and decide important political matters and disputes.

Mujahidin: Literally, “those who struggle.” In Afghanistan, this refers specifically to the forces that fought the successive Soviet-backed regimes, although the former mujahidin parties, including Ismail Khan’s, continue to use it with reference to themselves.

Nawruz: The Persian New Year, falling in 2002 on March 21 and marking the beginning of the school year.

Pashtun: One of the major ethnic groups in Afghanistan, and a local minority in Herat and the western provinces of Afghanistan. Most of the Taliban leadership was Pashtun, as is President Hamid Karzai and the former king of Afghanistan, Zahir Shah. Other major ethnicities in Afghanistan are Tajik, Uzbek, Hazara, Baluch, and Nuristani.

Sepah-e Pasdaran: Iranian military force that operates parallel to the regular Iranian military.

Shura: “Council.” The shuras mentioned in this report include both governmental and nongovernment bodies.

ISAF: The International Security Assistance Force, the international peacekeeping force currently stationed in Kabul.

[Ismail Khan is] an appealing person.... He's thoughtful, measured and self-confident.... I could tell you what we talked about, but I'm not going to.

—U.S. Secretary of Defense Donald Rumsfeld,
visiting Ismail Khan in Herat, April 29, 2002

Ismail Khan and his followers—their hands are bloody. For them, killing a bird is the same as killing a man.

—Herat resident, September 11, 2002

SUMMARY

When the United States-led coalition overthrew the Taliban in November 2001, Afghans were promised a new era of democracy and respect for human rights. The cycle of violence bred by decades of war and armed conflict would be tamed, warlords would be disarmed and removed from power, and the routine use of torture and arbitrary arrests would be proscribed. Afghans would now be able to speak freely, read newspapers of their choice, and organize private and professional associations. Perhaps most poignantly, odious restrictions on women, the medieval signature of the Taliban, would disappear.

For many Afghans, the end of the Taliban's uniquely oppressive rule was indeed a liberation. Yet almost one year later, the human rights situation in most of the country remains grim; the hopeful future Afghans were promised has not materialized. This has happened not simply because of the inherent difficulties of rebuilding an impoverished, devastated country, but because of choices the United States and other international actors have made, and failed to make.

In most parts of the country, security and local governance has been entrusted to regional military commanders—warlords—many of whom have human rights records rivaling the worst commanders under the Taliban. The United Nations (U.N.) pursuit of a “light footprint”¹ has proven inappropriate and ineffective to protect human rights. American military forces have maintained relationships with local warlords that undercut efforts by U.S. diplomats and aid agencies to strengthen central authority and the rule of law.

Far from emerging as a stable democracy, Afghanistan remains a fractured, undemocratic collection of “fiefdoms” in which warlords are free to intimidate, extort, and repress local populations, while almost completely denying basic freedoms. Afghanistan, a textbook definition of a failed state under the Taliban, now runs the risk of becoming a state that fails its people, except this time on the international community's watch.

This report, which focuses on western Afghanistan and the city of Herat, documents a pattern of widespread political intimidation, arrests, beatings, and torture by police and security forces under the command of the local ruler and warlord, Ismail Khan. The report also documents an almost complete denial of the rights to freedom of expression and association in Herat. (Women and girls in Herat continue to suffer extreme forms of discrimination, including many Taliban-era practices that are now being revived. A separate report on women's rights in Herat is forthcoming.) This report's recommendation section discusses some of the changes in the U.N. and international mandate in Afghanistan that are necessary to address the worsening rights situation countrywide, and provides further guidance to the Afghan Transitional Administration and to Ismail Khan. It also makes recommendations directed at the U.S. and Iranian military presence in western Afghanistan.

Ismail Khan and his forces took power with the backing of the U.S.-led military coalition that attacked the Taliban in late 2001 in the wake of the September 11, 2001 attacks in the United States. Once in power, Ismail Khan has proven impossible for the national government in Kabul to dislodge. Ismail Khan's de facto government is comprised of fighters and commanders of the mujahidin and subsequent Northern Alliance (or United Front), which fought against the Taliban in the late 1990's. During the war against the Taliban, these forces received direct military and financial assistance from the United States and Iran. The U.S.-led bombing campaign in October and November 2001 allowed Ismail Khan's forces to advance on and then take Herat. U.S. and Iranian aid has helped him to consolidate his power.

Ismail Khan has now created a virtual mini-state in Herat, with little allegiance to Kabul. Herat has remained much as it was under the Taliban: a closed society in which there is no dissent, no criticism of the government, no independent newspapers, no freedom to hold open meetings, and no respect for the rule of law.

¹ A term coined by the U.N. secretary-general's special representative to Afghanistan, Lakhdar Brahimi, to describe his plans for implementing a small U.N. presence in Afghanistan with substantial local input.

Though 2002, politically motivated arrests and violence have been common. In addition to political cases, ordinary criminal detainees have been held for days, beaten severely or tortured, intimidated, and insulted. This report also documents a pattern of arbitrary arrests, especially of the Pashtun minority.

The acts of torture documented in this report range from beatings—physical assaults with thorny branches, wood sticks, cables, rifle butts, and kicking, slapping, and punching—to more elaborate and severe torture techniques, such as hanging upside-down, whipping, and shocking with electrical wires attached to the toes and thumbs. Members of the Pashtun minority are specially targeted for abuse. U.N. and nongovernmental organization (NGO) staff estimate that even as other refugees have returned, tens of thousands of Pashtuns have fled western Afghanistan to Kandahar, Iran, and Pakistan in the last nine months to escape persecution.²

Ismail Khan directs and is aware of much of this activity. There is convincing evidence that he personally ordered some of the political arrests and beatings. In one case, Ismail Khan himself struck a political prisoner and then ordered him to be tortured. In several other political cases, Amniat (intelligence) agents tortured or beat detainees as punishment for challenging Ismail Khan's rule—often after explicit threats had been communicated from Ismail Khan himself. The regularity of beatings and torture demonstrates that these cases are neither spontaneous nor the acts of “rogue” officers or agents. Rather, the abuses seem to be part of Ismail Khan's policy to create terror in the population in order to ensure their obedience and acquiescence.

A climate of fear now exists in Herat. People are afraid to challenge the government, or even to engage in activity that might lead to harassment. Women avoid meeting with men in public, non-political civic groups have stopped gathering, and university students refrain from discussing political issues. There are no independent newspapers or local radio programs.

A man who was severely beaten by Ismail Khan's forces described to Human Rights Watch the effect of the repression: “At any time I feel that I am in danger. When I leave my house, I do not know if I will return. I do not know whether something will happen to me, if there will be some car crash, or that I will be hit in the back of the head.”³ Another witness talked about how his community's hopes after the hated Taliban regime was ended have been deflated: “What has changed in Afghanistan? All our hopes are crushed. We are completely disappointed. Look—all the same warlords are in power as before. Fundamentalism has come into power, and every day they strengthen their power.”⁴

Women and girls were supposed to be among the chief beneficiaries of the removal of the Taliban. After years of Taliban repression, which included bans on work and education, there have been some improvements. In Herat, women and girls now have greatly improved access to education. They are no longer beaten in the streets for violating discriminatory rules.

However, many Taliban-era restrictions remain in place or are being reinstated in Herat. Women and girls continue to face discrimination, particularly in the areas of freedom of expression, association, employment, and movement. According to a U.N. official working with women's groups throughout the country, “Herat is the worst province for women in Afghanistan.”⁵

Ismail Khan has made additional moves toward creating a closed society. In recent months his administration has announced an increasing number of restrictions and prohibitions on everyday conduct, said to be based on *shari'a* (Islamic law). Both men and women are instructed by the government to wear non-western, Islamic dress: women must wear the burqa or closed chadori; men have been forbidden from wearing neckties. All men, whether foreign or Afghan, are told not to shake hands with Afghan women; Afghan men are not supposed to

² Human Rights Watch interview with UNAMA official, Kabul, September 8, 2002; Human Rights Watch interview with a senior humanitarian NGO official, Herat, September 16, 2002.

³ Human Rights Watch interview with A.L., Herat, September 11, 2002. The names of persons interviewed for this report have been disguised with initials not derived from their real names, to ensure their security.

⁴ Human Rights Watch interview with D.A.H., Herat, September 11, 2002.

⁵ Human Rights Watch interview with U.N. official, Kabul, September 9, 2002.

shake hands with foreign women. Persons who commit “vice crimes,” such as drinking alcohol, are subject to public humiliation—their heads are shaved or they are denounced on television. Western music and movies are not supposed to be sold, shown, or played. In October 2002, reconstituted “Vice and Virtue” squads entered Herat’s main bazaar and closed several music and video shops, confiscating hundreds of videos, music cassettes, and movie posters. They then made a pile, poured gasoline on it, and set it on fire.⁶

Weaknesses of the United Nations Assistance Mission in Afghanistan (UNAMA)

U.N. offices in Herat and Kabul have documented many of these developments but have not been given the resources or the authority to adequately address them. Local UNAMA officials have worked diligently, under difficult circumstances, and intervened in important cases to protect vulnerable persons, but few effective measures are being taken at higher levels within UNAMA to address the root causes of human rights violations. Instead of having a proactive human rights protection policy, the U.N. appears to be almost entirely reactive in Afghanistan.

UNAMA has applied the “light footprint” policy in an inconsistent manner that disadvantages human rights. The sense of lightness in the policy is supposed to apply to, among other things, the presence of international staff, yet the U.N. presence—staff from UNAMA, the World Food Program (WFP), the United Nations High Commissioner for Refugees (UNHCR), the U.N. Children’s Fund (UNICEF), among other agencies—around the country is quite large. But human rights workers are extremely scarce. In each regional center in Afghanistan (there are eight, of which Herat is one) there are only two UNAMA international staff members with human rights responsibilities as part of their job description. One is a civil and political affairs officer; the other works on humanitarian assistance. Neither can work full time monitoring human rights conditions. In Herat, as in other areas of Afghanistan, there are far more U.N. international staff devoted to food security than to human rights protection or monitoring.

To monitor the human rights situation in a province with as much violence and repression as Herat—and many provinces in Afghanistan have similar problems—requires a much higher level of staffing. The U.N. should also be willing and able to provide a protection function to persons in danger when necessary. Yet there are no current plans to create a strong, effective human rights monitoring mechanism in Herat or elsewhere, leaving U.N. regional staff with the responsibility of responding to serious cases but without the tools to do so in an effective manner. UNAMA officials told Human Rights Watch that they do plan to expand human rights monitoring staff, so that each regional office (including Herat) will have one international monitor and two Afghan officers exclusively dedicated to monitoring. Given the serious ongoing human rights problems in Afghanistan, this planned staffing increase is woefully insufficient.

UNAMA’s overall approach to human rights monitoring and protection is inadequate. While some UNAMA officers work at times beyond their job descriptions to protect vulnerable persons, they have no capacity to address the systematic rights violations faced by average Afghans. This weakness is prevalent throughout Afghanistan. Senior officials in Kabul, including Lakhdar Brahimi, are aware of serious cases of politically motivated arrests, torture, extortion, and increasing violations of women’s rights in Herat, but there is little sign that they consider human rights to be a priority. Having spent years learning hard lessons in places like Bosnia, Rwanda and Cambodia about the primary importance of human rights to long-term development and political stability and the need for trained international peacekeepers to take an active role in the protection of human rights, the U.N. seems to be reverting to a preference for political stability over human rights. The seminal “Brahimi Report” of 2000 argued that human rights and development are indivisible. According to the report, “the human rights component of a peace operation is indeed critical to effective peace-building.”⁷ The author of that report now seems to be ignoring the cogency of his own arguments. The U.N. and its special representative must take the lead on human rights in Afghanistan. They are signally failing to do so.

⁶ Human Rights Watch telephone interview with G.Z.K., October 10, 2002.

⁷ United Nations, *Report of the Panel on United Nations Peace Operations*, U.N. Doc. A/55/305-S/2000/809, August 21, 2000, para. 41.

There is no immediate domestic solution to this problem. The Afghan Human Rights Commission, created by the December 2001 Bonn Agreement, does not have any meaningful authority and lacks trained staff and the resources to deal with such a complicated human rights situation. With greater political and donor support the commission may be able to fulfill this role in the coming years. But at present it is unable to do so.

A light footprint has failed to protect human rights in western Afghanistan. It is now time to make a larger imprint on the ground in Herat and other parts of Afghanistan experiencing serious human rights violations.

The Need for Expanded Peacekeeping

Western Afghanistan, like other areas of Afghanistan, would greatly benefit from the presence of international peacekeepers. Currently, the International Security Assistance Force (ISAF) is only stationed in Kabul. In early 2002 the United States, which maintains a separate military presence, signaled its opposition to an expanded ISAF. Other potential force contributors have also expressed reluctance. There has been an apparent shift in U.S. policy recently. Still, some countries interested in expanding ISAF have made it clear that they would only be willing to do so if the U.S. stopped providing weapons to local warlords and shared its intelligence information with ISAF.

It is vital that ISAF be expanded as soon as possible. Herat is a good example of how the absence of peacekeeping in Afghanistan has allowed human rights conditions to deteriorate. Instead of putting security into the hands of a trained and professional force, it has been put into the hands of Ismail Khan. The results have been predictable: insecurity has persisted and human rights abuses have continued.

The use of warlords to provide security in the short term, instead of international peacekeepers, is the weakest part of the current strategy of the United States and other coalition partners in Afghanistan. Simply put, security has been put in the hands to those who most threaten it. The situation would be greatly improved by an immediate expansion of ISAF peacekeepers to patrol areas of concern, including Herat city. Besides providing better security, expanded forces could work in cooperation with UNAMA to protect vulnerable persons and help train a new and independent police force.

Iranian and U.S. Presence in Western Afghanistan

Iran has significant influence with Ismail Khan. The Iranian presence in Herat includes diplomatic staff and troops and officers of the Sepah-e Pasdaran, or Revolutionary Guards, a powerful military force controlled by hard-line clerical forces in the Iranian government. The Sepah-e Pasdaran is separate from and parallel to the regular Iranian army. Sepah-e Pasdaran officials have on several occasions been observed meeting with Ismail Khan in his offices or residences.⁸ Sepah-e Pasdaran troops have also been seen patrolling on roads through Herat and Farah provinces.⁹ Ismail Khan's troops in Badghis and Herat have been observed with Iranian-made uniforms and some Iranian-made small arms.¹⁰

The United States also appears to have significant influence over Ismail Khan. It has a significant military presence in the province, including an overt presence near Herat city, and has supplied Ismail Khan with military and financial assistance in the past. U.S. military forces have also been seen patrolling in several areas in the neighboring Badghis and Farah provinces.¹¹ The U.S. military presence in the west of Afghanistan is composed of Special Forces troops, members of the U.S. Department of Defense Civil Affairs office, and one or more State Department officials.¹²

⁸ Human Rights Watch interview with J.G.S., Kabul, September 25, 2002; Human Rights Watch interview with a senior UNAMA official, Kabul, September 24, 2002.

⁹ Human Rights Watch interview with J.G.S., Kabul, September 25, 2002; Human Rights Watch interview with H.H.G., Herat, September 16, 2002.

¹⁰ Human Rights Watch interview with F.I., Herat, September 17, 2002.

¹¹ Human Rights Watch interview with a senior UNAMA official, Kabul, September 24, 2002.

¹² Ibid. A small number of British military and diplomatic staff have also been observed in those areas.

U.S. military officers, State Department, and Treasury Department officials have met with Ismail Khan at his office or residence, and with other senior Herat officials, including the head of Amniat—Nasir Ahmed Alawi—whose complicity in political intimidation and violence is discussed in this report.¹³ Sources confirmed to Human Rights Watch that Ismail Khan received U.S. military and cash assistance in late 2001 and early 2002.¹⁴ Ismail Khan received U.S. Secretary of Defense Donald Rumsfeld in Herat on April 29, 2002 at Herat airport. Rumsfeld’s public comments about Ismail Khan (calling him “an appealing person.... thoughtful, measured and self-confident.”), as well as references to the “Great Khan” by the commander of U.S. military forces in Afghanistan, Lieutenant General Daniel McNeill, in July, indicated to Afghans U.S. official support for a leader who, in their view, is brutal and repressive.¹⁵ Regrettably, this sort of deference to Ismail Khan was also expressed to Human Rights Watch by several NGO, U.N., and government officials. Ismail Khan cannot fail to be aware of these sentiments, or the fact that both the United States and its coalition partners appear to be putting good relations with a warlord over respect for human rights.

In the absence of an expanded ISAF force (or even in addition to one), U.S. troops stationed around Herat could make a valuable contribution to the security of the region. U.S. forces should take on a greater role in peacekeeping activities, patrolling Herat and other sensitive areas in the west, and using civil and political affairs officers to identify and assist vulnerable persons. The U.S. military has units and personnel with considerable peacekeeping and indispensable logistical capabilities on which peacekeepers from other countries would need to rely. These forces and capabilities could be put to use—not only in Herat, but also in other areas in Afghanistan with similar security problems.

¹³ Human Rights Watch interview with W.D.H., Herat, September 14, 2002; Human Rights Watch interview with L.H., September 13, 2002. Human Rights Watch researchers observed U.S. officers meeting with a senior Herat government official in Herat on September 18, 2002. See also “Afghan and U.S. delegations visit western Herat Province,” BBC Monitoring Service transcript of Bakhtar News Agency radio broadcast, 1318 GMT, September 23, 2002.

¹⁴ Human Rights Watch interviews with Afghan government officials familiar with military activities during the war against the Taliban, Kabul and Herat, September 2002. The Pentagon has never denied that it supported warlords during the war against the Taliban and has publicly admitted that it continues to supply warlords in Afghanistan with weapons taken from seized Taliban or al-Qaeda caches. See e.g., Chris Hawley, “U.S. arms warlords with seized weapons,” Associated Press, October 22, 2002.

¹⁵ See Linda Kozaryn, “‘On the Edge’ with Rumsfeld in Afghanistan,” American Forces Press Service, April 29, 2002; Susan B. Glasser, “Karzai Team Sent to Calm Unruly Area; Afghan Militia Leader Evasive About Truce,” *Washington Post*, July 25, 2002.

RECOMMENDATIONS

To Ismail Khan and the Herat provincial government:

- Take immediate steps to prevent the practice of torture and other mistreatment of detainees. Instruct all governmental officials and staff that torture and cruel, inhuman or degrading treatment of detainees and other persons are illegal acts under international and domestic law and not justified under any circumstances. The following measures and standards must be met:
 - Detainees should only be held in officially recognized places of detention. Cease the practice of secret detention even if it takes place on the premises of an officially recognized detention facility;
 - Relatives of detained persons should be informed of the detention of their family member, and the reason for and location of the detention, and should be allowed regular contact with detainees;
 - Detainees should be given the right to outside communication, including with U.N. human rights monitors and with the International Committee of the Red Cross;
 - Detainees should be informed of and granted the right to challenge their detention in a court of law, as required by the International Covenant on Civil and Political Rights (ICCPR) and other relevant international law;
 - All detainees should be informed immediately of the grounds of arrest and any charges against them. All detainees should be provided with immediate and regular access to counsel and allowed to petition for judicial review of their detention without delay.
- Make publicly available regularly updated figures on the number of individuals detained, with information on the nature of their alleged crimes and the places of their detention. Accurate registers must be maintained, containing the names and places of detention, readily available to detainees' family, counsel, the United Nations, local human rights groups and other legitimately interested persons.
- Immediately relax all restrictions by the provincial government of Herat that violate rights of freedom of expression and association.
 - Publicly renounce all restrictions on publishing newspapers or journals in Herat, and affirm that all persons are entitled to publish and speak freely and organize associations or other groups in accordance with international law;
 - End all restrictions on printers, publishers, and writers preventing them from publishing freely.

To President Hamid Karzai and the Afghan Transitional Administration:

- President Hamid Karzai and the Afghan Transitional Administration should use all available legal, political, and economic mechanisms to prevent regional leaders, including Ismail Khan, from committing human rights abuses, including by withholding military assistance to areas in which serious human rights abuses are occurring. No governmental and development assistance should be supplied via Ismail Khan or the Herat government until sufficient steps are taken to address the problems identified in this report.
- The Afghan Transitional Administration should work with all donor bodies to ensure that no developmental or governmental assistance is supplied directly from donor funds to Ismail Khan's government, at least until sufficient steps are taken to address the problems identified in this report.
- President Karzai should announce and insist that all regional leaders, including Ismail Khan, must comply with international human rights standards and the rule of law, and that they will be held accountable for abuses committed by them or by forces under their control. President Karzai should order an executive delegation to Herat to investigate the allegations contained in this report and request the United Nations Assistance Mission to Afghanistan (UNAMA) to assist it. All witnesses and sources from whom testimony is gathered should be given contact information for independent Kabul government officials and UNAMA, be put on a "persons at risk" list, and be contacted regularly to ensure their ongoing safety.

- The Afghan Transitional Administration should ratify the Rome Treaty of the International Criminal Court, which would permit the Court to investigate and prosecute future war crimes, genocide and crimes against humanity, when the courts in Afghanistan are unwilling or unable to do so.
- President Karzai should require that Ismail Khan take action to end abuses in the areas of Afghanistan under his control and, if he fails to do so, dismiss Ismail Khan as governor of Herat. President Karzai and the Afghan Transitional Administration should make all possible efforts to ensure that Ismail Khan is held accountable for violations of human rights committed by forces under his control.
- In coordination and consultation with UNAMA, the Afghan Transitional Administration should take immediate steps to restructure and strengthen the Afghan Human Rights Commission so that it can more effectively investigate human rights conditions in Herat and other areas in Afghanistan outside of Kabul.
- President Karzai should immediately issue a presidential order reaffirming 1) that torture and other acts of cruel, inhuman, or degrading treatment in police or military custody are illegal under international and Afghan law; and 2) the rights of freedom of expression and freedom of association under international and Afghan law, citing the right under the Afghanistan constitution now in effect to establish publications without prior permission from any government office, and affirming that publishers need no prior permission or permit papers to print newspapers, journals, magazines, or other publications.
- The Afghan Transitional Administration should implement recommendations made in the final declaration of the International Seminar on Promoting Independent and Pluralistic Media in Afghanistan, which was issued on September 5, 2002, especially those calling for the elimination of licensing requirements or permits for newspapers, and for investigations into harassment of journalists and media officials.
- The Afghan Transitional Administration should request that UNAMA and UNESCO (United Nations Educational, Scientific and Cultural Organization) provide support to nascent media in Herat and other areas, including protection assistance, such as linking media officials with UNAMA civil and political affairs officers and other human rights monitors, and monitoring abuses and intimidation of journalists and publishers.
- The Afghan Transitional Administration should renew requests to all relevant nations for expansion of the International Security Assistance Force (ISAF) to other areas in Afghanistan outside of Kabul, including Herat.

To the United Nations:

- The leadership of UNAMA should better share information about current human rights and security conditions in Afghanistan with donors and members of the U.N. Security Council.
- UNAMA should expand its human rights monitoring mechanisms in Afghanistan. The current plan for expansion of UNAMA human rights monitoring teams is not adequate—a greater number of monitors must be put on the ground, and with more resources.
- UNAMA officials should use all available means to put pressure on Ismail Khan and his government to stop torture, summary arrests, and other abuses of power, including restrictions on freedom of expression and association.
- UNAMA officials should work with the Afghan government and all donor bodies to ensure that no development or governmental assistance is supplied directly to Ismail Khan's government, at least until Ismail Khan takes sufficient steps to address the problems outlined in this report.
- UNAMA officials should work with UNESCO and relevant NGOs assisting media rehabilitation to support journalists and publishers in Herat and other areas in Afghanistan. Such support should include protection

components: UNAMA and UNESCO officials should, as part of their mandate, help pressure Afghan officials to improve security for Afghan journalists.

- UNAMA officials should assist the Afghan Transitional Authority to investigate the allegations in this report, especially in efforts to protect witnesses and sources.
- The secretary-general and the special representative of the secretary-general should continue to urge the expansion of ISAF with relevant U.N. member states. As it stands, U.N. monitoring is made difficult by the fact that U.N. offices cannot offer concrete protection to witnesses and other vulnerable persons. An expanded ISAF force in cities such as Mazar-e Sharif, Kandahar, Herat, Jalalabad, and Bamiyan would go a long way in improving the U.N.'s capacity to improve the general human rights and security situation in Afghanistan.
- UNHCR (Office of the United Nations High Commissioner for Refugees) and IOM (International Organization for Migration) should ensure that security problems related to the allegations in this report are incorporated into current planning and communicated to all offices in Iran, Pakistan, and other nations hosting displaced and refugee Afghans.

To the United States:

- U.S. Department of Defense and Department of State officials, including those currently in western Afghanistan, should use their influence to pressure Ismail Khan to immediately take the necessary steps to end human rights abuses in Herat.
- The United States should halt all military assistance and other direct assistance to Ismail Khan and all other independent military leaders in Afghanistan. If military assistance is to be provided to Afghanistan, it should only be channeled through the central government for the creation of the national army.
- The U.S. Congress should conduct an immediate investigation of the role of U.S. military and non-military assistance in Afghanistan in strengthening warlords who are known to be engaging in gross human rights abuses.
- The United States should finalize plans, in consultation with Germany, the Netherlands, and other nations involved in international peacekeeping in Afghanistan, for expanding ISAF outside of Kabul. It should provide necessary logistical and intelligence assistance to make this possible.
- The United States should review all of its development aid projects in western Afghanistan to ensure that they are not directly supporting Ismail Khan or increasing his legitimacy.
- The United States should provide assistance to improve the protection, independence, and professionalism of Afghan media.
- The United States should comply with its stated policy of respecting states' interests in joining the International Criminal Court and ensure that no efforts are made—directly or indirectly—to block the Afghan government from ratifying the statute for the International Criminal Court.

To the Government of Iran:

- The Government of Iran should immediately order a stop to all direct military and financial assistance to Ismail Khan, and in the future direct all development and governmental aid for Afghanistan through the Kabul government or nongovernmental organizations.
- All relevant diplomatic and political officials should pressure Ismail Khan to stop torture and arbitrary arrests in western Afghanistan.

To the European Union:

- Senior European Union (E.U.) and European Commission (E.C.) officials should use all relevant political offices to put pressure on Ismail Khan to stop torture and arbitrary arrests in western Afghanistan.
- All E.U. members, and in particular Germany and the Netherlands, who will soon assume leadership of ISAF, should finalize through high-level consultations plans for expanding ISAF to other areas of Afghanistan outside of Kabul.
- Relevant E.U. and E.C. officials should review all E.U. and E.C. development projects in Afghanistan to ensure that no development or governmental assistance is supplied directly to Ismail Khan's government, at least until Ismail Khan takes sufficient steps to address the problems outlined in this report; officials must also ensure that all projects comply with existing E.U. and E.C. human rights conditionality requirements.
- E.U. and E.C. donor bodies should review relevant development projects to explore methods for improving the protection and independence of Afghan media.

To Other Donor Nations and Nations Involved in Afghanistan:

- Political and diplomatic officials should use all available means to put pressure on Ismail Khan and his government to stop torture, arbitrary arrests, and other human rights abuses, including restrictions on freedom of expression and association.
- Relevant officials should work with the Afghan government and all donor bodies to ensure that no development or governmental assistance is supplied directly to Ismail Khan's government, at least until Ismail Khan takes sufficient steps to address the problems outlined in this report.
- All nations involved in Afghanistan's reconstruction, especially those on the U.N. Security Council, should take part in immediate high-level consultations about expanding ISAF to other areas in Afghanistan outside of Kabul, including Herat.

To the Office of the United Nations High Commissioner for Human Rights (UNHCHR):

- UNHCHR should explore options for placing a permanent monitoring and investigation team in Afghanistan, independent of UNAMA, to monitor ongoing human rights abuses like those documented in this report, at least until an improved and expanded U.N. human rights monitoring mechanism is put in place.
- UNHCHR should offer to coordinate the work of all relevant rapporteurs in Afghanistan (see recommendations following), to ensure an effective outside monitoring effort of human rights conditions in Afghanistan.

To the United Nations Special Rapporteur on Torture and Cruel, Inhuman or Degrading Treatment; Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions; and the Special Rapporteur on the Situation of Human Rights in Afghanistan:

- Rapporteurs should coordinate with the UNHCHR to conduct missions to western Afghanistan and other areas of the country where there are allegations of torture, widespread arbitrary arrests, and summary executions, keeping in mind the serious difficulties in gathering information from reluctant witnesses.
- Rapporteurs should use available advocacy resources to put pressure on Ismail Khan to end the abuses documented in this report.

I. INTRODUCTION

Thanks to America, thanks to our friends, thanks to people who love freedom for everybody, the oppressive rule has been lifted.... Afghanistan has entered a new era of hope.... The institutions of free debate and free press are taking hold.

—President George W. Bush, October 11, 2002

Herat and Ismail Khan

The city of Herat lies in the northwestern corner of Afghanistan, on the old silk route connecting East Asia with Iran and Europe. It was an important commercial, political, and military center during much of the last one thousand years and is still considered Afghanistan's academic, artistic, and cultural capital.¹⁶ Throughout its long history, it has often been ruled as a city-state by a local leader, or Emir.

Herat's current leader, Ismail Khan, has loomed large in Herat for almost twenty-five years. In 1978, when a communist government took power in Afghanistan, Ismail Khan, a captain in the Afghan army in Herat, led one of the largest uprisings, in which over one hundred Soviet military advisors and several hundred Afghan government troops were killed. The event was one of the early catalysts for the Soviet invasion of Afghanistan the following year. In the joint Soviet and Afghan government counterattack on Herat that followed, approximately twenty thousand Heratis were killed. Ismail Khan and his followers fled into the mountains east and northeast of Herat. Those forces soon set up a rebel base from which they fought a guerilla war against the Soviet and Afghan communist forces throughout the 1980s. Ismail Khan became the leader of this mujahid force.¹⁷

Ismail Khan came to power in Herat in 1992 as the Soviet-backed government in Kabul collapsed. He set up a leadership shura (council) and took steps toward rebuilding the city. Seemingly uninterested in joining efforts to support the peace agreements that were being brokered between rival mujahid parties in Kabul, he sought to create an independent mini-state in the west of Afghanistan, supported in part by Iran. By 1995, however, his regime was in trouble. The local population considered his troops to be undisciplined and his administration corrupt. Local leaders were angered by his nepotism, and businesses were annoyed by the exorbitant customs duties and taxes imposed on goods passing into and through the city.¹⁸

The emerging Taliban movement took advantage of Ismail Khan's weaknesses and attacked Herat in 1995. After an unsuccessful attack in March, repulsed with the help of air support from the mujahid government in Kabul, the Taliban was able to capture Herat in September 1995 (they took Kabul the next year). Ismail Khan fled into Iran. With aid from the Iranian government, his forces soon regrouped to fight the Taliban. But in 1997, fighting in Faryab province, Ismail Khan was betrayed by an Uzbek commander and taken into Taliban custody. He spent the next two years in a Taliban prison, from which he escaped in 2000.¹⁹

When the United States-led coalition began military activities against the Taliban and al-Qaeda in the wake of the September 11, 2001 attacks, Ismail Khan again returned to Afghanistan to rally troops in Ghor and Badghis provinces.²⁰ Coalition forces gave him substantial financial and military support—weapons, radios, satellite

¹⁶ For more on the history of Herat, see Peter Hopkirk, *The Great Game* (London: John Murray Ltd., 1990); Louis Dupree, *Afghanistan* (Princeton, New Jersey: Princeton University Press, 1980).

¹⁷ See Ahmed Rashid, *Taliban: Militant Islam, Oil & Fundamentalism in Central Asia* (New Haven: Yale University Press, 2000) p. 37.

¹⁸ Rashid, *Taliban*, p. 39.

¹⁹ For more information on these events, see Michael Griffin, *Reaping the Whirlwind: The Taliban Movement in Afghanistan* (London: Pluto Press, 2001), pp. 45, 51, 243, and 257.

²⁰ "Powerful anti-Taliban commanders in north making advances," AVN Military News Agency, October 12, 2001; Parisa Hafezi, "Afghan group says repulses Taliban in northwest," Reuters, October 29, 2001.

telephones, and cash.²¹ He also received assistance from Iranian military sources.²² At this point, Ismail Khan took up arms against the Taliban again. In October and November 2001, his forces attacked Taliban positions between Mazar-i Sharif and Herat.²³ The Taliban fled the west of Afghanistan in early November, under intense coalition bombing.²⁴ Ismail Khan entered Herat on November 13, 2001, and soon took control of other western provinces.²⁵ His troops immediately occupied the police station, military compounds, and the headquarters of the Intelligence Service, or Amniat.²⁶

Since November 2001, Ismail Khan has solidified his hold on power in Herat, naming relatives and loyalists to the most important local government posts. Many of these appointees are conservative religious leaders or former mujahid commanders.²⁷ His delegates attended the Bonn Peace talks in Germany in December 2001, and his son, Mir Wais Siddiq, is now serving as a member of President Karzai's cabinet, essentially as a representative of his father (he has no former governmental experience). After President Karzai was reelected as head of state, to lead the Afghanistan Transitional Administration, he invited Ismail Khan himself to Kabul, to serve as a member of his cabinet. This was presumably an effort to weaken his hold on power in Herat, but Ismail Khan refused to go.

Ismail Khan, who dubs himself the "Emir of Herat," runs Herat with an iron fist. He delegates few issues, dealing directly with even the most mundane matters, from the design of public parks to the approval of small businesses. He has no real allegiance to the Kabul government, and has repeatedly refused to allow officials appointed by President Karzai to take posts in Herat.²⁸

Observers find Ismail Khan shrewd in matters of power politics, and dissemblingly charming.²⁹ High-level visiting dignitaries, including U.S. Defense Secretary Donald Rumsfeld, treat him like a head of state—for example, reviewing his troops at the airport.³⁰ At the same time, many Heratis are terrified of him: his past brutality towards the Soviets and Afghans who worked in the communist government is well known, as are recent examples of violence against local political activists.³¹

Compared with the first time he ruled Herat, Ismail Khan has now embraced a more conservative vision of Islam. He has announced and ordered restrictive social prohibitions while adopting retrogressive Taliban-era laws and policies.³² Since July 2002, police forces under Ismail Khan have regularly arrested Heratis for "vice" crimes

²¹ Human Rights Watch interview with L.H., observer familiar with anti-Taliban operations, Herat, September 11, 2002; Human Rights Watch interview with W.D.H., Herat, September 14, 2002; Human Rights Watch interview with senior UNAMA official, Kabul, September 24, 2002.

²² Human Rights Watch interview with senior UNAMA official, Kabul, September 24, 2002; Human Rights Watch interview with A.L., Herat, September 11, 2002; Human Rights Watch interview with A.A., Herat, September 12, 2002.

²³ Susan Glasser and Molly Moore, "Rebel Forces Claim Key City of Herat, Seize Road to Kabul; Area's Former Ruler Returns in Victory Six Years After His Defeat by Taliban," *Washington Post*, November 13, 2002.

²⁴ Ibid. See also, Soraya Sarhaddi Nelson, "Ousting Taliban from Herat relatively easy," *Chicago Tribune*, November 15, 2001.

²⁵ Ahmed Rashid, "The Lion returns to his old haunts," *Daily Telegraph* (London), November 13, 2002.

²⁶ Human Rights Watch interviews with K.M., and W.A., Herat, September 11, 2002; Human Rights Watch interview with H.S., Herat, September 12, 2002.

²⁷ Human Rights Watch interview with A.A., Herat, September 12, 2002; Human Rights Watch interview with A.L., Herat, September 11, 2002. See also, Amy Waldman, "Warlords: Courted by U.S. and Iran, an Afghan Governor Plays One Side Off the Other," *New York Times*, April 3, 2002.

²⁸ Human Rights Watch interview with M.Z.Z., Kabul, September 29, 2002; Human Rights Watch interview with L.H., Herat, September 11, 2002.

²⁹ Human Rights Watch interview with L.H., Herat, September 11, 2002; Human Rights Watch telephone interview with Ahmed Rashid, July 22, 2002.

³⁰ See, e.g., Linda D. Kozaryn, "On the Edge with Rumsfeld in Afghanistan," American Forces Press Service, April 29, 2002.

³¹ See section below, "A Climate of Fear and Pessimism."

³² Human Rights Watch interview with W.D.H., Herat, September 14, 2002; Human Rights Watch interview with L.H., Herat, September 13, 2002; Human Rights Watch interview with senior UNAMA official, Kabul, September 24, 2002.

and, without conducting trials, have beaten them, shaved their heads and blackened them with kohl, and then shown them on television to humiliate them and send a message to the public.³³

Ismail Khan has attempted to create a cult of personality, using government-controlled television, radio, and newspapers to propagate an image of a kind and generous leader, “His Excellency the respected Emir Ismail Khan.”³⁴ He has undertaken several reconstruction projects, rebuilding parks, roads, schools and a library—projects that have improved Herat’s economy, living conditions, and overall appearance.

The overall picture that emerges of Ismail Khan is of an autocratic leader set on creating an image of benevolence. But as time has gone on, the image has become increasingly difficult to sustain.

A Note about the Police, Army, and Intelligence Forces Discussed in This Report

The violence and intimidation documented in this report were committed by forces under the control of and loyal to Ismail Khan. Many of these governmental agents were originally mujahidin fighters and allies who fought with Ismail Khan against the Soviet Army, the Soviet-backed Afghan army, and then the Taliban. It is often difficult to distinguish between Ismail Khan’s police, army, and intelligence agents: many wear camouflage but their uniforms are not standardized and reveal little about rank or office. Others are unarmed and not uniformed. In this report, when it is clear that a particular force is named, for instance, the Herat police, it is so specified. Otherwise, generic terms such as “troops” and “forces” are used interchangeably.

II. POLITICAL INTIMIDATION AND VIOLENCE

Since Ismail Khan took control of Herat in late 2001, his troops have regularly committed acts of violence and intimidation against persons and groups perceived to oppose his rule. His armed forces and agents have made explicit threats to, arrested, harassed, and beaten members of nascent political, civic, media, professional, and cultural groups. Ismail Khan has also planted devoted subordinates into many groups, whose role appears to be to poison the atmosphere of their work and limit their independence. They also perform the well-understood role of spy, leading to self-censorship even in private meetings.

Violence and intimidation were especially severe during the run-up to the June 2002 loya jirga, when forces under Ismail Khan’s command arrested candidates in almost every district of Herat and in several neighboring provinces. A senior UNAMA official familiar with events during the loya jirga confirmed many of the cases documented in this report. According to this official, in almost all districts in Herat province, Amniyat, military, or police forces interfered with the loya jirga selection process.³⁵ In addition, the official confirmed that three loya jirga delegates were killed in Ghor province.³⁶ Human Rights Watch received a written message from an eyewitness that at least one of the killings was carried out by the forces of a commander loyal to Ismail Khan.³⁷ Intimidation and arrests have continued after the loya jirga. Persons who have criticized Ismail Khan’s government, or who are perceived to be against him, have been threatened or ordered to be arrested.

Setting the Tone: Ismail Khan’s Initial Attack on Supporters of the Former King Zahir Shah

During the first weeks of Ismail Khan’s rule in November 2001, several supporters of the former king of Afghanistan, Zahir Shah, were arrested and severely beaten. A few days after the Taliban retreated from Herat, around November 13, 2001, supporters of King Zahir Shah tried to hold a press conference in the Moufaq Hotel in central Herat to announce their support for the Bonn process, democratic rule, and a role for the former king in Afghanistan’s next government. Ismail Khan reportedly told the manager of the Moufaq Hotel not to allow Zahir

³³ Human Rights Watch interview with F.J., Herat, September 17, 2002.

³⁴ Human Rights Watch interview with L.H., Herat, September 11, 2002; Human Rights Watch telephone interview with Ahmed Rashid, July 22, 2002.

³⁵ Human Rights Watch interview with a senior UNAMA official, Kabul, September 24, 2002.

³⁶ Ibid.

³⁷ Letter from eyewitnesses who could not travel to Herat or Kabul to Human Rights Watch, October 2002 (on file with Human Rights Watch).

Shah's supporters to use the facility—he would do so “at his own peril.”³⁸ The supporters then decided to hold a political rally near Herat's main mosque.³⁹

The rally occurred on Wednesday, November 21, 2001. Several international journalists attended, and television crews filmed the event.⁴⁰ Abu Bakar Barez, a leader of the rally, was arrested by military police as he attempted to give a speech at the event. Other elders from Herat and Karoch districts, supporters of the king, were arrested at the same time.

One witness told Human Rights Watch:

I saw some vehicles drive up, loaded with police, and they surrounded the mosque. And then some of them came and took Barez with five other elders who were with him, and they carried them to the police station.⁴¹

Barez, in his late sixties, reportedly went voluntarily, hoping to avert violence. Hundreds of supporters were around him when he was arrested.⁴² At the police station, the elders were held in a single holding room. There, troops beat Barez and other supporters of the king, kicking them, whipping them with hard thorny sticks, and punching them. Barez had bruises and cuts across his body, and broken ribs. Other elders had injuries as well.⁴³ Ten months later, acquaintances said that Barez still showed scars from the beating on his torso and head.⁴⁴

According to witnesses, when the elders were first gathered at the police station, Ismail Khan arrived with his son, Mir Wais Siddiq.

There were soldiers on either side of him [Ismail Khan], about ten or fifteen of them, pointing their guns at the elders. And Ismail Khan came directly at [Barez], and without saying anything, he just punched [Barez] in the forehead. You can see the scar now....⁴⁵

Ismail Khan's son then grabbed Barez by the throat and started to choke him. The other troops pushed and hit Barez, and he fell down on the floor. At this point, Ismail Khan said: “It cannot be done like this, this is not enough.”⁴⁶

The troops then took Barez to another room. They fastened Barez's feet with a rope so he couldn't move. Then they repeatedly hit him with the branches of a pomegranate tree (a sturdy stick with thick sharp thorns) especially on the side of his torso, cutting him severely. Troops also kicked him in the side. At some point during the violence, Barez lost consciousness.⁴⁷

Several people saw Barez soon after the beating and verified the extent of his injuries.⁴⁸ While he was in custody, his friends and supporters contacted the former king's representatives and other Afghan leaders to secure

³⁸ Human Rights Watch interviews with H.S., Herat, September 11 and 12, 2002.

³⁹ Human Rights Watch interviews with H.S., W.A., and K.M., Herat, September 11 and 12, 2002.

⁴⁰ “Afghans test new freedom in rally for deposed king,” *Los Angeles Times*, November 22, 2001; “Former Afghan king's supporters demonstrate in Herat,” Agence France-Presse, November 21, 2001.

⁴¹ Human Rights Watch interview with W.A., Herat, September 11, 2002.

⁴² Human Rights Watch interview with K.M. and W.A., Herat, September 11, 2002.

⁴³ Human Rights Watch interview with W.A., Herat, September 11, 2002.

⁴⁴ Human Rights Watch interview with H.S., Herat, September 12, 2002.

⁴⁵ Ibid.

⁴⁶ Ibid.

⁴⁷ Human Rights Watch interview with H.S., Herat, September 12, 2002; Human Rights Watch interview with W.A., Herat, September 11, 2002; Human Rights Watch interview with Z.H., Herat, September 12, 2002.

⁴⁸ Human Rights Watch interview with K.M. and W.A., Herat, September 11, 2002; Human Rights Watch interview with Z.H., Herat, September 12, 2002.

his release. They were concerned for his health, because of his age and the fact that he received no medical attention after the beating.⁴⁹

Barez was released ten days after he was arrested. A representative of Ismail Khan demanded as a condition of his release that he not discuss his case with international journalists or other foreigners.⁵⁰ Barez traveled to Kabul for medical treatment, but later returned to Karoch and ran for election in the loya jirga. He withdrew from the election, however, after the commander of his district, a close ally of Ismail Khan, threatened him with death.⁵¹

A senior U.N. official who spoke with several Zahir Shah supporters confirmed the arrest and beating of Barez, as well as the beatings of other supporters of the king during the same period.⁵²

Barez's arrest and beating in November 2001 was one of Ismail Khan's first acts of political violence, occurring mere days after his return to power. The message was received by Heratis interested in politics: no political rallies or organized political events have occurred in Herat since this event, except for those organized by Ismail Khan and his followers.

Attacks During the Loya Jirga (May and June 2002)

The selection process for the loya jirga, which took place in May and June 2002, was conducted in two stages. During the first stage, candidates were elected in their home districts by traditional local shuras; during the second stage, these candidates attended a regional election where they chose a smaller number of delegates from among themselves to attend the loya jirga in Kabul.⁵³

Human Rights Watch's investigations document a pattern of violence and intimidation throughout the loya jirga elections and at the meeting in Kabul in mid-June.⁵⁴ In Herat, these acts were conducted by agents of Ismail Khan and directed at political opponents, Pashtuns, supporters of Zahir Shah, certain female candidates, and Afghan election workers and monitors.⁵⁵ In addition, Amniat agents threatened an independent Afghan monitor of the loya jirga before the second round election in Herat,⁵⁶ and, as detailed in other sections of this report, intimidated several Afghan journalists, arresting one of them.⁵⁷

Agents of Ismail Khan, including members of Amniat, arrested and beat loya jirga candidates in almost every district of Herat province: Ghorian, Gozra, Kushk, Karoch, Pashtun Zarghan, and Herat city itself, as well as in several other provinces in the west under Ismail Khan's control, including Ghor.⁵⁸ Many nominated delegates

⁴⁹ Human Rights Watch interview with W.A., Herat, September 11, 2002; Human Rights Watch interview with Z.H., Herat, September 12, 2002.

⁵⁰ Human Rights Watch interview with H.S., Herat, September 12, 2002.

⁵¹ Ibid.

⁵² Human Rights Watch interview with a senior UNAMA official, Kabul, September 24, 2002.

⁵³ For more information on the process of the loya jirga, see Human Rights Watch, "Q & A on Afghanistan's Loya Jirga Process," April 17, 2002 (<http://hrw.org/press/2002/04/qna-loyajirga.htm>).

⁵⁴ Human Rights Watch researchers attended the loya jirga meeting in Kabul during June 2002. See Human Rights Watch, "Loya Jirga Off to a Shaky Start," press release, June 13, 2002; Human Rights Watch, "Afghanistan: Analysis of New Cabinet," press release, June 20, 2002; see also, Saman Zia-Zarifi, "The Warlords Are Plotting a Comeback," Commentary, *International Herald Tribune*, June 10, 2002.

⁵⁵ Human Rights Watch interview with a senior UNAMA official, Kabul, September 24, 2002.

⁵⁶ Human Rights Watch interview with A.A., Herat, September 12, 2002.

⁵⁷ See section below, "Violations of Freedom of Expression."

⁵⁸ The information in this section is based on witness testimony recorded in Herat, Kabul, and Kandahar, in May, June, and September 2002, as detailed in footnotes below. These findings were also verified by UNAMA officials familiar with the elections in Herat. Human Rights Watch interview with a UNAMA official, Herat, September 17, 2002; Human Rights Watch interview with a UNAMA official, Kabul, September 24, 2002.

withdrew from the elections because of the arrests and violence, and many delegates who attended the meeting in Kabul were afraid to challenge Ismail Khan's agenda.⁵⁹

The process for selecting delegates for the loya jirga was opaque at best, but was supposed to result in an approximate representation of Afghan society. But Human Rights Watch's findings in Herat raise fundamental questions about the legitimacy of the already flawed process of choosing delegates. Ismail Khan controlled this process from beginning to end, scaring and intimidating potential delegates out of the process and installing his own people in their place. The following cases, while in no way exhaustive, indicate some of the problems with the process in western Afghanistan:

Ghorian District: A resident of Ghorian district in Herat province told Human Rights Watch that scores of Pashtuns in Ghorian were arrested and beaten in late April 2002, before the loya jirga elections began. Victims included representatives who wanted to nominate themselves.

It was after ten o'clock in the morning. My kids came running in, and they were screaming, "Grandfather has been arrested by the police!" They had seen it with their own eyes. But I could do nothing, I was afraid to go out for fear that they would arrest me. So for that day we stayed inside....

[Later] they made a business out of it: they ransomed people back to their families. If you were able to pay them something, they would release the prisoners. And so we paid to have him released.⁶⁰

Once the grandfather had been released, he told his son what had happened, and urged him to flee to Kandahar and tell the story to U.N. officials there.

They [the jailers] had beaten the prisoners, very hard, with cables. About fifty were beaten, the rest were threatened. My father told me that they would come into the prison in the night, and they would take one man out, and beat him, and then bring him back, and take another, and then beat him, and so on. And they also made all of them labor during the day, making bricks and digging with pickaxes. And they told all the prisoners, when they were together, and also when they were beating them: "Do not try to be in the loya jirga. You are Pashtun, you do not belong in the west. You are Pashtun, you are not from our people."⁶¹

U.N. officials confirm that Ismail Khan's forces again arrested loya jirga delegates in Ghorian in late May.⁶² Ismail Khan's forces came into Ghorian village just before the elections and again picked out Pashtuns elders, taking them to jail. Most were later released but did not run for the loya jirga elections.⁶³

Gozra and Kushk Districts: Persons familiar with the loya jirga elections in Gozra and Kushk districts—including loya jirga commission members, UNAMA staff, and a local NGO official—described to Human Rights Watch several cases of intimidation of loya jirga candidates. According to two witnesses, Sharif Yilani, a commander from a military base in Herat, verbally gave a death threat to one delegate who was nominated in the first round and tore up his election certificate (a document affirming the delegate was elected in the first round).⁶⁴

⁵⁹ Human Rights Watch interview with Herat loya jirga delegate, Kabul, June 18, 2002; Human Rights Watch interview with loya jirga commission observer, Kabul, June 16, 2002; Human Rights Watch interview with Kabul loya jirga delegate, Kabul, June 16, 2002.

⁶⁰ Human Rights Watch interview with L.L., Kandahar, May 28, 2002.

⁶¹ Ibid.

⁶² BBC Persian Service broadcast, May 26, 2002.

⁶³ Human Rights Watch interview with a UNAMA official, Kabul, September 24, 2002.

⁶⁴ Human Rights Watch interview with A.A., Herat, September 12, 2002; Human Rights Watch interview with a UNAMA observer, Kabul, September 24, 2002.

International monitors witnessed the intimidation and his certification was reissued.⁶⁵ One witness told Human Rights Watch that this delegate, along with another who had been elected in the first round in Kushk, went to the UNAMA office in Herat immediately before the second round election to complain about the situation. According to the witness, UNAMA officials tried to encourage the delegates and offer support but said they could provide no guarantees for their security. Days before the election, agents of Ismail Khan visited both delegates, threatened them again with death, and told them to withdraw. Both dropped out of the election before it took place.⁶⁶

The same witness told Human Rights Watch that police loyal to Ismail Khan arrested supporters of one Kushk candidate elected in the first round, and held them in prison just before the second round elections in early June.⁶⁷ The delegate, who was also threatened with death by agents of Ismail Khan, withdrew from the election.⁶⁸ When an observer from Kushk came to the election to lend him support, he found he was alone. “Where is everybody?” he asked, to which an unnamed man said, “They’ve all been arrested.”⁶⁹

Ghulran District: An observer familiar with the elections around Herat told Human Rights Watch that agents of Amniat threatened several delegates in Ghulran district.⁷⁰ As with other cases, UNAMA officials confirmed these incidents.⁷¹ The observer described one case in particular: “Amniat agents came to this one man and told him to drop out of the election. They said that if he did not withdraw, they would kill him. They said, ‘We will open for you an account in heaven or hell.’”⁷²

Karoch District: Residents of Karoch district told Human Rights Watch that the commander of their district, Naim Haqjo, told all supporters of Zahir Shah that they could not run in the loya jirga elections, and later threatened them with death.⁷³

Just before the first elections, I went into the city, and when I returned, my son told me that someone had come from the district governor’s office, and said that I shouldn’t show up at the elections.... Another Pashtun delegate was also intimidated. [He] came to me and he said, “The governor [district administrator] himself has come and told me not to go to the election. He said, ‘Dear brother, as a favor, I tell you not to nominate yourself. You will be killed. And give this message to [name withheld] too, that he should not nominate himself or he will be killed.’” So I did not nominate myself.⁷⁴

Some residents complained to the United Nations, to the Afghan loya jirga commission, and to Ismail Khan. According to one account, Ismail Khan told the Karoch residents that he had not given any order to Naim Haqjo, and that he would rebuke him for intimidating them. He also invited the residents to a public meeting at the Qol-e Urdu military base, along with UNAMA representatives and the district governor. One resident described the meeting with Ismail Khan to Human Rights Watch:

So the next day, we went to the base in Herat, Qol-e Urdu. Ismail Khan was there, and [a representative from UNAMA], and the district governor [Haqjo]. And Ismail Khan did not

⁶⁵ Ibid.

⁶⁶ Human Rights Watch interview with A.A., Herat, September 12, 2002.

⁶⁷ Ibid.

⁶⁸ Ibid.

⁶⁹ Ibid.

⁷⁰ Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

⁷¹ Human Rights Watch interview with a UNAMA observer, Kabul, September 24, 2002.

⁷² Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

⁷³ Human Rights Watch interview with W.A., Herat, September 11, 2002. This incident took place a few days after a Radio Liberty report was broadcast in Dari about Karoch district. The report featured interviews with several supporters of Zahir Shah who said that they supported the Bonn Process, the loya jirga, and wanted Zahir Shah to be involved in the post-loya jirga government.

⁷⁴ Human Rights Watch interview with H.S., Herat, September 12, 2002.

rebuke Haqjo for intimidating us [as he had promised], but instead embraced him and kissed his cheeks and told him, “You are closer to me than my son.”⁷⁵

Then, during the meeting, Ismail Khan reportedly said that “only mujahid” can run in the elections, and no one else—“no Khalq, Parcham, or Shoala” (in other words, no one who had worked in the communist regime).⁷⁶ At the meeting, U.N. representatives reportedly pleaded for Ismail Khan to be more open and not make political proclamations about who could work in government. Residents described what he said next:

Ismail Khan stood again and said, “No! We will not allow these people to run for the loya jirga. They have killed two million of our people. Even if they are elected, we will cut off their feet so that they cannot even get on the airplane to go to Kabul for the loya jirga.”⁷⁷

After the meeting one of the representatives elected in the first round was intimidated:

Naim Haqjo came to me and told me not to run in the second election. He said: “My brother, I am under the authority of Ismail Khan, and when an order is given I have to follow it and implement it. So I am telling you, please don’t run for the election in the second round. It is not me who is stopping you; it is Ismail Khan himself.... If you do run for election in the second round, you will have to face the consequences. And if I am given the order, I will come to your house. I will pull you out of your house in the night, and when that happens, don’t complain to me.” And in the end, I did not run.⁷⁸

As in other instances, UNAMA officials pressured Ismail Khan about the cases in Karoch, but the delegates still felt unsafe. The latter delegate was particularly upset, and told UNAMA representatives that they had let him down: “We contacted [UNAMA] after the meeting with Ismail Khan, and we said, ‘We put our trust in you, and you did not help us.’ But they told us, ‘We have given you all the help we can, but we cannot do anything more, and in the end we cannot protect you.’”⁷⁹

According to a UNAMA official the events detailed above were “a typical case.”⁸⁰

Pashtun Zarghan District: One loya jirga candidate told Human Rights Watch that Pashtuns—mostly supporters of the former king—were also intimidated in Pashtun Zarghan district.⁸¹ According to several sources, this intimidation was aimed at the former king’s supporters throughout Herat province.⁸² “They said that if we participated, they would kill us,” said one supporter.⁸³

Other arrests in Herat Province: According to the U.N. spokesman in Kabul, during the loya jirga elections Ismail Khan’s agents arrested Abdul Latif, a representative from Adraskan district, during the last week of May, and, around the same time, Ghulam Farook, from Shindand district.⁸⁴ Both were arrested in Herat city.⁸⁵

⁷⁵ Human Rights Watch interview with W.A., Herat, September 11, 2002.

⁷⁶ Ismail Khan apparently believed that King Zahir Shah’s supporters had some connection with former communist officials. Some Zahir Shah supporters were formerly members of the communist government of Afghanistan. Most, however, were not associated with that government.

⁷⁷ Human Rights Watch interview with W.A., Herat, September 11, 2002.

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Human Rights Watch interview with a senior UNAMA official, Herat, September 24, 2002.

⁸¹ Human Rights Watch interview with H.S., Herat, September 12, 2002.

⁸² Human Rights Watch interview with L.H., Herat, September 13, 2002; Human Rights Watch interview with H.S., Herat, September 12, 2002; Human Rights Watch interview with a senior UNAMA official, Kabul, September 24, 2002.

⁸³ Human Rights Watch interview with H.S., Herat, September 12, 2002.

⁸⁴ Press briefing by Manoel de Almeida e Silva, spokesman for the special representative of the secretary-general, May 28, 2002.

⁸⁵ Ibid.

Ghor Province: Human Rights Watch also received reports from Ghor province, located to the east of Herat province and at the time entirely under Ismail Khan's control, that loya jirga candidates in Chaghcharan city, the provincial capital, were arrested in late May and that three were killed.⁸⁶ UNAMA staff publicly confirmed the three killings.⁸⁷ A commander allied with Ismail Khan, named Ahmad Murghabi, was reportedly connected to one of the killings. Witnesses from Ghor told Human Rights Watch that early on the morning of June 3, four soldiers (one reportedly known as Sharab Khan), all under the command of Ahmad Murghabi, arrested Qazi Abdul Jabbar, a local attorney and candidate for the loya jirga, and took him to a military base in the city. (The witnesses said that shopkeepers also saw him being taken into the base.) A few hours later his body was found with gunshot wounds and a head injury, dumped near the city's bazaar.⁸⁸

Some of the delegates from Herat province went into hiding after the elections. According to one:

Ismail Khan's people were trying to find us, to punish us. So we disappeared. And because they could not find us, they could not punish us. After the second round election, I hid myself. I had no courage to go back to my village. It was only six days ago that I finally went back for a visit, after three months. The other five men also hid for a long time.⁸⁹

One Herat resident, familiar with events during the loya jirga elections, told Human Rights Watch that the only reason that more people were not arrested, beaten, or physically intimidated during the loya jirga elections was that people were too afraid of Ismail Khan to challenge him. After the beating of Abu Bakar Barez, the Mohammad Rafiq Shahir case reinforced this fear.

The Case of Rafiq Shahir

One of the best known and significant cases of political violence around the time of the loya jirga came after the second round elections, when agents of Ismail Khan arrested and beat the head of Herat's Professional Shura, a civic group of intellectuals, lawyers, doctors, and teachers.⁹⁰ Accounts of this event were widely reported in the press at the time, and are known to many in and outside of Herat.

Amniat agents arrested Mohammad Rafiq Shahir on or about May 27, 2002. They took him to the Amniat compound in Herat city, where he was held for two days.⁹¹ According to sources familiar with the case, Shahir was tied up, whipped, and beaten by Amniat agents during his detention. During one of the nights, Amniat agents took Shahir from the compound, put him in a car, and drove him to a nearby graveyard. There they put a gun to his head and told him, "We could leave you right here."⁹² When he was released, he showed bruises and cuts on his torso and back to a journalist in Herat city.⁹³ The bruises and cuts on his back were also seen weeks later by observers in Kabul during the loya jirga.⁹⁴ Before his arrest Shahir had received messages directly from Ismail Khan's office threatening him not to take part in the loya jirga elections.⁹⁵

⁸⁶ Human Rights Watch interview with A.A., Herat, September 12, 2002; Human Rights Watch interview with a senior UNAMA official, Kabul, September 24, 2002.

⁸⁷ Press briefing by Manoel de Almeida e Silva, spokesman for the special representative of the secretary-general, May 28, 2002.

⁸⁸ Human Rights Watch interview with F.A.H. and G.A.S., Kabul, October 9, 2002.

⁸⁹ Human Rights Watch interview with W.A., Herat, September 11, 2002.

⁹⁰ This incident was widely reported in domestic and international media. See e.g., Ted Anthony, "Afghan meeting marred by detentions," Associated Press, May 28, 2002. Human Rights Watch also spoke with several sources familiar with the case and verified this account.

⁹¹ Human Rights Watch interview with A.L., September 11, 2002; Human Rights Watch interview with UNAMA officials, September 8 and 24, 2002; UNAMA, *Afghanistan Humanitarian Update*, May 1- 31, 2002 (available at www.reliefweb.int).

⁹² Human Rights Watch interview with A.L., Kabul, June 11, 2002.

⁹³ Human Rights Watch interview with I.S.K., local Afghan journalist, Kabul, September 25, 2002.

⁹⁴ Human Rights Watch interview with A.L., Kabul, June 11, 2002.

⁹⁵ Human Rights Watch telephone interview with A.G.A., journalist, August 22, 2002; Human Rights Watch interview with A.L., Herat, September 11, 2002; Human Rights Watch interview with UNAMA officials, September 8 and 24, 2002.

While this incident appeared to be directly linked to Shahir's candidacy for the loya jirga, some observers told Human Rights Watch that it was also related to Shahir's role in organizing the professional shura and its publication.⁹⁶ As detailed in section III below, Ismail Khan throughout 2002 has harassed and intimidated the shura's members and attempted to break up its meetings.⁹⁷

Shahir's arrest and beating turned out to be one of the most significant acts of political violence committed by Ismail Khan in 2002. According to many Heratis, the event had far-reaching effects on the public consciousness in Herat. A Herat resident told Human Rights Watch: "After Shahir was imprisoned, people went quiet and no one is daring to say anything against him [Ismail Khan] ... I am afraid to speak because Shahir did and he faced lots of problems."⁹⁸ Other Heratis had similar fears.

Control of Female Loya Jirga Delegates and Candidates

In every province a certain number of loya jirga positions was reserved for women. In Herat city, where five spots were reserved, Ismail Khan used proxies and subordinates to control the selection process and then tried to control their behavior at the meeting in Kabul. One witness to the selection process said that the deputy of the loya jirga commission, Rashad Saljoqi—who was closely linked to Ismail Khan—"invited some selected teachers and women in Herat and right at that moment [of the meeting] held an election and selected five women."⁹⁹

A lot objected and went and complained to [a UNAMA official, but the official] told them: we are only a monitoring group, we are not an executive power—we just listen to complaints and report. We have no right to interfere directly, and we can't cancel the election. There was no order from Kabul on this.¹⁰⁰

Another witness described the proceedings as follows:

We were struggling against the government, and [at the meeting in the mosque] most of the women gave their ideas. We wanted to choose who was to go to Kabul for the loya jirga, but we couldn't stand against the government. The government told us to choose the best one to send to Kabul. Most of the women were selected by the government.... Lots of women wanted to go but were not selected.¹⁰¹

Once the delegates were selected, Ismail Khan personally pressured them to follow his orders at the loya jirga in Kabul. According to one delegate:

Before we went to the loya jirga, Ismail Khan collected all of us and advised us to say positive things about him and nothing against him. He told us to follow his orders there and to say his position.... When we went to the meeting, we had to select an assistant ... Ismail Khan chose two assistants for us but I said, "Why are you choosing?" He said, "You have to obey, and if you want to complain about me you are free to do so." But if we did, the assistants would report to him.¹⁰²

At the loya jirga in Kabul, Ismail Khan's agents kept the delegates in line.

⁹⁶ Human Rights Watch interview with L.H., Herat, September 11, 2002; Human Rights Watch telephone interview with A.G.A., journalist, August 11, 2002.

⁹⁷ Human Rights Watch interview with A.L., Kabul, September 11, 2002; Human Rights Watch interview with S.Q., Herat, September 14, 2002; Human Rights Watch interview with F.J., Herat, September 17, 2002.

⁹⁸ Human Rights Watch interview with M.B., Herat, September 17, 2002.

⁹⁹ Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

¹⁰⁰ Ibid.

¹⁰¹ Human Rights Watch interview with N.J., Herat, September 12, 2002.

¹⁰² Human Rights Watch interview with H.D., Herat, September 11, 2002.

I was under the pressure of the Herat government, and I couldn't say anything about the situation in Herat. I couldn't say anything because the other women, who were close to Ismail Khan, intimidated me when I did.... When two people wanted to talk about something, the others listened, to report back, so it was not comfortable. We couldn't give our ideas freely. We were not relaxed. It was very difficult and hard for all of the women.... For example, if we wanted to say anything, we had to say it secretly. We had to say our ideas secretly to friends, not freely, because we would be punished by the women delegates chosen by Ismail Khan. We went there to say our ideas, but we couldn't say anything because I knew that we would come back to Herat and that it would create many problems if I said anything. I was free in Kabul, but it was very bad when I came back.¹⁰³

Violence and Intimidation after the Loya Jirga

On June 26, 2002, immediately after the loya jirga, Ismail Khan held a meeting to which he invited several loya jirga delegates and members of the Herat Professional Shura (see section III, below, for information on this group and about this meeting). During the meeting, a participant named Abdul Qadir criticized the Herat government. After the meeting, Ismail Khan ordered him arrested. Qadir escaped from Herat without being arrested, but one of his sons was detained that night and held for several days before being released.¹⁰⁴ This son, and another, were arrested again later in July, and released a few days later.¹⁰⁵

Ongoing military activities between Ismail Khan and isolated Pashtun commanders in the western region, who at times had challenged Ismail Khan's rule, also contributed to the sense of insecurity around Herat. In August 2002, Ismail Khan's troops killed civilians and arrested others in an attack on a local commander in Ghorian district. The commander, Karim Karmez, was reportedly involved in drug smuggling and violence, and was a political and military rival of Ismail Khan.¹⁰⁶ According to several observers, Ismail Khan struck some sort of deal with Karmez after the loya jirga to avoid further confrontations with him, but later broke it by attacking Karmez's checkpoints and positions in Ghorian in August.¹⁰⁷ During the attack, Karmez was reportedly killed.¹⁰⁸ Witnesses in Ghorian told Human Rights Watch that during the operation, Ismail Khan's forces arrested not only Karmez's armed troops, but also a number of Karmez's relatives, civilians whose only connection to the commander was as family, along with Pashtun elders, whom the troops associated with Karmez, presumably because of their common ethnicity. The troops also fired grenades into Karmez's house, killing his wife and children.¹⁰⁹

One witness told Human Rights Watch that he saw troops looting Pashtun homes in Ghorian and said that other families told him that women were raped in their homes.¹¹⁰ (Ismail Khan's troops had already looted homes in Ghorian province earlier in the year.¹¹¹) Some of the fighters captured by Ismail Khan's forces were imprisoned in Ghorian through September 2002, and others in Herat city.¹¹² Some released prisoners complained to U.N. officials that Ismail Khan's troops tortured them.¹¹³

¹⁰³ Ibid.

¹⁰⁴ Human Rights Watch interview with a UNAMA official, Kabul, September 8, 2002.

¹⁰⁵ Ibid.

¹⁰⁶ Human Rights Watch interview with A.A., Herat, September 12, 2002; Human Rights Watch interview with H.H.G., Herat, September 16, 2002.

¹⁰⁷ Human Rights Watch interview with L.H., Herat, September 13, 2002.

¹⁰⁸ Ibid.

¹⁰⁹ Human Rights Watch interview with A.A., Herat, September 12, 2002.

¹¹⁰ Human Rights Watch interview with H.H.G., Herat, September 12, 2002.

¹¹¹ Human Rights Watch interview with L.L., Kandahar, May 28, 2002; Human Rights Watch interview with UNAMA official, Herat, September 24, 2002.

¹¹² Human Rights Watch interview with U.N. official, Herat, September 19, 2002; Human Rights Watch interview with senior NGO official familiar with the detention sites in Ghorian, Kabul, September 28, 2002.

¹¹³ Human Rights Watch interview with U.N. official, Herat, September 19, 2002.

Although the incidence of political arrests or beatings in Herat appears to have declined since the loya jirga, several sources and observers familiar with the political situation told Human Rights Watch that this is because virtually no one is challenging Ismail Khan's government.¹¹⁴

[P]eople fear that if they do something the authorities will punish them.... They have created an environment where no one dares to do anything.... It's not the kind of environment in which people talk and say something and the government suppresses them. No one is saying anything, so there is nothing to be suppressed.¹¹⁵

III. VIOLATIONS OF FREEDOM OF EXPRESSION

In Herat, the government has almost complete control of public speech—in the press, civic associations, the university, and the workplace. Ismail Khan and his government have not allowed the formation of independent media or associations, and tightly control the activities of the few organizations and media that have been permitted. Ismail Khan has restricted speech about his government, about his troops, about women's rights, and about any other topics he chooses. He has also forbidden local journalists from covering ongoing military conflicts between his forces and other forces in the region. This situation has created a climate of intimidation and fear in which citizens censor themselves rather than face the consequences.

This situation is in stark contrast with Herat's literary and political tradition. Herat has a long history of being one of Afghanistan's most literate and educated cities, and many Heratis pride themselves on this.¹¹⁶ As one official in the Afghan government in Kabul noted: "Comparing Herat with other provinces, others are not as prepared for publications, but in Herat there is the opportunity—people have higher expectations to have their own publications and publish freely, but this has not come true."¹¹⁷

Restrictions on Press Freedom

Ismail Khan's government exercises almost total control over the Herat media: permission from the local government is required to establish, print, and disseminate any publication. The few publications that have received permission are not allowed to function independently: criticism and other disfavored content are censored in the government press, and private or artistic publications are pressured to avoid any remotely political topics.

Ismail Khan's agents employ a Soviet-style treatment of the press—harassing, manipulating, and in some cases threatening journalists in order to keep them from filing independent stories. Journalists working for international news services are not exempt: several Herat-based journalists have been threatened and physically prevented from covering certain topics. During the loya jirga elections, Amniat agents harassed journalists attempting to report on the elections and, at the moment of the second round elections, detained a journalist from Kabul, preventing him from reporting on the voting. There were further cases of intimidation after the loya jirga.

Cases of Intimidation of Journalists

In late May 2002, during the second round loya jirga election in Herat, Amniat agents arrested a correspondent from Kabul and locked him in a room, incommunicado, preventing him from witnessing the actual election. The correspondent was at the Park Hotel in Herat, where the elections were to be held, when he was detained:

¹¹⁴ Human Rights Watch interview with A.A., Herat, September 12, 2002; Human Rights Watch interview with A.L., Herat, September 11, 2002, Human Rights Watch interview with L.H., Herat, September 13, 2002, Human Rights Watch interview with N.N., Kabul, September 22, 2002.

¹¹⁵ Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

¹¹⁶ See Christina Lamb, *The Sewing Circles of Herat: A Personal Voyage through Afghanistan*, (New York: Harper Collins, publication forthcoming November 2002).

¹¹⁷ Human Rights Watch interview with N.N., Kabul, September 22, 2002.

During [an interview with a delegate] when I looked around, I saw that some people were surrounding us. They were non-uniformed officers. After the interview ended, they asked me for my identification card.

They said, “Who are you?” I said, “Who are you, and why do you ask for my identification card?” They said, “We are from Amnat.”

I showed my press card, which had signatures from the Ministry of Information and Culture, the Interior Ministry, and the Chief of the Army [in Kabul]. They did not accept my card and told me it was bogus and could not be confirmed. They said they needed to confirm it. I said that I was invited personally by the head of the loya jirga commission—“You can verify it with him.” They said there was no need because they had radio communication with Kabul and would check: “Let’s go out.”

There were a lot of people gathered around. Someone told me I should go with them and they would release me. So I went outside with them.¹¹⁸

It was close to the time when the elections were going to start. It was a very complicated election, and there were many problems with it. But they made me sit in a car and told me that [the man I was interviewing] was a dirty [*kasif*], bad man. “You shouldn’t interview such a dirty person,” they said. “You should make reports about reconstruction in the city, the roads and different districts. Why have you latched onto the loya jirga?” I said, “That’s the main theme of my report. I was sent from Kabul to report on this, not reconstruction.” They said, “No, let’s go to the mayor and report on his activities in the city.” I protested, “If you don’t release me within fifteen minutes in front of the door of the loya jirga compound, I will report to Kabul that I was arrested to prevent me from reporting on the loya jirga.” They said, “We need to check your card and then we will release you.” They made me sit in the car and drive around the city for an hour and look at the sites, which I wasn’t interested in.

Then they took me to a deserted house on Bahzad Street. It had a telephone but they pulled out the wires, brought me a cold drink, and locked the door. I waited for a long time. No one appeared. It was completely silent. No one was around. The more I knocked on the door, the less I heard. No one answered. About five hours passed like this. I became frustrated. I broke the window, but to my regret, it had iron bars and it was impossible for me to get out. I started kicking the door. Eventually a plainclothes Amnat officer opened it. He handed me my card and begged my pardon and said that he was sorry for the incident, that they had made contact with Kabul and verified that my card was authentic. He asked me where I wanted to go. I said, “Get me quick to the election compound.” When I got there, the election, which was most complex, was over. The compound was empty.¹¹⁹

Other journalists and their employers also told Human Rights Watch that Amnat agents followed journalists during the elections both at the district level and in Herat city.¹²⁰ The agents stopped and questioned the journalists, and tried to listen to their interviews.¹²¹

After the loya jirga, Amnat agents intimidated radio journalists from filing stories containing complaints about Herat’s government or reporting on military activities near the city. One journalist described how he was intimidated in early July:

¹¹⁸ Human Rights Watch interview with I.S.K., print and radio correspondent, Kabul, September 25, 2002.

¹¹⁹ Ibid.

¹²⁰ Human Rights Watch interview with a BBC producer, Kabul, September 23, 2002; Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

¹²¹ Human Rights Watch interview with a BBC producer, Kabul, September 23, 2002; Human Rights Watch interview with I.S.K., radio and print correspondent, September 25, 2002.

Amniat called me to their headquarters, and there [a commander] chastised me for sending a report about Herat city “which was not fair.” He said, “We want you not to send any more of those types of reports about Herat city. If you want our relation to be fair and good, you won’t do any more stories like that.”¹²²

When asked if he complied with their demand, the reporter replied: “I have got to! Otherwise I cannot live here. There is not any freedom for expression ... anyone who says something may pay the cost.”¹²³

Another journalist told Human Rights Watch that in August 2002 military troops stopped him and other journalists from traveling to areas in Ghorian and Shindand districts where Ismail Khan was conducting military operations against Pashtun forces and where there were serious allegations that his troops had committed abuses.¹²⁴ While the journalists were stopped, military officers threatened them, saying that they would arrest them.¹²⁵ Later, a government official in Herat told the journalist that if he filed stories that were negative about Ismail Khan, he would be expelled from the city.¹²⁶

According to a news producer for a major international service, press freedom in Herat is the worst in all of Afghanistan:

Nobody has the freedom to report freely, because you will risk you freedom, your position, and your family....

[An Afghan journalist] cannot report on sensitive issues ... He can report on non-political issues—reconstruction, visiting dignitaries—but he cannot report on issues outside the city, like Shindand and Ghorian.”¹²⁷

Other writers explain that they censored themselves out of fear of the government. One woman said:

Personally, I am not afraid of the government for what I write about but sometimes I think it might create problems for my family. Maybe this will take a long time. How can I write down my ideas and opinions in the future? I don’t want to create problems for my family. If I write something against the government, they may arrest me and this would be very shameful and bad for my family. To an Afghan family, it is very shameful to be arrested. Others would talk badly about me and say, “What has happened to her?” Because there isn’t free media, we can’t speak freely. Most things I understand about the government I write down but keep for myself. I wouldn’t give it to an organization or spread it around. The situation is not good enough that I can give my ideas to others.¹²⁸

The corollary of these problems, as explained in more detail below, is that many people in Herat have been instructed not to speak with journalists, under threat, which makes it difficult for many journalists to conduct interviews. One former BBC stringer says that she could not do her job because most people were afraid of speaking with her.¹²⁹ “I wasn’t free to ask for their own ideas,” she explained. “The young generation is not able to speak freely because they are repressed by the government.”¹³⁰

¹²² Human Rights Watch interview with G.Z.K., Herat, September 13, 2002.

¹²³ Ibid.

¹²⁴ Human Rights Watch interview with K.J.J., Herat, September 13, 2002; Human Rights Watch interview with M.I., correspondent, Herat, September 1, 2002.

¹²⁵ Ibid.

¹²⁶ Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

¹²⁷ Human Rights Watch interview with a BBC producer, Kabul, September 23, 2002.

¹²⁸ Human Rights Watch interview with M.M., Herat, September 12, 2002.

¹²⁹ Human Rights Watch interview with former BBC stringer, Herat, September 12, 2002.

¹³⁰ Ibid.

Restrictions on Print Media

In order to start or publish any substantive journal, newspaper, or magazine in Herat, one needs direct approval of the Herat office of the Ministry of Information and Culture.¹³¹ The Herat office, ostensibly under the control of the Kabul-based ministry, is in fact an independent office under Ismail Khan's direct control; it does not recognize approval from the Kabul office.¹³² Potential publishers and newspaper entrepreneurs told Human Rights Watch that it was impossible to start a publication without Ismail Khan's approval and that those papers that do exist are not independent and cannot criticize him.¹³³ One publisher said:

In this kind of society, when you raise an objection, your objection implies a restriction of their power. They will not allow this to take place. They arrest you, imprison you, as they have done in the past. International societies and international NGOs cannot defend or protect people like us.¹³⁴

At the time of writing, there were only four publications being published openly in Herat: the one daily newspaper, *Ittifaq-e Islam*; the professional shura's newsletter, *Takhassos*; the literary society's journal, *Aurang-e Hashtom*; and an Iranian-backed weekly called *Millat*.

Ittifaq-e Islam, the daily newspaper, is controlled by Ismail Khan and the Herat office of the Ministry of Information and Culture. The newspaper contains articles of little substance on non-controversial issues; conservative editorials in line with Ismail Khan's views about Islam, including articles urging increased restrictions on women; and articles describing and praising Ismail Khan.¹³⁵ Human Rights Watch interviewed one of the paper's writers, who asserted that political content is censored from the newspaper. The writer explained that passages critical of the Herat government "were cut ... because of their political meaning."¹³⁶ Others made similar complaints.

Many bookstores or stationary shops do not sell *Ittifaq-e Islam*, claiming that almost nobody reads it. According to one shopkeeper: "No one buys it. It has nothing of interest. It has nothing for the young people to read. It is just 'esteemed Emir this' and 'honorable Emir that.'"¹³⁷ One Afghan journalist described it as "the Ismail Khan praise paper."¹³⁸

Takhassos, the newsletter of Herat's professional shura, is edited by Mohammad Rafiq Shahir, the organization's head and loya jirga delegate who was beaten by Amniyat agents during the loya jirga elections (discussed above). Observers often describe *Takhassos* as the only independent publication in Herat, but this is not accurate.

The paper's content has changed dramatically over the last six months, most notably after Shahir's arrest and beating. With each edition its critical tone softened and has now disappeared. While the first two issues in March and April 2002 contained articles questioning the makeup of the Herat government,¹³⁹ advocating criticism towards the government and exposing possible corruption in reconstruction projects,¹⁴⁰ later issues had little substance. Instead, the paper now contains artificial praise of the government's work. For example, the

¹³¹ Human Rights Watch interview with A.L., Herat, September 11, 2002; Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

¹³² Ibid.

¹³³ Human Rights Watch interview with A.A., Herat, September 12, 2002; Human Rights Watch interview with K.J.J., Herat, September 13, 2002; Human Rights Watch interview with I.S.K., print and radio correspondent, Kabul, September 25, 2002.

¹³⁴ Human Rights Watch interview with A.L., Herat, September 11, 2002.

¹³⁵ Human Rights Watch will document restrictions on the lives of women and girls in Herat in a forthcoming report.

¹³⁶ Human Rights Watch interview with writer published in *Ittifaq-e Islam*, Herat, September 14, 2002.

¹³⁷ Human Rights Watch interview with bookstore owner, Herat, September 19, 2002.

¹³⁸ Human Rights Watch interview with I.S.K., radio and print correspondent, Kabul, September 25, 2002.

¹³⁹ *Takhassos*, March 2002.

¹⁴⁰ *Takhassos*, March-April 2002 (second March edition).

“Message Board” in the July-August edition said: “We appreciate the quality of our television and radio programs.”¹⁴¹

Aurang-e Hashtom, the journal of the Herat literary society, founded when the Taliban were in power, publishes literary works and poetry. During Taliban rule, the editors stressed that all material was to be literary, “not political,” which is why Taliban officials allowed it. Members report that since Ismail Khan took power, his officials have pressured the society to publish articles about “mujahidin and hijab” and avoid anything that might be politically controversial, including women’s rights. Pressures from the government, and internal controversies, have led to conflict within the editorial board. At the time of writing, the journal had not been published for over two months. (See below for more information on the literary society.)

Millat, a new weekly publication, is reportedly supported by an Iranian group. It contains articles praising Ismail Khan’s government and other articles describing cooperation between Iran and Herat.

Human Rights Watch did not find any secret or underground publications in Herat in September 2002, although such publications may exist on a small scale.

Restrictions on Printers and Booksellers

Without the Herat government’s permission, print shops do not print publications and booksellers will not distribute them.

Several print shopkeepers told Human Rights Watch that they could not print substantive material (as compared with business materials like receipt books, menus, etc.) without a permit from the Herat office of the Ministry of Information and Culture. As with publishers, a permit from Kabul is not sufficient.¹⁴² One Herati printer explained: “You must have a permit in order to print a political publication, and I cannot print unless the person who brings the publication has one. If I printed something without the permission, they would prosecute me and take me to jail.”¹⁴³ Another printer explained:

I cannot print something political unless I have approval from the Minister of Information here in Herat. If someone comes with approval from the office in Kabul, it is not enough. I must have a permit from here. There is no freedom here, at all. It is impossible to do anything. It’s true.¹⁴⁴

When asked what would happen if the shop printed without permission, the man responded: “First, they would close the shop, and I would lose my business. And second, they will arrest me, and take me to jail, and there they will beat me.”¹⁴⁵ When asked if the situation was similar to that under the Taliban, the printer exclaimed, “Worse!”¹⁴⁶

A sign and banner painter told Human Rights Watch that he was unable to produce any material that challenged Ismail Khan or the government of Herat: “No, I cannot make anything political, or anything against the government. I could never do this. They will come and cut off my head... I cannot do anything like that. The police station is right down the road. When they take people there, you know what happens.”¹⁴⁷ The painter became extremely nervous and pale, and refused to answer any further questions.

Bookstore and stationary shopkeepers told Human Rights Watch that even if unauthorized publications or publications critical of Ismail Khan existed, they would not be able to sell them. “There is no freedom,” a seller

¹⁴¹ *Takhasos*, July-August, p. 14 (message board).

¹⁴² Human Rights Watch interviews with four printers in separate locations, Herat, September 14 and 15, 2002.

¹⁴³ Human Rights Watch interview with H.R., printer, Herat, September 14, 2002.

¹⁴⁴ Human Rights Watch interview with R.A., printer, Herat, September 15, 2002.

¹⁴⁵ *Ibid.*

¹⁴⁶ *Ibid.*

¹⁴⁷ Human Rights Watch interview with M.H.A., sign painter, Herat, September 15, 2002.

of books said, "I cannot have books like this [publications that criticize the government]. And I cannot have newspapers that are not allowed."¹⁴⁸

Government Control of Herat Television

Ismail Khan also controls the local Herat television station. The station censors political content from its programs and tightly controls the images of women that are broadcast. For example, in the first months of Ismail Khan's rule, a group of adults, boys, and girls produced three half-hour shows called "Green Leaf" [*Barg Sabz*]. According to one of the group's members:

The girls recited poetry and between each piece sometimes read satire. The first show they broadcast. The next two shows expressed our [political and social] criticisms more severely. The second show was censored down to eight minutes. We protested that and they stopped showing it at all. [The programs were being shown several times.] They didn't show the third program at all.¹⁴⁹

In early October, because of an incident at Herat television, Ismail Khan reportedly ordered the arrest of one of his own officials. The political director of the police department produced a short show on police activities for Herat Television. One Herati familiar with the case said that the allegation was that the director had "played a song on the program" that "was not the kind of song that Ismail Khan liked."¹⁵⁰ The song was called "Something for the Bravery of the Soldiers."¹⁵¹ A pop song of the same title was recorded in the 1980's, played on modern instruments with female singers.¹⁵² The political director was arrested and released the next day.¹⁵³

Women and girls are not often shown on Herat television. When they are, it is on condition that they be completely covered. If they do not comply, their images are not shown. When broadcasting movies, Herat television has begun substituting a blank screen or an image of flowers whenever women appear in the picture.¹⁵⁴ The picture is restored when only men are shown.¹⁵⁵ (The control of women's images on Herat television will be discussed more fully in Human Rights Watch's forthcoming report on women's rights in Herat.)

Music and Movies

Since September 2002, Ismail Khan has increasingly tried to control the sale of music cassettes, movie videos, and movie posters; seemingly pursuing the same sort of cultural control the Taliban attempted when they seized Herat in 1995. Ismail Khan first encouraged religious fundamentalists to use a vigilante approach—to go out and close the shops on their own. In a major speech on September 9, 2002, the first anniversary of the assassination by al-Qaeda of Northern Alliance leader Ahmed Shah Massoud, Ismail Khan reportedly said:

Prurient cassettes that are contrary to the ideals of the martyrs are on the videos and antennae, and sexy films are being shown in houses. This is cause for regret. And you dear brothers, intellectuals, those who are better off, we ask that you stop this. You should guide them, our youth, our dear sisters. We have given martyrs. The enemy is trying to deceive you. The purveyors [shops] of prurience should be closed. Government agencies should cooperate in this effort.¹⁵⁶

¹⁴⁸ Human Rights Watch interview with F.A.S., bookstore and stationary shopkeeper, Herat, September 15, 2002.

¹⁴⁹ Human Rights Watch interview with I.S.K., print and radio correspondent, Kabul, September 25, 2002.

¹⁵⁰ Human Rights Watch telephone interview with L.H., Herat, October 11, 2002.

¹⁵¹ Ibid.

¹⁵² Human Rights Watch interview with K.J.J., Herat, September 13, 2002.

¹⁵³ Human Rights Watch telephone interview with L.H., October 11, 2002.

¹⁵⁴ Human Rights Watch interview with G.A.K., Herat, September 19, 2002.

¹⁵⁵ Ibid.

¹⁵⁶ Speech by Ismail Khan, Herat main mosque, September 9, 2002 (transcript on file with Human Rights Watch; translation by Human Rights Watch).

But by early October, new “moral police,” had appeared in Herat, created under the Ministry of Hajj and called “Vice and Virtue” by local residents, recalling the Taliban police who used to patrol cities and beat women for wearing “revealing” burqas, or men for not having sufficiently long beards (a milder version of a “Vice and Virtue” police also existed during Ismail Khan’s first rule in Herat in 1992-95). In the first week of October, a squad appeared in the main Herat bazaar and raided shops containing videos, music cassettes, and movie posters. A Herati described what happened:

They went into stores to check video and radio cassettes, and they collected Hollywood, Indian, and Iranian cassettes, and burned them.... I went down there. A shopkeeper told me about it. He said they took about 170 cassettes. Now you cannot find a poster or Indian movie stars—male or female—anywhere in the city. The head [of Vice and Virtue] is Mullawi Abdul Majid. This is first time they have come into the bazaar and acted like the Taliban’s Vice and Virtue.¹⁵⁷

Restrictions on Individuals’ Freedom of Speech and Association

No organizations in Herat may be started without Ismail Khan’s permission. In those organizations he has allowed, he has handpicked the leadership or strongly pressured the leaders to follow his orders. In these organizations, any discussion about the current government’s policies has provoked censure, just as with the media. And as with the media, Khan has especially targeted speech about women’s rights.

The Professional Shura

The Herat Professional Shura was created in the first months of 2002, when several doctors, lawyers, professors, and teachers began to meet and organize. Mohammad Rafiq Shahir (whose detention and beating in June 2002 is discussed above) led the effort. Ismail Khan has targeted the Professional Shura of Herat and its members, apparently perceiving them to be a threat to his rule.

Expecting change after the fall of the Taliban, the founders intended to organize meetings among professional and educated Heratis, publish a newspaper, and make recommendations to the Herat government on a range of policy issues. The organization’s charter explicitly stated that the group would not be a political party. In early 2002, the founders took the charter to Ismail Khan for approval. He had little enthusiasm for the group, but he signed the charter nonetheless. Through the first half of 2002, in veiled references in public speeches and on television and radio, Ismail Khan made uncomplimentary comparisons between educated people and mujahid. For example, he said that “one hundred professors are not worth one hair of a single mujahid.” Many interpreted this as directed at the Professional Shura and its members.¹⁵⁸

As time went on, the relationship between Ismail Khan and the shura grew worse. The shura attempted to issue its first publication in March 2002. Representatives approached the head of the Herat office of the Ministry of Information and Culture to obtain the requisite approvals. They brought with them the organization’s charter, signed by Ismail Khan, which specified that the shura would publish an independent newspaper. The Minister refused to recognize the charter and denied the shura’s requests. Because local printers would not print the publication without government permission, the shura printed the first issue itself. At the end of March, during a visit by Lakhdar Brahimi, the U.N. special representative of the secretary-general and head of UNAMA, Shahir presented copies to Brahimi and Ismail Khan, as well as to the UNAMA Herat office. Since Brahimi was present, there was little Ismail Khan could do at the time. However, the organization has faced increasing restrictions on its activities since then. In July and August, Ismail Khan began to criticize the shura by name in his speeches. Some members became so fearful that they refused to take part in activities that might make them the target of his anger, such as publishing criticism of his government, challenging his restrictive policies towards women, or meeting with foreign journalists.¹⁵⁹

¹⁵⁷ Human Rights Watch interview with G.Z.K., Herat, October 10, 2002.

¹⁵⁸ Human Rights Watch interview with D.A.H., Herat, September 11, 2002; Human Rights Watch interview with L.H., Herat, September 13, 2002.

¹⁵⁹ Human Rights Watch interview with Professional Shura member, Herat, September 16, 2002; Human Rights Watch interview with S.Q., Herat, September 14, 2002.

A few days after the loya jirga, on June 26, Ismail Khan held a meeting to which he invited delegates who had attended the loya jirga and members of the Herat Professional Shura. At the meeting, with a BBC television team present, Ismail Khan gave a speech urging the members to speak freely and to make suggestions about the government and administration of Herat city. Late in the speech, however, troops ordered the BBC cameraman to stop filming and to leave the meeting.¹⁶⁰ A cameraman present from Herat television also turned off his camera. The meeting continued.

A man named Abdul Qadir from the Professional Shura subsequently stood up and started speaking. According to one witness:

[H]e stood up in the meeting and he spoke recklessly, without remorse, and he criticized the rule of Ismail Khan.... Ismail Khan did not do anything there. After the meeting, Ismail Khan ordered the police chief to arrest Qadir. But Qadir had immediately fled to Kabul before he could be arrested.¹⁶¹

As noted above, Qadir's two sons were arrested the same night, though Qadir had fled Herat for Kabul.¹⁶² They were released a few days later.¹⁶³

In late September, Ismail Khan forcibly prevented the shura from meeting. The shura had scheduled a seminar for 3:00 p.m. on September 26 to discuss the new national plan for changing Afghan banknotes, and had sent out about one hundred invitations.¹⁶⁴ The day before the meeting, staff from Ismail Khan's office called the shura office and left a message for Rafiq Shahir ordering him to cancel the seminar.¹⁶⁵ (Some shura members believe that Ismail Khan feared they would discuss broader economic issues, including his control of the Herat customs revenue from trade to and from Iran and Turkmenistan.)¹⁶⁶ Shahir disregarded the message. The following day, shortly after 11:00 a.m., the commander of the police station visited the shura office and left a message again telling Shahir to cancel the meeting.¹⁶⁷ Shahir then went to Ismail Khan's office to ask him to reconsider. Ismail Khan refused to meet with him and sent a message through his secretary saying that the seminar could not go ahead. Shahir decided to cancel the seminar, but it was too late to contact the invitees. When Shahir and other participants reached the shura compound at about 2:15 p.m., it was filled with troops who told Shahir that they were acting under Ismail Khan's orders to be there and to stop the meeting.¹⁶⁸ Scores of people continued to arrive. The troops sent some people home, and others fled upon seeing the soldiers.¹⁶⁹ The professional shura's office and compound is approximately fifty meters from UNAMA's residence compound.

Local residents have noted with despair the treatment of the Professional Shura. A printer spoke angrily:

You can see how the leader here cannot tolerate even one word against him. Listen, the Professional Shura isn't even political! What did they say in their publication—that Ismail Khan was a bad leader? No. They wrote about this asphalt that the government bought from Iran. They criticized the government because the asphalt was the wrong type for here in Afghanistan, and it was old—it had expired and was turned down by other buyers. So they criticize this and

¹⁶⁰ Human Rights Watch interview with BBC television correspondent, Kabul, September 24, 2002.

¹⁶¹ Human Rights Watch interview with A.L., Herat, September 11, 2002.

¹⁶² Human Rights Watch interview with a UNAMA official, Kabul, September 8, 2002.

¹⁶³ Ibid.

¹⁶⁴ In early October, the Afghan government implemented an exchange program to replace the old inflated afghani notes with new notes at a rate of one new note to 1,000 old notes.

¹⁶⁵ Human Rights Watch telephone interview with A.L., September 30, 2002.

¹⁶⁶ Ibid.

¹⁶⁷ Ibid.

¹⁶⁸ Ibid.

¹⁶⁹ Ibid.

the government cannot tolerate it. If they cannot tolerate even a little thing like this, how will they ever allow people to print or speak openly?¹⁷⁰

The Herat Literary Society

Herat's literary society was founded under the Taliban, in secret, as a forum for artists, writers, and poets to continue exchanging their work, even as the Taliban attempted to prohibit most artistic and literary traditions in Herat. After the Taliban's fall, the society surfaced publicly, and no longer hid the fact that some of its members were female.¹⁷¹

However, since returning to power, Ismail Khan and his officials have limited the participation of women and girls and have sought to control the content of the society's work. About a month after Ismail Khan came back into power, the society held a large meeting at a hotel in Herat. A participant described the meeting:

More than one hundred women participated in a meeting where they read their own poems. When the meeting ended, Faiq, the Head of Information and Culture, said to us that henceforth women should not participate more than men in the meetings. He said that the number of women should be limited to a handful and that they should sit at the back. These were Ismail Khan's indirect orders through the head of Information and Culture and the Head of the Library. They said that for moral reasons, men and women should not be together—that it was against shari'a.¹⁷²

At approximately the same time, a group of girls petitioned Ismail Khan for permission to form a girls' section of the literary society. Ismail Khan refused.¹⁷³ Then a group of boys and girls attempted to form a youth section of the society. One of the participants said that:

The youth wanted to have their own association inside the society, but independent from it. It was going to be both male and female, and meet once a week. After the first meeting, Faiq informed Ismail Khan, who [then] strongly told the head of the association that men and women should not meet together in a separate group. If we would like to meet, it should be in the board's presence. The director told us, "Ismail Khan will create trouble for all of us so you cannot meet in this way." This was two or three months after the Taliban left. The board told us harshly to end our meetings. They were harsh because they were afraid."¹⁷⁴

As with the women's shura (discussed below), the government has pressured the literary society to avoid the subject of women's rights. For example, after a public meeting in August 2002 where a member read an article she had written about women's rights, government officials pressured the literary association to censure further discussion of the topic. The speaker was told not to write articles of this type in the future.¹⁷⁵ A witness said that:

The director of the literary association—he himself was under pressure from the government—pressured [the female members] not to do this again because it would create many problems and maybe they would close the literary association. After that we couldn't read our articles because most were about women. The government wants us to prepare articles about mujahidin freedom but we don't have any articles about this.¹⁷⁶

Many persons interviewed concluded that, as of September 2002, the literary society was no longer operating independently from the government. One individual who had decided not to participate explained: "In the

¹⁷⁰ Human Rights Watch interview with H.R.H., printer, Herat, September 14, 2002.

¹⁷¹ For more on the history of the Herat literary society under the Taliban, see Lamb, *The Sewing Circles of Herat*.

¹⁷² Human Rights Watch interview with J.A., Kabul, September 24, 2002.

¹⁷³ Human Rights Watch interview with petitioner, Herat, September 12, 2002.

¹⁷⁴ Human Rights Watch interview with J.A., Kabul, September 24, 2002.

¹⁷⁵ Human Rights Watch interview with S.R., Herat, September 12, 2002.

¹⁷⁶ Ibid.

literary society you cannot work freely. You must be under the government's control and I don't want this."¹⁷⁷ Another former member said that, "Now the literary association is really under the government's control. Before it was not like that. We cannot write freely."¹⁷⁸

As a result of the pressure, various members, who had taken grave risks to participate in the literary society during the Taliban period, told Human Rights Watch that since the loya jirga they had stopped participating. Some have gone to Kabul or other places seeking greater freedom and safety. Others found their hopes after the Taliban's fall unfulfilled and were simply too discouraged to continue. In September 2002 the long-time head of the society resigned.¹⁷⁹

The Women's Shura

At the time of writing, the only women's organization in Herat involved in any substantive political and social issues is the Herat Women's Shura, which was established in August 2002. (There are a few other women's groups involved in humanitarian and development work.) Shura members told Human Rights Watch that Ismail Khan initially opposed its formation. However, perhaps because of intense international interest in women's issues in Afghanistan, he eventually granted permission. He has since handpicked the leadership, controlled the subjects the shura can address, and attempted to make the shura operate in the most traditional manner possible. Despite some dedicated members who have elected to remain in the shura with the hope of using it to create more political space for women, the group is not truly independent of the government and has little prospect of fulfilling its original aims.

An eighteen-year-old woman who chose not to join the shura explained: "Ismail Khan didn't want a Women's Shura to exist, but when [he allowed it,] he selected the head of the women's shura himself. After he had selected the head, we couldn't give our ideas freely."¹⁸⁰ Even those who have chosen to participate in the Women's Shura concede that it is controlled by Ismail Khan. "The president was appointed by the government," one member told Human Rights Watch.¹⁸¹ "It's not private, it's under the government's control. Some person from the government attends each meeting," said another member.¹⁸² Other members confirmed that Ismail Khan or his officials attend and monitor the shura's meetings.¹⁸³

At the shura's first meeting, Ismail Khan defined the organization's mission. According to Herat television: "The general Emir of the southwest zone during a speech clarified the role of the Shura's women in the rehabilitation of the country, the rehabilitation of deprived women, and solving family problems, then listened to the opinions and suggestions of women and gave clear answers to their questions."¹⁸⁴

The shura's handpicked leadership has subsequently restricted what topics may be addressed, especially those that touch on women's rights. The leaders have chastised at least two women for speaking about women's rights, one who disagreed with Ismail Khan about women's rights at a shura meeting and another who spoke to a journalist.¹⁸⁵ Human Rights Watch also interviewed a member of the Professional Shura who said that she was not invited to join the Women's Shura because of her political participation in that forum.¹⁸⁶

Several women and girls who are members said that because of these events they do not feel free to speak openly in the shura. Some have chosen not to participate or have dropped out. According to a former member:

¹⁷⁷ Human Rights Watch interview with M.B., Herat, September 17, 2002.

¹⁷⁸ Human Rights Watch interview with S.R., Herat, September 12, 2002.

¹⁷⁹ Human Rights Watch interview with A.H., literary society member, Herat, September 15, 2002.

¹⁸⁰ Human Rights Watch interview with S.R., Herat, September 12, 2002.

¹⁸¹ Human Rights Watch interview with V.S., Herat, September 14, 2002.

¹⁸² Human Rights Watch interview with P.L., Herat, September 11, 2002.

¹⁸³ Human Rights Watch group interview with shura members, Herat, September 11, 2002.

¹⁸⁴ "Women's council re-established in west Afghan city," BBC Monitoring South Asia transcript of report on Herat T.V., 17:00 GMT, August 30, 2002.

¹⁸⁵ Human Rights Watch interviews with two shura members, Herat, September 11, 2002;

¹⁸⁶ Human Rights Watch interview with Z.F., Herat, September 16, 2002.

I and most of the others left because the shura was under Ismail Khan's control, and I didn't want to obey his ideas. The women were not independent. It was better to leave and just stay at home.... I said to myself, "It's better to leave because my ideas are completely different from the government and from the Women's Shura."¹⁸⁷

A university student explained her frustrations: "There is no individual group or women's association except the Women's Shura established by Ismail Khan. I don't participate in it—I don't like to go to Ismail Khan and talk about these things."¹⁸⁸ Another student explained: "I am not part of the Women's Shura because that shura is entirely dependent on the government and is close to the government and the government's policy and nobody can say anything that they feel."¹⁸⁹ When asked if the Women's Shura could represent their interests, a group of students who had attended some meetings said, "No. Maybe in the future we will participate and give ideas, but not now."¹⁹⁰

Speech in the University

Speech at Herat's university is also tightly controlled by the government. Political speech is expressly prohibited. Students and teachers reported to Human Rights Watch that they fear retaliation if they criticize either the government or the university itself. Reflecting the general situation in Herat, there are few student organizations and no student newspaper. The newly-formed student literary society was expressly instructed not to discuss politics. Male and female students study separately, unlike in the universities in Mazar-i Sharif and Kabul, on orders from Ismail Khan.¹⁹¹ A squad of youth police, trained by the police department, began in early October 2002 to monitor students' behavior, especially interaction between males and females.¹⁹²

The dean of Herat University is Abdurrauf Mukhlis, the former head of Ismail Khan's "Vice and Virtue" department in the early 1990s. Ismail Khan put Mukhlis in place over the objections of the Ministry of Higher Education in Kabul. The ministry sent a delegation to the university just after the loya jirga to hold faculty elections for the post of dean, in accordance with ministry policy.¹⁹³ Ismail Khan met with the delegation personally and refused to allow the elections.¹⁹⁴ According to one person present, Ismail Khan said, "It's not the right time to do everything according to the law and principles. What other works have been done according to rules and procedures that we should hold elections in the university according to the Ministry of Higher Education's procedures?"¹⁹⁵

Students were not happy with Mukhlis' appointment. As the former head of "Vice and Virtue," Mukhlis hardly had the kind of background that would encourage free thinking. "You can imagine what he imposes," a student told Human Rights Watch.¹⁹⁶ Students and professors reported that Mukhlis has created a "closed environment" on campus, where they fear discussing anything political, interaction between boys and girls is suspect, and women's behavior is tightly regulated.

Discussions about politics are forbidden, even in the classroom. "We are not allowed to hold political talks inside the university," a professor told Human Rights Watch.¹⁹⁷ Students confirmed that this was the case:

¹⁸⁷ Human Rights Watch interview with F.M., Herat, September 17, 2002.

¹⁸⁸ Human Rights Watch interview with M.M., Herat, September 12, 2002.

¹⁸⁹ Human Rights Watch interview with S.R., Herat, September 12, 2002.

¹⁹⁰ Human Rights Watch interview with students, Herat, September 11, 2002.

¹⁹¹ Human Rights Watch interview with Ministry of Higher Education official, Kabul, September 22, 2002.

¹⁹² Human Rights Watch telephone interview with A.J.K., Herat journalist, October 10, 2002.

¹⁹³ Human Rights Watch interview with N.N., Kabul, September 22, 2002.

¹⁹⁴ Ibid.

¹⁹⁵ Ibid.

¹⁹⁶ Human Rights Watch interview with H.M., Kabul, September 30, 2002.

¹⁹⁷ Human Rights Watch interview with university professor, Herat, September 17, 2002.

Most of the teachers are afraid of the government so they can't speak freely about the government. When students ask questions about the government, they don't answer their questions. For example, if the question is about a particular government policy, they don't answer and the teacher tells the student not to say anything about the policy of this government because they are afraid.¹⁹⁸

An eighteen-year-old student told Human Rights Watch:

We have a newly established law faculty in Herat. This faculty should be the source of lots of discussion about political subjects, but the students can't say anything about politics. They can't discuss these things. In this faculty, classes should be discussing the new things in the government and the war, to learn about them and increase our information, but they can't because they are not allowed to. When the boys and girls go to university, it is a place where all the young generation is collected and they should give their ideas freely. But the young generation in the university can't discuss about anything. They are under pressure from the government. In Iran, political events happen from students in the university.¹⁹⁹

Both students and teachers said they feared reprisals for speaking critically. A professor who offered Human Rights Watch specific examples of Ismail Khan's repression, said, "If you say that I said this, Ismail Khan will come and get me. After this they will say I can't teach in the university."²⁰⁰

A student who told Human Rights Watch that she censors what she writes for her classes explained:

If I want to say something, for example, about the education department or the university, I know that they would probably kick me out of the university and if they didn't do this, they would fail me on the exams. At first they come and say you are free to say everything, but when someone tells her ideas, the head of the university calls her and says, "Why did you say this?"²⁰¹

Mandatory Political Rallies

On several occasions troops have forcibly closed down the bazaar and the university, forcing students and shop-owners to attend rallies and ceremonies organized by Ismail Khan.²⁰² Those who refuse to comply have been punished or sanctioned. The Herat department of education fired a school administrator who refused to stop classes for students to attend a military parade.²⁰³ In one instance, troops beat a shopkeeper who did not close in time for a rally held on September 9, 2002, on the occasion of the anniversary of the death of Ahmed Shah Massoud. A shopkeeper described what happened:

On the anniversary of Massoud's death, the troops came and closed all the shops. The university was also closed and they told the students to go to the celebrations.

One shopkeeper I saw, it was a few minutes before the [specified] closing time, and he was just making a few last sales to some people—some lightbulbs, some tissues, that sort of thing. And some troops came. "Why are you open?" they demanded. He tried to say that it wasn't the time to close and that he was about to close, but they pulled him out of the shop and started to beat him severely, kicking him and hitting him with their rifles. This was an example for the others.

¹⁹⁸ Human Rights Watch interview with M.M., Herat, September 12, 2002.

¹⁹⁹ Human Rights Watch interview with S.R., Herat, September 12, 2002.

²⁰⁰ Human Rights Watch interview with M.B., Herat, September 17, 2002.

²⁰¹ Human Rights Watch interview with M.M., Herat, September 12, 2002.

²⁰² Human Rights Watch interviews with six bazaar shopkeepers, Herat, September 15, 2002; Human Rights Watch telephone interview with G.Z.K., October 3, 2002.

²⁰³ Human Rights Watch group interview with teachers, Herat, September 11, 2002.

I have seen this with my own eyes—that all the shopkeepers are intimidated and close their shops [when the authorities tell them].²⁰⁴

The shopkeeper compared the closings to those ordered under the old Soviet-backed regime of the 1980s:

In Najib's time [under the communist government], they used to make students and shopkeepers go to meetings and celebrations. They would close the shops and universities. Ismail Khan and Jamiat²⁰⁵ are just like this.²⁰⁶

Self-Censorship

The effect of this intimidation is magnified as people alter their behavior and internalize the political repression in order to avoid official punishment. Numerous interviewees told Human Rights Watch that they censored themselves to avoid harassment or arrest:

P.W.: Nobody can say anything about Ismail Khan—we can't just say his name alone, but we have to give him a long name like "commander of Herat Ismail Khan" and other nice words.²⁰⁷

F.M.: We are very afraid. It's very difficult for us to say things about or against the government because it will create problems for us. We talk because we are friends and relatives and because this is a secret between you and us. We are under the pressure of the government, and we can't say anything against it. During the first period of Ismail Khan [1992-95], I stayed at home and couldn't work but I talked freely. Now I can't say the wrong things because I want to struggle in society. I want things to be like before and to be able to say things freely.²⁰⁸

H.D.: I can't say things freely. I can't say the truth.²⁰⁹

F.M.: Should I say lies? I should say the truth because I want my country to progress and develop.... I feel bad because I am very angry. Why shouldn't we say the truth and also say about what has happened?... I am afraid. Maybe in the future I won't say anything about women's rights. The first time they chastised me but it may be worse the second time because they control ideas.²¹⁰

Self-censorship occurs even in non-political contexts. One medical professional described to Human Rights Watch how he was unable to speak openly even about governmental health policy for fear of the consequences.²¹¹

IV. TORTURE AND ARBITRARY ARRESTS

Military, police, and Amniat forces in Herat have committed numerous cases of torture, beatings, and arbitrary arrests in addition to the politically motivated violence documented earlier in this report. Independent and credible sources with access to detainees, including UNAMA officials, confirmed that torture is

²⁰⁴ Human Rights Watch interview with Z.H., shopkeeper, Herat, September 12, 2002.

²⁰⁵ Many Heratis call Ismail Khan's political machine "Jamiat," as though it were part of the Jamiat-e Islami party of the Northern Alliance. There are links between Ismail Khan and the Jamiat party, but Ismail Khan never refers to himself as a member of Jamiat.

²⁰⁶ Ibid.

²⁰⁷ Human Rights Watch interview with P.W., Herat, September 11, 2002.

²⁰⁸ Human Rights Watch interview with F.M., Herat, September 11, 2002.

²⁰⁹ Human Rights Watch interview with H.D., Herat, September 11, 2002.

²¹⁰ Human Rights Watch interview with F.M., Herat, September 11 and 17, 2002.

²¹¹ Human Rights Watch interview with A.H., Herat, September 15, 2002.

commonplace at the Herat police station and Amniat compound, and offered reliable evidence of a larger pattern of torture and beatings by the forces under the control of Ismail Khan.²¹²

In the Herat police station, special rooms have been set up to carry out torture. Electric shock is commonplace. Human Rights Watch heard testimony from witnesses and victims about the use of crank electrical generators with wires—a torture device that has been used in Afghanistan since the 1980s.²¹³

The International Committee of the Red Cross (ICRC) has free access to all detainees at Herat detention facilities who fall under their protection, but cannot share its information with other organizations or agencies because of ICRC rules regarding confidentiality. Aside from the ICRC, no organization, including the U.N., has adequate access to the detention centers.

Arrests, Torture, and Coerced Vows of Silence in March 2002

In mid-March 2002, a few days before the Persian New Year (Nawruz), a dispute arose between the Herat police department and a group of Shi'a jewelers in Herat city.²¹⁴ The cause of friction was demands by police officials that the jewelers register with the police station; submit information about their property, families, and possessions; and provide photographs and fingerprints. The jewelers considered the demand to be part of an attempt by police to extort money (for example by using the collected information to accuse them of crimes and then extorting money in exchange for dropping the accusations).²¹⁵ The jewelers protested to Ismail Khan's deputies, and the authorities agreed to drop the request.²¹⁶

On or around the morning of March 19, a confrontation arose between the jewelers and some police at the bazaar. According to witnesses, approximately eight armed police troops arrived at the bazaar and went to the jewelers' shops. Other shopkeepers believed that the jewelers were about to be robbed or that money was going to be extorted from them. They started a commotion that drew the whole bazaar's attention.²¹⁷

The shopkeepers and their staff gathered together in a group that numbered in the hundreds and overwhelmed and disarmed the police. The shopkeepers held some of the troops hostage and beat them severely.²¹⁸

²¹² Human Rights Watch interview with a UNAMA official, Kabul, September 24, 2002; Human Rights Watch interview with a UNAMA official, Herat, September 17, 2002; Human Rights Watch interview with an NGO official familiar with detention sites in Herat, Kabul, September 28, 2002.

²¹³ The use of electrical shock torture has a long history in Afghanistan. During the 1980's Human Rights Watch and Amnesty International published reports documenting electrical torture abuses. See e.g., Human Rights Watch, "Tears, Blood, and Cries: Human Rights in Afghanistan Since the Invasion 1979 to 1984," *A Helsinki Watch and Asia Watch Report*, 1984; Human Rights Watch, "To Die in Afghanistan," *A Helsinki Watch and Asia Watch Report*, 1985; see also, Amnesty International, *Report 1985* (London: Amnesty International, 1985), p. 197; Amnesty International, *Afghanistan: Torture of Political Prisoners* (London: Amnesty International Publications, 1986), p. 21. Torture rooms and devices used by the Soviet-backed government were in turn used by successor governments. See Human Rights Watch, "Afghanistan: The Forgotten War," *An Asia Watch Report*, February 1991, p. 93. The 1985 Amnesty International report details the use of electrical shock by the Soviet-backed government agents as early as 1982. It is possible that both torture rooms and electrical generators were first used by Soviet government forces and have remained at the disposal of subsequent government forces, including the Taliban and the first government of Ismail Khan during 1992-95.

²¹⁴ Shi'a Muslims make up a large portion of the Herat population. Because of lack of accurate census information, it is not known whether they are in the majority or minority.

²¹⁵ Human Rights Watch interview with S.A.A. and H.A.Z., Herat, September 15, 2002; Human Rights Watch interview with UNAMA Herat official, Kabul, September 24, 2002.

²¹⁶ Human Rights Watch interview with S.A.A. and S.Q., Herat, September 15, 2002.

²¹⁷ Human Rights Watch interview with S.A.A., Herat, September 15, 2002. Shopkeepers in Herat are keenly attuned to how extortion and looting occur, and how to avoid high losses. A shopkeeper explained to Human Rights Watch: "One thing is, the troops cannot face a dishonor of stealing in front of so many people. But they will if they feel like it.... We keep most of the inventory in separate places. In this way, we avoid total looting." Human Rights Watch interview with a shopkeeper, Herat, September 15, 2002.

²¹⁸ Human Rights Watch interview with S.A.A., Herat, September 15, 2002.

By late morning, police and Amniat officials arrived to negotiate with the shopkeepers. After some time, the police hostages were released. To defuse the situation, the police reached an agreement with the shopkeepers that no one would be arrested or charged or, as one person involved put it, “Everyone would go about their business.”²¹⁹

However, later that day police began rounding up jewelers from the bazaar—both those who had taken part in the protest and those who had not. By late afternoon, almost thirty jewelers and their employees, some of whom were children, were in custody at the Herat police station.²²⁰ As they arrived, police officers beat them. According to a victim, “The police force beat us a lot there, even the boys, who were about thirteen to sixteen years old. At that time, the head of the criminal branch was not there, but he came later and beat us himself.”²²¹

After the arrests, the chief of the criminal department of the police, Faiz Ahmed Fasel Azimi, entered the holding room. He instructed the guards to remove all the other prisoners—criminal detainees, former Taliban troops, and other prisoners who were already there—so that only the jewelers remained.²²² Then, according to one witness:

Faiz Ahmed started attacking us, first one, then another, going all in and out among us, hitting one person, then another, dragging the young men by their hair, pulling two at a time by their hair, and crashing them into the wall. Those who tried to run away from him he would beat twice as hard. No one in that room was not beaten by him.... I myself was hit by his fists. It was impossible to fight back. We were in a police station, and it is impossible to do anything.²²³

The head of the Amniat office in Herat, Nasir Ahmed Alawi, also arrived at the jail. He reportedly tried to stop the detainees from being beaten, and instructed the police to release the minors and other detainees he specified. The minors were released, but Faiz Ahmed reportedly did not release any of the other detainees. Alawi left the jail soon after he arrived, and the violence continued.²²⁴ A Herati familiar with the makeup of the Herat government told Human Rights Watch that Alawi, who ostensibly outranks Faiz Ahmed, was in reality not able to command him because Faiz Ahmed is a close friend of Ismail Khan’s son.²²⁵ According to one of the witnesses: “Faiz Ahmed is just a deputy, a second-in-charge, but everyone is afraid of him—even those above him—because he is the friend of Ismail Khan’s son.”²²⁶

The troops wanted the detainees to sign confessions about their “rebellion,” specifying that they instigated it for another reason:

They were trying to get us to sign confessions, testimonies that we had rebelled in the market because the T.V. had shown two prostitutes being shamed and that they were Shi’a—that we had been angry [at the government] for defaming of Shi’a people and that that was why we had rebelled. And a few people did sign this testimony.²²⁷

After Faiz Ahmed attacked the detainees, the police tied the detainees together in groups of five, using the turbans of the Taliban prisoners who had been in the room when the detainees first arrived. Then the police forced the groups to walk roughly 200 meters to another room in the police compound—a difficult feat when tied

²¹⁹ Ibid.

²²⁰ Ibid.

²²¹ Human Rights Watch interview with A.S., Herat, September 20, 2002.

²²² Human Rights Watch interview with S.A.A., September 15, 2002; Human Rights Watch interview with A.S., Herat, September 20, 2002.

²²³ Human Rights Watch interview with S.A.A., Herat, September 15, 2002.

²²⁴ Human Rights Watch interview with A.S., Herat, September 20, 2002.

²²⁵ Human Rights Watch interview with M.Z.Z., Kabul, September 29, 2002.

²²⁶ Human Rights Watch interview with S.A.A., Herat, September 15, 2002.

²²⁷ Ibid.

together facing in different directions. The guards continued to beat the detainees for not moving quickly enough.²²⁸ A witness described what happened next:

They took us into a long corridor and sat us down there—all six groups. There was a door in the side and another room where they tortured.... All night they were torturing us.... They would take groups into the room and whip them and torture them with electrical shocks. We could all hear their shouts, their wailing, their asking for mercy and forgiveness.²²⁹

Another victim described what occurred when he was taken into the room:

They took us to the investigation room [*Nizarat Khana*]. They beat my friend first because he was older than me. They made him lie down and tied his feet and then pulled his feet up towards the ceiling. A soldier held his shoulders down. The other soldier started beating the soles of his feet with a cable [made a circle with his forefinger and thumb] not so thick and not so thin—medium. He was beating him furiously.

They took two of us at a time, one to see the other being beaten, so that the person who saw would sign the confession paper. My friend did not sign the paper though they beat him for a long time, maybe seven or eight minutes.

Then they gave my friend electricity shocks. They used a crank generator. They had to crank it very fast to produce the shock. They tied two electrical lines to each of his big toes. Three or four times they shocked him. They would crank the generator by turning it five or six times fast. Each time my friend's body would be thrown by the shock.

After that, my friend signed the confession paper.

Then I signed it also so that I would not be beaten.

The worst part of this whole incident was not the beating or the electric shock; it was the abuses and insults made by the head of the criminal branch in front of fifty or sixty [of the other] criminals. Especially to the elders. He said whatever came into his mouth. It was humiliating for us.²³⁰

In one of the rooms were two generators, which were cranked by hand to produce the electrical shock:

At one point when the door was open, I could see that they were cranking one of them and that it wasn't producing a big shock. So one of the soldiers said, "Here, this one is better," pointing to the other generator. And so they disconnected the one and attached the other, which worked better....

When the boys came out [calling them "boys" because he is an elder], they were trembling and could not walk, and they were very cold. They pushed them down the hall, separate from us, and threw them on the ground, and then took another group.²³¹

Human Rights Watch was told that Faiz Ahmed was present during the violence:

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Human Rights Watch interview with A.S., Herat, September 20, 2002.

²³¹ Human Rights Watch interview with S.A.A., Herat, September 15, 2002.

The head of the criminal department was there, Faiz Ahmed, and there were five police in the torturing room and five in the hall. They were yelling at us the whole time. I heard them saying to the people in the torturing room, "If we burn these dirty Shi'a people, it is not enough. We have to torture them even more than that."²³²

Regular Torture Sessions and Beatings at the Herat Police Station and Amniat Compound

Other sources told Human Rights Watch that police at the Herat police station regularly torture and beat detainees.²³³ These sources confirmed several cases of torture after the loya jirga. As with the torture of the jewelers, the head of the police department, Faiz Ahmed Fasel Azimi, was implicated in the violence.

One man who was detained at the police station in August 2002 told Human Rights Watch about two men who were tortured there:

I know of one case in detail, because the man who was tortured was close to me: he slept next to me, and I became friends with him. His name was [Arbab].²³⁴ He had been arrested for [a minor felony]. On the seventh night I was in jail ... at around 10 p.m., the head of the criminal division came into the room, and he ordered Arbab and one other prisoner to come out. The other prisoner's name was [Behrooz]. So they went. The torturing room is about one hundred meters away down a corridor, and during the two hours or so they were gone, all of the prisoners in the room were trembling, thinking that the time might come for them to be tortured.

At around 12:30 a.m., they brought Arbab back. They pushed him through the door. He was shaking all over, and he could not talk. There was blood all over his feet, completely all over his feet. He could not walk, as he was shaking so hard. His tongue was trembling, and his jaw was trembling. Although he was warm, he was acting in a way like he was cold. He said at one point, "I am so cold." His clothes were completely wet.

Before this, he and I always slept outside, in the part of the holding cell outside, but we took him inside, and we put blankets all around him. We brought a thermos of tea, and we gave him some tea.

After a while he managed to talk and to tell us his story. He said the story like this, that when they took him into the room, they asked him to confess, and asked him, "Why don't you confess? You have [committed these crimes]." He said he swore on the Holy Koran that he was telling the truth, and that he had [not committed any crime]. But they said to him, "Why do you swear on the Koran?" and "We will make you confess."

They tied his feet and hung him from the ceiling, so that his hands touched the ground. His feet were tied so tightly that it was cutting him around the ankles. He said that they then beat him with whips for a long time. But he said he would not confess.²³⁵

The torture then passed to another level:

After beating him with whips, they said to him, "We will find another solution." And then they brought two electrical wires, and they wound the wire ends, the metal part, around each of his big toes. Then they shocked him.

²³² Ibid.

²³³ These sources included detainees, persons familiar with the Herat court, persons familiar with the Herat government, medical staff, U.N. staff and officials, and NGO officials.

²³⁴ The names of the victims and identifying details have been changed or omitted for security reasons.

²³⁵ Human Rights Watch interview with A.H.U., Herat, September 15, 2002.

On his big toes there were burns, like a ring about each two. The skin there was black and bloody. [He traces circles around each of his big toes, up above the joint.] But he did not confess. There were many words they shouted at him, and they shocked him many times. But he kept [denying that he committed any crime].

A new man came in. He looked around and then said to the men who were torturing Arbab, “What are you doing? You are not doing it right.” And he made the men take off the wires from [his] toes and wound it around his thumbs instead. His hands were tied together but hanging on the floor, and they stepped on his hands with their boots while they did this. Then the new man said, “Now I will make him do the death dance.” And they shocked him again. And he said he was moving all about and shaking all about by his feet. [He was still hanging upside down from the ceiling.] And he said he fainted and lost consciousness. He said he didn’t know what happened next.

When he regained consciousness, they were slapping him, and they poured water on him. They asked him, “Now do you confess?” But he told us that he could not say a word. He was unable to speak. So they took him back to our room, saying, “We will make you confess later.”

His ankles were all bloody—all the skin was completely gone where the ropes had been. He had burns on his toes and also around the joints of his thumbs. These became black scabs. They were there for many days. There were lashes on his body from the whips, cuts, especially on his calves.²³⁶

The man was taken from the holding room again a few days later, and tortured again:

Two nights later they came and took him again, out of the room. When they brought him back about an hour later, he had cuts on his shoulders and legs. He was in severe pain, but he could walk. He said they had hung him upside down again and whipped him, but that they didn’t shock him.

He was very happy that they had beaten him and not given him any electrical shock. He said he was glad there was no shocking. He said they hadn’t tried to make him confess, but instead they said they were punishing him for not talking.²³⁷

The same witness also told Human Rights Watch that the other detainee who was taken on the first night, Behrooz, was tortured as well. He was brought back to the holding cell a short time before Arbab. He told the prisoners he had been whipped, but was unable to say anything else: “When they brought him back, he could hardly walk, but I didn’t talk to him so much.”²³⁸

Another source told Human Rights Watch about torture at the Amniat compound in Herat city:

I know one man, but he won’t talk to you because he is afraid. He was arrested at our mosque. They accused him of being a Talib. I talked with him. They tortured him at Amniat with whips and electricity [makes a motion like he is twirling something around his thumb—wire].²³⁹

The victim declined to speak with Human Rights Watch.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

²³⁹ Human Rights Watch interview H.H.G., Herat, September 16, 2002.

A local humanitarian worker familiar with Herat prison told Human Rights Watch about several cases involving children accused of “vice crimes.” The children were reportedly tortured by police troops at the station and then shown on Herat television:

The family ... talked with me about the case. The boys had been put in prison and tortured there. They were beaten very severely and tortured to make them sign some confession. But even worse, they had been brought on television and shown to everyone. They shaved their heads. The television announcer said, “Here you can see the greatest crime—the greatest criminals.” In my opinion, it was the greatest indignity of humans. [On television] the boys each tried to keep their heads down, but the guards kept forcing their heads up so that the camera could see their faces. The families were completely dishonored.

They were beaten severely—this one boy, it was terrible. You need to understand: torture is a regular thing here—there in the prison there are many cases.²⁴⁰

One Herati official familiar with the situation at the jail said to a Human Rights Watch researcher: “Well, you were in Herat, and you know that whoever enters into the criminal branch will not be released without a severe punishment.”²⁴¹

Another source told Human Rights Watch about the regularity of torture in the Herat jail:

People are tortured in the police station—to take their confessions. People do confess. To avoid further beating—not because they are guilty. And these people who confess name other people, and so the police go out and arrest them, and it goes on.²⁴²

The witness said that it was difficult to learn more about the victims:

No one will talk. The police often make people sign something that they promise never to talk.... Wherever I go, I hear about these things. If you go to a wedding, or a funeral feast, or to dinner at someone’s house, people at each of these talk about how Abdul so-and-so and Arbab so-and-so have been arrested and beaten and tortured. I can’t report this case to the authorities. I am afraid ... we are all afraid to do anything.²⁴³

Another witness who was detained in the jail told Human Rights Watch that beatings in the holding room were common, and that sometimes the head of the police station entered the holding cell and beat prisoners himself.²⁴⁴ He described how the police beat one friend of his who had come to ask for his release: “When [my friend] came they arrested him as well. Some troops, they pulled him into the cell and started slapping him on the face over and over again. This one troop must have slapped him twenty-five times on the face, very hard.”²⁴⁵

Another witness said that a police official would sometimes enter the holding room and just taunt the prisoners, and then choose individuals and instruct the guards to beat them.²⁴⁶

Abuses at Military Checkpoints, Bases, and Other Detention Sites

Police, military, and Amniat forces have been implicated in beatings outside of the police station, at military checkpoints and other sites used as detention cells, in several areas in and around Herat.

²⁴⁰ Human Rights Watch interview with F.J., Herat, September 17, 2002.

²⁴¹ Human Rights Watch telephone interview with L.H., October 11, 2002.

²⁴² Human Rights Watch interview with F.J., Herat, September 17, 2002.

²⁴³ Ibid.

²⁴⁴ Human Rights Watch interview with Q.P., a Pashtun shopkeeper, Herat, September 11, 2002.

²⁴⁵ Ibid.

²⁴⁶ Human Rights Watch interview with G.A., Herat, September 15, 2002.

In mid-August 2002, a man was arrested and beaten because of a minor dispute between him and a district commander's son. The district commander's troops arrested him and invented charges to accuse him. According to a person familiar with the case:

Some troops from the district administrator's office came to his home and accused him of possessing weapons. "Hand them over," they reportedly said. But he said he had none. They arrested him and took him to the district administrator's office. There the governor accused him again of having guns. He told them, "I have no guns—and you know that I have no guns. I have been here the whole time. Why have you come now, today?" [It had been over eight months since Ismail Khan took power in the west.]

Then they started beating him. They used whips all over his body, and they used their rifle butts and sticks. And then they took him out of the office and left him—he doesn't even know where. [Some colleagues] took him to the hospital. It was then I saw him. I went to his bed. He was terribly beaten. His feet, his hands, and his body were bruised in every place. His skin was black and blue and swollen. He had been beaten very severely.²⁴⁷

Another man described witnessing a commander in Badghis, allied with Ismail Khan, kill a man who accused him of raping a young boy:

I stopped in Mohrgob to collect a small debt that a man owed to me. His name was [Aminullah]. He gave me the money and then invited me to have tea with him. Since we were in the village, we went into the district administrator's compound [to drink the tea]. There were twenty or thirty troops there, and [several] civilians like myself.

While we were talking, a man came in. Later, I learned that his name was Ghulpukar and that he was a relative of a boy of thirteen who had been kidnapped by the commander of Mohrgob for homosexual sex. People in the village told me that the boy had escaped but that the commander had captured him again and was holding him.

So Ghulpukar comes in and says, "What example are you for the people? What sort of man are you who takes a boy for a wife—it is a great dishonor!" And so on.

And when Ghulpukar had said this, the commander became very pale and serious, and looked extremely angry. And then he looked to his bodyguard, to his right, and said, "Shoot him."

Ghulpukar was standing near the door. And just in a moment, the bodyguard took out his pistol and shot the man. And he was dead, and the soldiers dragged him out.²⁴⁸

Residents of Ghor province told Human Rights Watch that during late August 2002 a commander under Ismail Khan, whom they called Abdul Sallam, attacked a rival commander in a village near Chaghcharan called Bara Khana, killed the commander, arrested several of his troops, tortured and then killed them.²⁴⁹ "The corpses were returned to the families," said one of the residents.²⁵⁰ The troops mutilated some of the detainees while torturing them: "When the families were given the corpses, they saw that the hands were cut off, eyes were pulled out, ears were cut, and then people understood that they had been tortured terribly in the prison."²⁵¹

²⁴⁷ Human Rights Watch interview with F.J., Herat, September 17, 2002.

²⁴⁸ Human Rights Watch interview with F.I., Herat, September 17, 2002.

²⁴⁹ Human Rights Watch interview with residents of Ghor province, Kabul, October 6 and 7, 2002. Human Rights Watch also received a written message from eyewitnesses in late September detailing these allegations. Letter from eyewitnesses to Human Rights Watch, October 2002 (on file with Human Rights Watch).

²⁵⁰ Human Rights Watch interview with a resident of Ghor province, Kabul, October 7, 2002.

²⁵¹ Ibid.

According to the residents, Abdul Sallam took the troops' families into custody, and intimidated them, shooting weapons close to them, yelling at them.²⁵² "Their houses were looted as well."²⁵³

Abuses against Pashtuns

Pashtuns have been especially targeted for military and police brutality—particularly on the streets and roads around Herat. Several sources described a pattern of arbitrary arrests, usually followed by beatings.²⁵⁴ One witness told Human Rights Watch about seeing a Pashtun man being beaten at the Herat police station which, he said, was "typical of what happens every day."²⁵⁵ As the witness put it: "We know as a fact that people are beaten severely in the police and Amniat jails. When people are released, they tell this to us. Everyone knows about this."²⁵⁶ He described the case:

I was in the police station the other day to get a permit for some business, and I saw myself a Pashtun being severely beaten. This guy, he wanted to get a passport. When he came in, he said, "I have come to get a passport." But the head of the office there, he said, "No passport will be given to you. Go away." And the Pashtun man said, "Why not?" "No reason!" the head of office said. "Get out of the office!" "But I am a citizen of Afghanistan! I am entitled to this right. I have brought permission from the Governor's office. My application was approved there to receive a passport."

And the Pashtun handed the paper to the head of office. But the head of office tore up the paper, and then he ordered his guards, two of them standing on each side of the door, to remove the man. The two soldiers hit the man with their guns and pulled him out of the office. Then they started to pull him out of the building into the yard. And in the yard, they beat him and kicked him. The watchman from the gate came and started dragging the man toward the gate. It was about twenty meters from the door to the gate, and the watchman was dragging the man toward the gate, and as he did this, the soldiers were beating the man. And it took ten minutes to drag him there to the gate, and all the while they were beating him. And he had blood all over his head and face and clothes. Then they threw him out the gate, and he was there for a while. And then after a time he cleaned off some of the blood from his face with his turban, and he went away.

It was because he was Pashtun—because the Taliban harmed the population here, and they were Pashtun, so some people have trouble with Pashtuns. It is ethnic hatred.²⁵⁷

Another source told Human Rights Watch about beatings of Pashtuns at local military checkpoints:

There is a checkpoint commander here in Herat, called Bismullah. Bismullah the Mad. He stops Pashtuns all the time at his checkpoint—I have seen it myself. He pulls them from cars, accuses them of being Taliban. He arrests them and takes them to his jail—the jail at his checkpoint.

They beat them there, with sticks, and tell them to confess and say they are Taliban. It costs 50 lakh²⁵⁸ [approximately U.S.\$100] to get people released, and they are beaten anyway. I talk to people here all the time about these problems.²⁵⁹

²⁵² Human Rights Watch interview with residents of Ghor province, Kabul, October 6 and 7, 2002; Letter from eyewitnesses to Human Rights Watch, October 2002 (on file with Human Rights Watch).

²⁵³ Human Rights Watch interview with a resident of Ghor province, Kabul, October 7, 2002.

²⁵⁴ Human Rights Watch interview with a NGO official familiar with the security situation in Herat, Herat, September 11, 2002; Human Rights Watch interview with UNAMA staff, Herat, September 17, 2002; Human Rights Watch interview with W.A., Herat, September 11, 2002; Human Rights Watch interview with H.S., Herat, September 12, 2002.

²⁵⁵ Human Rights Watch interview with A.A., Herat, September 12, 2002.

²⁵⁶ Ibid.

²⁵⁷ Ibid.

A Pashtun shopkeeper told Human Rights Watch he had been arrested repeatedly for no apparent reason: “They arrested me for no reason—and released me for no reason. It is only to show that they have power. I have been arrested and released three times. The first time was four months ago. Everyone who is Pashtun or from Kandahar is being harassed.”²⁶⁰

An incident occurred involving Human Rights Watch researchers that reinforced these findings. During an interview in a public area, troops came and attempted to arrest the interviewee—apparently because he was Pashtun. The interviewee and the Human Rights Watch researchers were taken to a military compound to answer questions, and then to the Herat office of the Ministry of Foreign Affairs (MFA). The Human Rights Watch researchers were released after three hours, but the interviewee was detained overnight for questioning. One official explained the detention by saying, “He is a Pashtun, we have got to be suspicious.” A senior Ministry of Foreign Affairs (MFA) official told Human Rights Watch:

I know who you are, and I know that if anything happens to this man, it will be a big problem, for me and for everyone, and everyone here knows this. But we want to question him, so we are going to keep him. But I understand the situation and who you are, and believe me, this man will not be touched—he will not be tortured.²⁶¹

The interviewee was released the next day, unharmed, but only after Human Rights Watch expressed strong concerns about his case to the MFA, and visited a senior deputy’s office repeatedly throughout the day. (The senior MFA official in Herat was unavailable for most of the later morning because he was meeting with a senior U.S. military liaison.) While detained, the interviewee was threatened with a future beating.

V. A CLIMATE OF FEAR AND PESSIMISM

The restrictions and intimidation documented here have severely affected the political and social environment of Herat and its neighboring provinces. Most residents in Herat city live in fear of authorities—either of arbitrary harassment or targeting because of some sort of disfavored conduct. The fear cuts through social and economic backgrounds, from university professors to bazaar shopkeepers. The stifling environment has shut down almost all political, social, and cultural activity—in short, nothing is happening.

Many people cited the arrest and beating of Rafiq Shahir, documented earlier in this report, as reason why they would not challenge the government or Ismail Khan. An educated Herati who had recently left Herat told Human Rights Watch:

Herat professionals know even before they say anything what the consequences will be. Even peaceful protest will be seriously punished. I’m talking about the majority of silent classes in Herat—they know the situation so they haven’t done anything. Torture, beatings, intimidation happen after people do something, but people aren’t doing anything now. There was only the Shahir case ... it was symbolic. Ismail Khan wanted to tell intellectuals that if they cross the line, this will be the outcome. So they beat and repressed Shahir.²⁶²

²⁵⁸ The Afghan currency referred to here is the “old afghani,” which at the time of this interview was trading at approximately 51,000 Af. to U.S.\$1.00. New afghani banknotes were issued in early October: 1 new afghani equals 1,000 old afghanis. A “lakh” is a unit of 100,000.

²⁵⁹ Human Rights Watch interview with H.H.G., Herat, September 16, 2002.

²⁶⁰ Human Rights Watch interview with Q.P., a Pashtun shopkeeper, Herat, September 11, 2002.

²⁶¹ Human Rights Watch exchange with Deputy of Political Affairs in Ministry of Foreign Affairs, Herat, September 17, 2002.

²⁶² Human Rights Watch interview with N.N., Kabul, September 22, 2002

When asked how one could be certain that one would be arrested if he or she criticized the government, the same person replied: “We know through our experience and deduction that if we throw ourselves in front of a high-speed train, we will be crushed, without a trace. But just because no one has been crushed yet, it doesn’t mean that this is not still true.”²⁶³

The pessimism was especially disheartening among youth. One student of journalism told Human Rights Watch that she had “given up”:

I have to leave this country, forever. I want to leave Afghanistan. There is nothing here—no freedom to do anything. I want to live free. But we cannot even watch television. I cannot learn about anything. The leadership here is very bad for us. It is not much different than the Taliban.²⁶⁴

An eighteen-year-old woman told a Human Rights Watch researcher: “I think it is too late for me. The government will change but not in time for me.”²⁶⁵

²⁶³ Ibid.

²⁶⁴ Human Rights Watch interview with M.A., Herat, September 16, 2002.

²⁶⁵ Human Rights Watch interview with S.R., Herat, September 12, 2002.

APPENDIX: APPLICABLE LEGAL STANDARDS

Torture

The term “torture” as used in this report is defined by Article 1 of the United Nations Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment:

[T]he term torture means any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining information or a confession, punishing him for an act he or a third person has committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. It does not include pain and suffering arising only from, inherent in or incidental to lawful sanctions.²⁶⁶

Afghanistan ratified the Convention against Torture in 1987. Torture is also universally acknowledged to be illegal under customary international law. It is also prohibited by the International Covenant on Civil and Political Rights (ICCPR), to which Afghanistan is a party.²⁶⁷

Afghan domestic law specifically prohibits torture. Under the Bonn Agreement of December 2001, Afghanistan’s 1964 constitution is currently valid and in effect in Afghanistan and will remain so until a subsequent constitution is approved.²⁶⁸ Article 26 of that document specifies that:

Torturing a human being is not permissible. No one can torture or issue orders to torture a person even for the sake of discovering facts, even if the person involved is under pursuit, arrest or detention or is condemned to a sentence. Imposing punishment incompatible with human dignity is not permissible.

Freedom of Expression and Association

The right to freedom of expression, and the only grounds on which it may be restricted, are set out in article 19 of the ICCPR: “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”²⁶⁹ States are only allowed to restrict freedom of expression in very limited circumstances: the right to freedom of expression may be “subject to certain restrictions, but these shall only be such as are provided by law and are necessary: (a) For respect of the rights or reputations of others; (b) For the protection of national security or of public order (*ordre public*), or of public health or morals.”²⁷⁰ Even when these conditions are met, states do not have unlimited power to impose restrictions on expression, as the Human Rights Committee, the international body responsible for interpreting the obligations of the ICCPR, has made clear: “when a State party imposes certain restrictions on the exercise of freedom of expression, these may not put in jeopardy the right itself.”²⁷¹

The right to freedom of association is defined by Article 22 of the ICCPR: “Everyone shall have the right to freedom of association with others, including the right to form and join trade unions for the protection of his

²⁶⁶ Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, *adopted* December 10, 1984, G.A. Res. 39/46, U.N. Doc. A/39/51 (entered into force June 26, 1987, and ratified by Afghanistan April 1, 1987).

²⁶⁷ International Covenant on Civil and Political Rights (ICCPR), art. 7, *opened for signature* December 16, 1966, 999 U.N.T.S. 171 (entered into force March 23, 1976, and ratified by Afghanistan January 24, 1983).

²⁶⁸ Agreement on provisional arrangements in Afghanistan pending the re-establishment of permanent government institutions, Bonn, Germany, signed December 5, 2001. Subsequent Afghan constitutions in 1976, 1987, and 1990, which are no longer in effect, also prohibited torture.

²⁶⁹ ICCPR, art. 19(2).

²⁷⁰ ICCPR, art. 19(3).

²⁷¹ U.N. Human Rights Committee General Comment 10, Freedom of Expression, Nineteenth Session, 1983, (hereafter, General Comment 10), para. 4.

interests.” As with the right to freedom of expression, under article 22, “No restrictions may be placed on the exercise of this right other than those which are prescribed by law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.”

Afghanistan’s 1964 constitution provides for the rights to freedom of expression and association. Article 31 protects the freedom of expression:

Freedom of thought and expression is inviolable. Every Afghan has the right to express his thoughts in speech, in writing, in pictures, and by other means, in accordance with the provisions of the law. Every Afghan has the right to print and publish ideas in accordance with the provisions of the law, without submission in advance to the authorities of the state. The permission to establish and own public printing houses and to issue publications is granted only to the citizens and the state of Afghanistan, in accordance with the provisions of the law. The establishment and operation of public radio transmission and telecasting is the exclusive right of the state.

Article 32 protects the freedoms of assembly and association:

Afghan citizens have the right to assemble unarmed, without prior permission of the state, for the achievement of legitimate and peaceful purposes, in accordance with the provisions of the law. Afghan citizens have the right to establish, in accordance with the provisions of the law, associations for the realization of material or spiritual purposes.

Afghan citizens have the right to form political parties, in accordance with the terms of the law, provided that:

- 1) the aims and activities of the party and the ideas of which the organization of the party is based are not opposed to the values embodied in this constitution.
- 2) the organization and financial resources of the party are open. A party formed in accordance with the provisions of the law cannot be dissolved without due process of the law and the order of the Supreme Court.

Discrimination on the basis of race, sex, language, religion, political or other opinion, or national or social origin is prohibited by the ICCPR as well as the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, and International Convention on the Elimination of All Forms of Racial Discrimination, to all of which Afghanistan is a party.²⁷²

Similarly, article 25 of the 1964 constitution provides: “The people of Afghanistan, without any discrimination or preference, have equal rights and obligations before the law.”

²⁷² ICCPR, art. 2(1); Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), art. 2, G.A. Res. 34/180, U.N. Doc. A/34/46 (entered into force September 3, 1981, and ratified by Afghanistan August 14, 1980); Convention on the Rights of the Child (CRC), art 2(1), *adopted* November 20, 1989, G.A. Res. 44/25, U.N. Doc. A/44/49 (entered into force September 2, 1990, and ratified by Afghanistan March 28, 1994); and International Convention on the Elimination of All Forms of Racial Discrimination (CERD), art 5(e), *adopted* December 21, 1965, G.A. Res. 2106 (XX), 660 U.N.T.S. 195 (entered into force January 4, 1969, and ratified by Afghanistan July 6, 1983).

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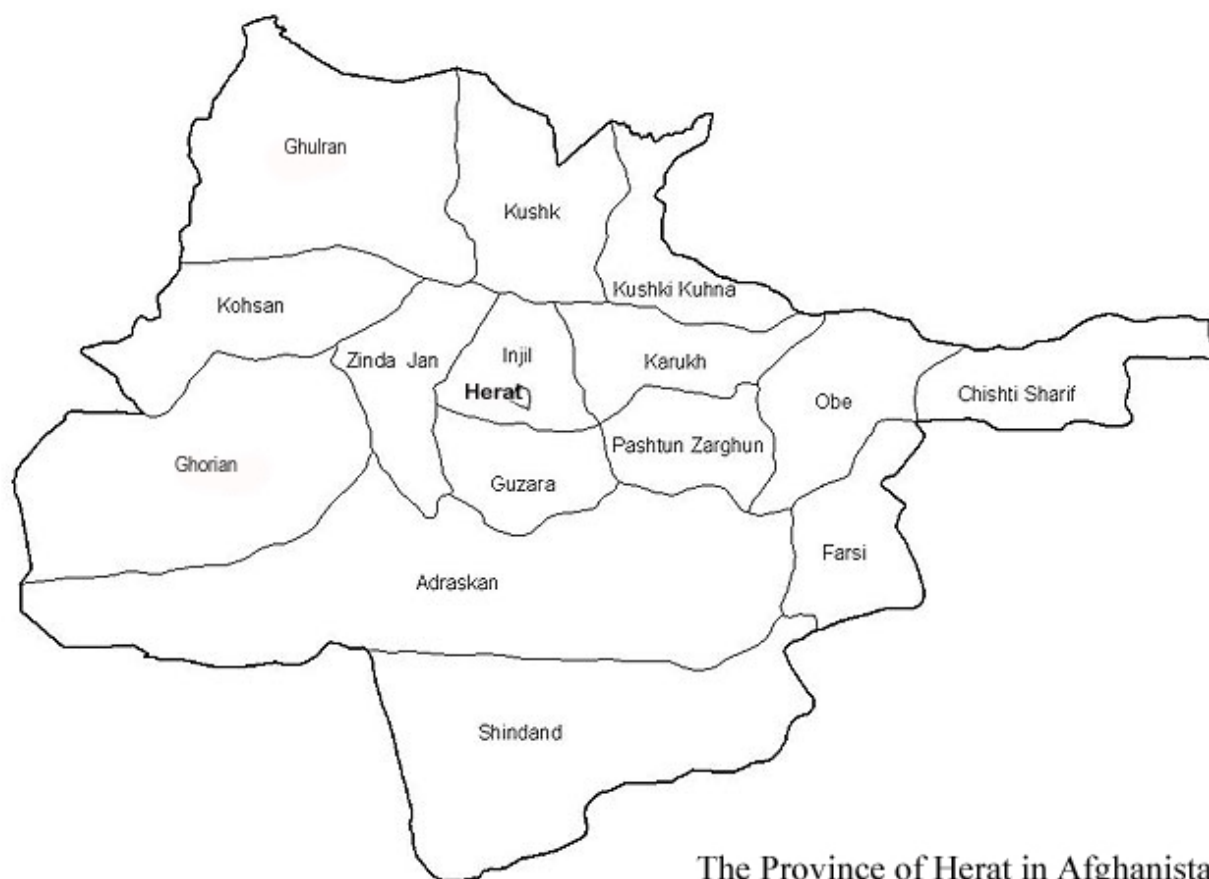
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MAP OF AFGHANISTAN



Provinces of Afghanistan

MAP OF HERAT



The Province of Herat in Afghanistan

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Asia Division

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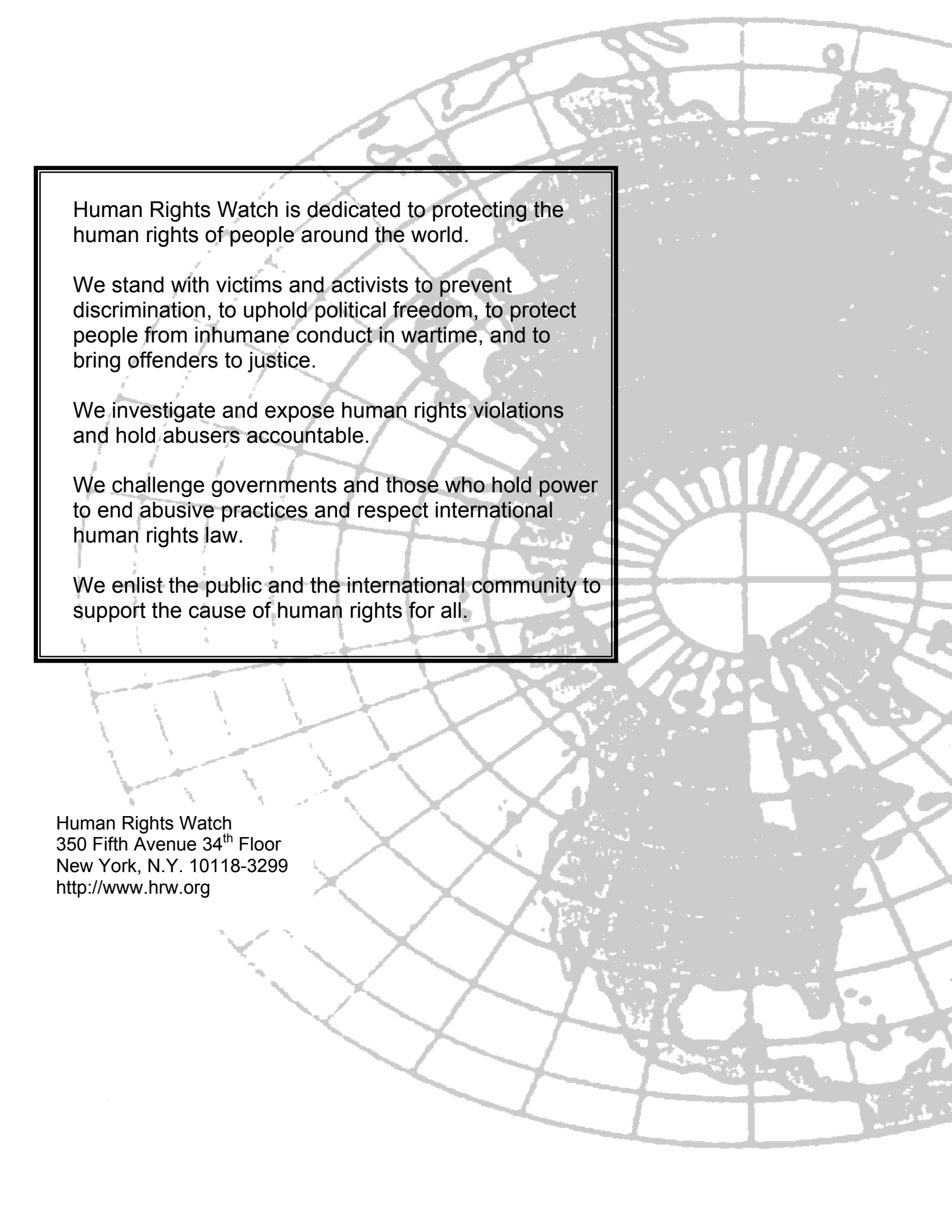
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