

AFGHANISTAN:

THE MASSACRE IN MAZAR-I SHARIF

I. SUMMARY AND RECOMMENDATIONS	2
Recommendations.....	4
II. BACKGROUND	5
III. THE FIRST DAY OF THE TAKEOVER.....	6
IV. SEARCHES AND SUMMARY EXECUTIONS	7
V. IN THE JAIL	9
VI. INCITEMENT OF VIOLENCE AGAINST HAZARAS BY GOVERNOR NIAZI	11
VII. ABDUCTIONS OF AND ASSAULTS ON WOMEN	12
VIII. DETENTIONS OF PERSONS TRYING TO LEAVE.....	13
IX. ATTACKS ON CIVILIANS FLEEING MAZAR	13
X. THE APPLICABLE LAW	14
XI. THE TALIBAN'S REPRESSIVE SOCIAL POLICIES.....	15
XII. CONCLUSION	16

I. SUMMARY AND RECOMMENDATIONS

This report documents a massacre of civilians and other serious breaches of international humanitarian law committed in Afghanistan in August 1998. The incident, which occurred in Mazar-i Sharif, a city in northern Afghanistan, represents one of the single worst examples of killings of civilians in Afghanistan's twenty-year war. No foreigners or press were allowed in the city or its environs at the time, and only a few humanitarian organizations have been permitted to carry out relief work in the city since the incident. Human Rights Watch is the first international human rights organization to interview survivors who have reached Pakistan in the weeks following the massacre. In the report, we urge the United Nations **to undertake an urgent investigation into the massacre and the full range of abuses that took place in Mazar-i Sharif, including 1997 killings of Taliban soldiers in the city that motivated those involved in the subsequent offensive to seek revenge.** Human Rights Watch believes that determining the truth about what happened represents the first step toward accountability and may provide a means toward breaking the cycle of revenge killings that continue to characterize the civil war in Afghanistan.

Summary

On August 8, 1998, Taliban militia forces captured the city of Mazar-i Sharif in northwest Afghanistan, the only major city controlled by the United Front, the coalition of forces opposed to the Taliban. The fall of Mazar was part of a successful offensive that gave the Taliban control of almost every major city and important significant territory in northern and central Afghanistan. Within the first few hours of seizing control of the city, Taliban troops killed scores of civilians in indiscriminate attacks, shooting noncombatants and suspected combatants alike in residential areas, city street and markets. Witnesses described it as a "killing frenzy" as the advancing forces shot at "anything that moved." Retreating opposition forces may also have engaged in indiscriminate shooting as they fled the city. Human Rights Watch believes that at least hundreds of civilians were among those killed as the panicked population of Mazar-i Sharif tried to evade the gunfire or escape the city.

In the days that followed, Taliban forces carried out a systematic search for male members of the ethnic Hazara, Tajik, and Uzbek communities in the city. The Hazaras, a Persian-speaking Shi'a ethnic group, were particularly targeted, in part because of their religious identity. During the house-to-house searches, scores and perhaps hundreds of Hazara men and boys were summarily executed, apparently to ensure that they would be unable to mount any resistance to the Taliban. Also killed were eight Iranian officials at the Iranian consulate in the city and an Iranian journalist. Thousands of men from various ethnic communities were detained first in the overcrowded city jail and then transported to other cities, including Shiberghan, Herat and Qandahar. Most of the prisoners were transported in large container trucks capable of holding one hundred to 150 people. In two known instances, when the trucks reached Shiberghan, some 130 kilometers west of Mazar, nearly all of the men inside had asphyxiated or died of heat stroke inside the closed metal containers. Some prisoners were also transported in smaller trucks. As of late October, some 4,500 men from Mazar remained in detention.

The few international relief groups operating in Mazar had evacuated their staff in the days before the attack on the city.¹ On August 16, the International Committee of the Red Cross (ICRC), resumed its operations in the city. In late October, Médecins Sans Frontières (Doctors Without Borders) was permitted to resume its activities. Following the takeover, the Taliban allowed no journalists to travel anywhere in the area.

In the absence of a full-scale investigation, there is no way to know precisely how many were killed in the weeks following the fall of Mazar to the Taliban. Based on interviews with survivors and other informed sources, Human Rights Watch believes that at least 2,000 may have been killed in the city and possibly many more. Many civilians were also killed in aerial bombardments and rocket attacks as they fled south of the city toward the Alborz mountains. Human Rights Watch is also concerned by persistent reports that women and girls, particularly in certain

¹In fact, few international groups had had any expatriate staff in Mazar since September 1997 because of the precarious security conditions. Fighting between various factions was commonplace, as were incidents of banditry and extortion. The offices of the U.N. were looted in May and September 1997.

Hazara neighborhoods of Mazar-i Sharif, were raped and abducted during the Taliban takeover of the city.

The killings of Hazara men and boys appear to have been carried out largely in reprisal for the killing of several thousand Taliban soldiers after a failed attempt by the Taliban to take the city from May to July 1997. Of these, some 2,000 were reportedly summarily executed after capture in Shiberghan and other areas, including areas to which prisoners from Mazar were deported. A number of neighborhoods targeted for searches in Mazar had been among those where resistance by Hizb-i Wahdat troops against the Taliban had begun at that time. Witnesses stated that Taliban conducting the house-to-house searches accused Hazaras in general of killing Taliban troops in 1997 and did not distinguish between combatants and noncombatants. In speeches given at mosques throughout Mazar, the Taliban governor, Mulla Manon Niazi, also blamed Hazaras for the 1997 killings.

The Hazaras were also singled out because they are Shi'a. The Taliban are Sunni Muslims and followers of a strict conservative sect that considers the Shi'a to be infidels. During their search operations in Mazar, the Taliban ordered some residents to prove that they were not Shi'a by reciting Sunni prayers. Over a period of several weeks, Governor Niazi made inflammatory speeches against Hazaras in which he ordered them to become Sunnis, leave Afghanistan, or risk being killed.

The Taliban forces that captured Mazar-i Sharif included Pashtuns from Balkh, the province of which Mazar is the capital and the name of a town northwest of Mazar. These Balkh Pashtuns had been members of a militia aligned with the Hizb-i Islami, a largely Pashtun faction that was part of the United Front. Some weeks before the offensive on Mazar, Hizb-i Wahdat forces launched an operation in Balkh to drive Pashtuns from the area so that they would not be able to provide support to the advancing Taliban troops. The Hizb-i Wahdat forces reportedly engaged in widespread rape and looting. The rapes in particular reportedly drove several key commanders among the Balkh Pashtuns to switch sides and help the Taliban. Some were reportedly also unhappy with Hizb-i Islami leader Gulbuddin Hekmatyar's courting of Shi'a religious leaders. Other commanders were simply bought off. Balkh Pashtuns were among the first troops entering the city and have been identified among the Taliban troops who engaged in indiscriminate shooting on the first day. Balkh Pashtuns also took part in the house-to-house searches and may have acted as informers identifying Hazara neighborhoods and houses. However, witnesses interviewed by Human Rights Watch stated that the search parties also included Taliban officers who were not from local areas and that the Taliban officers separating prisoners at the jail were not Balkh Pashtuns but non-local "mainstream" Taliban — those from Qandahar or other predominantly Pashtun areas of southern Afghanistan where many of the senior Taliban leaders are based. The speeches by Governor Niazi also demonstrate an intent at senior levels to target Hazaras. Other witnesses stated that senior Taliban leaders were not only aware of the extent of the killing in Mazar but had decided to allow it to continue for several days before stopping it.

Human Rights Watch also interviewed a number of witnesses who described the abductions of girls and women from neighborhoods in Mazar, including Saidabad, Karte Ariana and Ali Chopan. There are consistent reports as well of a number of incidents of rape; Balkh Pashtuns were identified in some cases. In the weeks after the takeover the Taliban announced the execution of some soldiers who had been responsible for crimes, including rape, during the offensive.

Methodology

Human Rights Watch conducted the interviews for this report in Islamabad, Peshawar and Quetta, Pakistan. The eyewitnesses we spoke to included residents of Mazar-i Sharif who were Pashtun, Tajik, Uzbek and Hazara. The witnesses had lived in different neighborhoods of the city. Some had stayed in the city for several weeks after the Taliban takeover; others had left within a few days. Most had arrived in Pakistan after several weeks of travel inside Afghanistan.

Their testimonies about the events in Mazar-i Sharif from August 8 through early September are consistent in the depiction of the patterns of attack by the advancing Taliban troops, the systematic nature of the search operations, the sorting of prisoners at the jail, and the transport of prisoners. All of those who remained in the city after the first day separately witnessed summary executions of men and boys as they were being taken from their homes or while being

transported to the jail. All of them also heard one or more of Governor Niazi's speeches that, while they varied somewhat in content, reflected consistent themes of anti-Shi'ism and revenge for the 1997 killings.

Human Rights Watch also interviewed sources in nongovernmental organizations and in the diplomatic community who have monitored and documented the events in Mazar. Information provided by these sources is consistent with the patterns described by eyewitnesses.

Recommendations

Human Rights Watch urges U.N. human rights monitoring mechanisms, in particular the Special Rapporteur on Afghanistan, the Special Rapporteur on Extrajudicial, Summary or Arbitrary Executions, and the Special Rapporteur on Violence against Women, **to undertake an investigation into the full range of abuses that took place in Mazar-i Sharif and its environs in August 1998, including indiscriminate shootings and extrajudicial executions of civilians, mass detentions, and abductions and rapes of women. Given that the killings appear to have been carried out in retaliation for the killings of Taliban soldiers, including the summary execution of prisoners, in May 1997, the investigation should also include an exhumation of those mass graves and those of civilians apparently killed in reprisal attacks in Maimaneh and Qizalabad.**²

The Office of the High Commissioner on Human Rights should conduct a thorough investigation of these sites as soon as possible, as recommended by its May 1998 exploratory mission, and should give the issue the highest priority. The team should include forensic experts and sufficient support staff to carry out exhumations of the grave sites and analysis of the remains; **staff with field experience in monitoring human rights abuses and interviewing victims and witnesses of atrocities, including torture, rape, and sexual abuse; and legal experts knowledgeable in international human rights and humanitarian law. The team's reports to the High Commissioner for Human Rights and the Security Council on its findings and recommendations should be made publicly available.**

It is likely that an investigation team may face significant obstacles in carrying out its mandate. It is thus critically important that the international community do everything possible to urge the Taliban to permit such an investigation to go forward. The U.N. secretary-general should use his good offices to facilitate the mission, and all U.N. departments and agencies should lend their logistic support to the mission. The international community should also insist on the following benchmarks for conducting the investigations:

- **Guaranteed security for all members of the team conducting the investigations;**
- **Unrestricted access to the territory and full investigatory rights; the right to travel freely and visit any site, including any suspected or known places of detention; and the right to interview persons freely and in private, using interpreters of their choosing;**
- Disclosure of all current places of detention where persons detained in connection with the conflict are being held; disclosure of the names of all individuals detained during the course of the conflict; and their current whereabouts.

II. BACKGROUND

² The U.N. Special Rapporteur on Afghanistan, together with a forensic physician, visited the mass grave sites in December 1997 and recommended in his report to the General Assembly that a thorough investigation of the killings take place. In May 1998, the United Nations High Commissioner for Human Rights (UNHCHR) sent an exploratory mission to the sites. That team also looked into massacres of civilians by the Taliban in the region of Mazar-i Sharif which took place in July and September 1997 and around Meimaneh in January 1998. On the basis of the team's report, the UNHCHR had begun to make plans for the investigation when the July offensive put those plans on hold.

By mid-1998, the war in Afghanistan was well into its twentieth year. Following the withdrawal of the last Soviet troops in 1988, the fall of the government of Dr. Najibullah in 1992 by resistance forces marked the beginning of a bloody civil war among shifting alignments of the resistance forces.³ The Taliban, a movement of religious students (*talibs*) from the Pashtun areas of eastern and southern Afghanistan who had been educated in traditional Islamic schools in Pakistan, emerged in 1994 in part as a reaction to the failure of the other Afghan factions to end the fighting and establish a government that could ensure some peace and stability in the country. When the Taliban took control of the city of Qandahar in 1994, they forced the surrender of dozens of local Pashtun leaders who had presided over a situation of complete lawlessness. It was in this context that the Taliban acquired a reputation for sweeping into power with little bloodshed and with the support of the local population. However, these characteristics of the Taliban's military strategy did not hold true in its battles for Herat, Kabul, or the north.⁴

The Taliban's early victories were followed by a series of defeats, as their efforts to take the western city of Herat and the capital Kabul in early 1995 resulted in heavy losses. It was at this point that Pakistan reportedly began providing extensive assistance to the Taliban.⁵ Such support was crucial in the Taliban's successful offensives on Herat in August 1995 and in a lightning offensive in September 1996 that gave the Taliban control of Kabul.

³Even before the fall of the Najibullah government, various Afghan factions fought each other. See Human Rights Watch, *Afghanistan: The Forgotten War, Human Rights Abuses and Violations of the Laws of War since the Soviet Withdrawal* (New York, 1991); Barnett Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale University Press, 1995).

⁴For a detailed discussion of Pakistan's role in supporting the Taliban, see Anthony Davis, "How the Taliban Became a Military Force," in William Maley, ed., *Fundamentalism Reborn? Afghanistan and the Taliban* (Lahore: Vanguard Books, 1998).

⁵ *Ibid.*

As the Taliban consolidated its hold over Kabul and the rest of the country, the alliance of opposition parties in the north remained riven by feuds among the various factions: the Tajik-dominated Jamiat-i Islami of Burhanuddin Rabbani and Ahmad Shah Massoud; the Uzbek-dominated Junbish of Gen. Abdul Rashid Dostum; the Hazara Hizb-i Wahdat with its stronghold in the central mountainous region of the country known as Hazarajat; and the predominantly Pashtun Hizb-i Islami of Gulbuddin Hekmatyar. The history of bloodshed among all of these parties dates from before the fall of Dr. Najibullah's government in 1992. Battles for control of Kabul among these factions in 1993-1995 destroyed at least one-third of the city, killed thousands of civilians, and drove a half million refugees to Pakistan.⁶ As party leaders frequently had only nominal control over their commanders, much of the north remained a patchwork of fiefdoms under the authority of various warlords. For civilians there was little security from murder, rape and extortion.

In May 1997 the Taliban launched another offensive on Mazar-i Sharif. This time, they received support from Dostum's second-in-command, Gen. Malik Pahlawan, who apparently believed he had struck a deal to share power with the Taliban and ousted Dostum in a coup.⁷ When the Taliban reneged on the agreement and began disarming local forces, resistance broke out first in Hazara neighborhoods, and the Taliban found themselves trapped in a city that had turned murderous on them. Hundreds of Taliban were attacked in the streets and killed, and at least 2,000 taken prisoner, only to be summarily executed and their bodies dumped in wells or taken to remote desert sites and left lying in the open. Most analysts appear to agree that General Malik was responsible for many of the summary executions of the Taliban prisoners. However, a large number of Taliban forces were reportedly gunned down in the streets by the Hazara Hizb-i Wahdat. Malik fled to Iran, and Dostum returned. Driven back after a subsequent attack on Mazar in September 1997, retreating Taliban troops who may have included Balkh Pashtuns massacred Hazara civilians in Qizalabad, south of the city on the road to Herat.

Pakistan reportedly was again instrumental in providing support for the Taliban offensive that began in July 1998. As the Taliban neared Mazar this time, a number of opposition commanders left the city, and Jamiat fighters reportedly looted their own office. Once again, the Taliban relied on defectors to clear a way into the city for them, but this time they demanded guarantees that they would not be double-crossed. Pashtun militia commanders from Balkh who had become disillusioned with Hekmatyar agreed to join forces with the Taliban and move in behind the main Hizb-i Wahdat force encamped at Qala Zaini, a walled area west of the city. Trapped, virtually the entire Hizb-i Wahdat force, estimated at between 1,500 and 3,000, was killed there or on the roads leading north and east of the city. A smaller contingent of some 700 Hizb-i Wahdat troops fled south from the city to the mountains, and the way was clear for the main Taliban force to enter Mazar.

III. THE FIRST DAY OF THE TAKEOVER

Taliban troops entered the western outskirts of Mazar-i Sharif at about 9:30 a.m. on August 8. Residents

⁶Hizb-i Islami and Jamiat-Islami fought bitter battles for years before the fall of the Najibullah government. These continued after Rabbani was installed as president in 1992. Although Gulbuddin Hekmatyar was named prime minister he refused to enter Kabul and instead pounded the city with rockets. Hizb-e Wahdat, Jamiat-i Islami, and another faction, the Ittehad-i Islami of Abdul-Rab al-Rasul Sayyaf, fought artillery battles in Kabul. Dostum, a former militia commander who had supported Najibullah, switched sides in 1992, helping to pave the way for the resistance forces to take Kabul in April of that year. In January 1994 he joined forces with Hekmatyar to try to oust Rabbani. In February of that year, Massoud crushed an attempt by the Hizb-i Wahdat to take Kabul. By 1996, Hekmatyar had lost much support and credibility, and a number of his Hizb-i Islami commanders had defected to the Taliban.

⁷Malik was avenging the killing of his brother Rasool, who was gunned down in Mazar along with fifteen bodyguards on June 25, 1996. Malik blamed the assassination on Dostum. See Anthony Davis, "Taliban Found Lacking when Nation-Building Beckoned," *Jane's Intelligence Review*, vol. 9, issue 8, August 1, 1997, pp. 359-364.

reported hearing firing from the west from the early morning; many stated that they assumed that fighting had broken out between various factions within the United Front and that they did not realize that the Taliban had reached the city until they saw their characteristic black turbans and white flags. The firing continued until about 1:00 p.m. One witness described it as a "killing frenzy." Although several witnesses reported seeing bodies of Hizb-i Wahdat fighters in some locations, from the descriptions provided by survivors it is clear that many of those killed were noncombatants. One witness who passed through a market area on her way home saw that among those killed were a boy who had been selling bread from a cart, a woman who she was told had been on her way to a social gathering, and a man who had been grinding wheat. Many merchants in the bazaar were reportedly killed as the Taliban moved through the streets shooting at random. In some cases the Taliban used machine guns mounted on jeeps to fire continuously into the streets. A witness who watched from the roof of a shop described the scene of panic in the city:

From the roof I could see smoke coming from the west. I came out of my shop and went to the customs area from where I could see people fleeing from the west. It was chaos. People were running and being hit by cars trying to leave, market stalls were overturned. I heard one man say, "It's hailing," because of the bullets. I went home and from the windows I could hear shouting and see white flags on the cars.⁸

A woman described the killing of her thirteen-year-old son:

He was working in a carpet factory and was shot on the first day near Rouza-e Mubarak [the shrine in the center of Mazar]. Some people came and told me he had been taken to the hospital. They said that before he died he said, "We came to Mazar [from Kabul] to survive and now I am going to die. Who will support the family?" I did not even see him. I did not want to leave because of him, but we had to leave.

A man who was in the bazaar when the Taliban entered the city hid in a friend's house from which he could see the Taliban come into the bazaar.

At about 4:00 p.m. I saw someone running and another man pulling a cart. A Datsun full of Taliban came down the street, and the soldier inside shot the man who was running and then went after the second man and shot him, too.

Human Rights Watch obtained testimony from a number of other residents who witnessed indiscriminate and arbitrary shooting by the Taliban. A merchant stated that he was in the bazaar when the shooting started. He was with a cousin, and when they saw people running they decided to run as well. The cousin was shot in the leg and could not walk. Unable to carry him, the merchant left him and continued on to his home. He later learned that the Taliban had killed his cousin. A moneychanger witnessed the killing of two of his neighbors as they stood in the street. He had gone upstairs in his house and was watching out the window as the Taliban cars passed. His two neighbors were standing in front of their house when two of the Taliban cars stopped and the soldiers inside shot the two men.

IV. SEARCHES AND SUMMARY EXECUTIONS

The shooting, which had been nearly continuous since 10:30 a.m., had largely ceased by midday on August 8, and except for sporadic outbreaks of gunfire, the city fell silent. Later that day and continuing for at least several days after, Taliban forces began house-to-house searches for male members of the Hazara, Tajik and Uzbek communities. On the basis of information apparently provided by local Pashtun forces or other informers, they targeted predominantly Hazara neighborhoods and in some cases knew beforehand which houses belonged to Hazaras. They were also looking for weapons. Witnesses testified that the soldiers specifically demanded to know if there were Hazaras present in the houses and asked residents to point out Hazara houses. Residents who could speak Pashto, or who did not look Hazara,

⁸The Taliban fly white flags from their vehicles.

or who could prove that they were not from Mazar could sometimes convince the Taliban not to search the house. Those conducting the searches included regular Taliban forces as well as Balkh Pashtuns.

In some cases the detained male members of the families were beaten or shot on the spot. Some had their throats slit. In other cases they were taken to assembly points from which they were transported by truck or other vehicle to the city jail. While most of those killed were Hazara, Human Rights Watch interviewed a number of witnesses who saw or knew of executions of Tajik and Uzbek men as well.

A Tajik man who was detained on August 10 provided this description:
I lived in Karte Bokhti. On the third day the Taliban surrounded the streets and searched every house looking for Hazaras. They were asking, "Where are the Hazara houses?" There was only one near us. There were four young Hazara men in the house, including a friend who was visiting and a young man who was doing some work at the house. The Tajiks, Uzbeks and Hazaras in the neighborhood were also all arrested. We were all put into trucks, but the four Hazaras' hands were tied very tight and they were taken elsewhere. There were two other Hazara boys in our truck. When we stopped near the customs area, the two Hazaras were taken off and told to go to the square behind the customs area. A Taliban soldier pushed them and then shot them both in the head. I was told later that the four others were taken to Takhaneya Mahdia and shot there. They were all workers, not fighters. They were all nineteen to twenty years old.

He was held overnight with other Tajiks and Uzbeks in a place behind the customs area. The next day he and the others were taken to the jail. After he was released, he saw another victim of a summary execution, this time a Tajik.

I saw that a young Tajik boy had been killed—the Taliban soldier was still standing there, and the father was crying, "Why have you killed my son? We are Tajiks." The Talib responded, "Why didn't you say so?" and the father said, "Did you ask that I could answer?"

One witness recounted that on August 13 or 14 the Taliban came to his house and stated that they were looking for Hazaras. The witness was himself Hazara and was hiding a Hazara family in his house at that time. A neighbor who could speak Pashto told the Taliban that there were no Hazaras there, and as soon as they heard Pashto, they left. Fearing that he might still be identified, the witness went to a predominantly Sunni neighborhood, but residents there warned him not to stay there. In his own neighborhood, a Taliban supporter who owed the witness a favor also warned him to leave, and other neighbors expressed fear that his presence there would endanger the whole neighborhood. As a result, he decided to leave for Pakistan with his family.

Another witness told Human Rights Watch that he was arrested on the evening of the first day as he was moving about the city checking on relatives. As he passed a truck filled with men who had been arrested, the Taliban called out for him to come to them. He was put into the truck and when it was filled they drove toward the jail.

I was afraid they were going to shoot me. So when we reached Sarake Dostum I threw myself out of the truck. Five or six other men threw themselves out after me. I landed on the right side of the road where there was a mosque. I ran into the mosque and began to wash as if I was preparing to pray. The other men all landed on the left side of the road and were shot there in the street. I stayed inside the mosque for more than an hour and left with the others when they finished their prayers.

He did not return to his home but stayed with friends. About a week after the Taliban had come he heard that they had said that Hazaras who were not fighters could return to their homes. Two families he knew went back and the men were arrested that day.

A seventeen-year-old boy who was trying to reach his house at about noon on the first day saw three Hazaras standing at the eastern gate of Rouza Sharif. He stated that seven or eight Taliban stepped out of a Toyota Hilux and

shot the three men in the head. The boy, his mother, and his siblings left the Karte Ariana neighborhood the next day for the mountains.

Another witness who lived in the Karte Ariana neighborhood stated that the Taliban came to their house on the second day. In this case the Taliban were local Pashtuns from Chohar Bolak working under a commander named Mulla Baradar. The witness's husband and daughters were hiding in the basement.

There were about five or six of them. They broke the television and demanded weapons and communications equipment. I told them that we only had one Kalashnikov, and I gave it to them and they left. Five minutes later they came back and said, "You are Hazara. Give us your husband." I told them he was not at home. I was yelling at them, and they did not search the house. Then we all left.

A woman who lived in Kamaz camp, where persons who had fled Kabul and other cities were living, stated that a large number of Taliban came searching for men at the camp the first day. Most of the men were beaten and then taken away, but some were shot on the spot.

From one tent they took six boys. They were all seventeen, eighteen, or twenty years old. They just shot them dead in front of the tent. The bodies lay there for four days until the women could finally bury them.

A medical student testified that the Taliban also searched the hospital looking for Hazaras.

I saw two Hazara boys, one about thirteen years old and one about twenty. One had a broken arm. The Taliban wanted to take them away, but the director intervened. But they came back the next day and took them.

One witness stated that he saw bodies that had been left in the city's cemeteries.

We passed by the cemetery at Dasht-e-Shour. The cemetery is along the main road. There are also shops along the road. These shops were built with the dirt taken in the same area. So there are many holes left along the road. All these holes were filled with bodies.

As he was preparing to leave Mazar he witnessed one execution.

The morning we left, with one friend, in Darvazeye Taj-Korghon, it was around 7:00 a.m., a few shops were open. We saw one Hazara porter moving flour and rice for someone. Some Taliban were having breakfast in the Arefan hotel. They saw him and shot him immediately. The owner of the flour and rice was frightened. One Talib told him, "Take your belongings and go. This man was a Hazara." Along the way the Taliban were looking for Hazaras. Soldiers asked me if I were Hazara. My friend said, "He is not Hazara, he is Pushtun." They believed him and did not stop us.

Witnesses also reported seeing bodies in a number of areas in the city, some with their hands tied behind their backs with their turbans. A large number were reportedly taken to some of the city's cemeteries. One man told Human Rights Watch that he accompanied a neighbor who was searching for the body of her husband who had been taken away the first night. After looking at twenty bodies they stopped because she said she could not look anymore. When relatives attempted to retrieve bodies or bury the dead, they were stopped by the Taliban, who told them that the bodies had to lie on the streets "until the dogs ate them," as had happened to Taliban soldiers killed in the city in 1997. Dozens of civilians were reportedly executed at the tomb of a Hazara leader Abdul Ali Mazari, who was killed while in Taliban custody in 1995. Although some residents buried bodies in secret, most bodies remained on the street for several days until the smell and the fear of health problems persuaded Taliban officials to permit burials.

V. IN THE JAIL

According to witnesses who had been detained there, the central jail in Mazar-i Sharif has only one well for drinking water and two toilets. After the Taliban arrived in Mazar they reportedly released some hundreds of prisoners held in the jail and began to fill it with men arrested during their search operations. Witnesses interviewed by Human Rights Watch reported that the jail quickly became extremely crowded: there were so many in the jail that there was no room for anyone to lie down.

As the Taliban were detaining men throughout the city, relatives of the detainees, women and children for the most part, gathered outside the jail and outside the governor's headquarters to plead for the release of relatives. In some cases they waited all day in the heat without receiving any information. Witnesses reported that Taliban troops surrounding the jail would occasionally beat those gathered there with whips.⁹ Children were occasionally allowed in to bring food to their relatives, but no other visitors were permitted to speak with the detainees.

A Tajik witness who was detained told Human Rights Watch:

Some of the prisoners were beaten, mostly Hazaras. They were tied up and made to lie face down and then the Taliban would beat them with cables. The Taliban were telling everyone to surrender their arms and tell them where they could find Hazaras. They said, "If you hand over a Hazara, we will let you go."

He was held for three days. Taliban officials at the jail, who were reportedly all non-local "mainstream" Taliban, separated the prisoners on the basis of ethnicity; Hazaras and other Shi'as were kept on one side, Uzbeks and Tajiks on the other. Some detainees were forced to help identify members of different ethnic groups. In some cases the authorities required the detainees to prove that they were Sunni by reciting a Sunni prayer. Many of the Uzbeks, Tajiks, Turkmen, and the few Pashtuns there were released after someone came and vouched for them.

As the jail filled, large numbers of prisoners were transferred to other prisons in Afghanistan, principally in Shiberghan, Herat and Qandahar. The vehicles used to transport the prisoners were large metal container trucks which were twenty to forty feet in length. Witnesses estimated that the large trucks could hold between one hundred and 150 people packed closely together. At least thirty-five truckloads of prisoners were reportedly transferred from the prison in Mazar. One witness who was detained for several days stated that on at least one occasion, Governor Niazi personally oversaw the process of selecting prisoners for transfer. Another witness reported seeing many such trucks leaving the jail.

I saw containers coming out of the jail every day, several times a day. They were these big Iranian containers, twenty or forty feet long. I saw them regularly because the house we lived in is near the jail. They filled them with people they arrested and left the city.

A Tajik man who had been detained in the prison at the time described how the prisoners were ordered into the trucks:

As the jail filled up they would bring container trucks. It is hard to say exactly who was being put in. They were going to put me in, but I yelled, "I am old and Tajik—what are you doing?" It was very hot. People were already very thirsty. They put them inside and closed the doors. It was clear they would not survive ten minutes. I saw this happen once. There were maybe 120 to 150 men inside.

⁹These whips, which are either those used for controlling donkeys and horses or are refitted lengths of cable, are used by the Taliban's religious police of the Ministry for the Enforcement of Virtue and Suppression of Vice to exact punishment of persons who commit transgressions of the strict dress code or other edicts.

In at least two instances, nearly all of the prisoners inside the trucks died of asphyxiation in the crowded conditions and desert heat by the time the trucks reached Shiberghan, a three-hour drive from Mazar. One witness saw the trucks in Shiberghan:

In Shiberghan, they brought three containers to Bandare-i Ankhoï, close to the jail. When they opened the door of one truck, only three persons were alive. About 300 were dead. The three were taken to the jail. I could see all this from [where I was sitting]. This was seven days after the takeover. The containers were about twenty feet long. ... I know that there were many dead bodies because the Taliban asked [someone I know] and three Turkmens to go with them to Dasht-e-Leili [a desert site outside Shiberghan]. The Taliban did not want to touch the bodies so the porters took the bodies out of the containers.

From the testimony obtained by Human Rights Watch, it is not clear whether the deaths of the prisoners inside the trucks were intentional. Many other trucks did transport at least the majority of their prisoners without such a result. At the same time, the use of container trucks to punish or kill prisoners reportedly has several precedents in Afghanistan.¹⁰ Even if the killings were not intentional, the crowded conditions and extreme heat amounted to cruel and inhumane treatment under customary international humanitarian law, even for those prisoners that survived.

VI. INCITEMENT OF VIOLENCE AGAINST HAZARAS BY GOVERNOR NIAZI

By the second day of the Taliban takeover of Mazar, the newly installed governor, Mulla Manon Niazi, delivered speeches at mosques throughout the city, sometimes several in one day, threatening violence against Hazaras in retaliation for the killing of the Taliban prisoners in 1997, criticizing them for being Shi'a and urging them to convert, and warning other residents that they would also be punished if they protected Hazaras. Virtually every witness who stayed in Mazar after the first day heard one or more of these speeches. While they differed in some details, the themes were uniformly anti-Shi'a and anti-Hazara and consistently held Hazaras responsible for the 1997 killings. These speeches, given by the most senior Taliban official in Mazar at the time, clearly indicate that the killings and other attacks on Hazaras were not the actions of renegade Taliban forces but had the sanction of the Taliban authorities.

In one speech, Niazi was reported to have stated, "Last year you rebelled against us and killed us. From all your homes you shot at us. Now we are here to deal with you." In another speech he reportedly said, "Hazaras are not Muslim, they are Shi'a. They are *kofr* [infidels]. The Hazaras killed our force here, and now we have to kill Hazaras." Although he reportedly stated, "We are not here for revenge. What has happened has happened," he told Hazaras that "If you do not show your loyalty, we will burn your houses, and we will kill you. You either accept to be Muslims or leave Afghanistan." In another speech he warned Hazaras that "wherever you go we will catch you. If you go up, we will pull you down by your feet; if you hide below, we will pull you up by your hair." Families petitioning Niazi for the release of detained relatives were told that he would consider releasing anyone except the Hazaras.

At the university, Niazi was asked to provide identity cards to the faculty so that they could come and go without being harassed. He agreed and asked for the names of all the faculty, so that they would be given cards. The names were written down for him, but those who sounded Shi'a were not given cards. Niazi also made a point of threatening those who might be hiding Hazaras. In one speech he said, "If anyone is hiding Hazaras in his house he too will be taken away. What [Hizb-i] Wahdat and the Hazaras did to the Talibs, we did worse...as many as they killed, we killed more." The speeches were also broadcast on the radio.

VII. ABDUCTIONS OF AND ASSAULTS ON WOMEN

¹⁰ Abdul-Rab al-Rasul Sayyaf, head of the Pashtun faction Ittihad-i Islami, reportedly killed Hazara prisoners by locking them in a metal container and then building a fire around it. Malik reportedly dumped a container of Taliban prisoners in the Amu Darya river. While the facts in each case are difficult if not impossible to confirm, such reports have widespread currency, and the events described are treated as precedents and reasons for revenge.

Information gathered by Human Rights Watch indicates that assaults on women also featured in the Taliban's takeover of Mazar-i Sharif. Although the Taliban in general have, in contrast to most of the opposition parties, refrained from assaulting and raping women during their military campaigns, Human Rights Watch received consistent reports that young women were abducted by the Taliban from a number of neighborhoods in Mazar-i Sharif and that their whereabouts remain unknown. While such abductions do not appear to have been widespread, certain neighborhoods appear to have been targeted. Human Rights Watch was not able to locate witnesses who were willing or able to describe specific incidents in detail, but we believe the allegations are serious enough to warrant special attention in any formal investigation into assaults on civilians during the takeover of Mazar-i Sharif.

A witness living in Kamaz camp stated that some of the Taliban took away young women from the camp at the same time that they were arresting men. She knew of four or five girls who were taken from the camp, all in their early twenties. A witness from the neighborhood of Karte Ariana told Human Rights Watch that she had seen teen-age girls in the area being pushed into the Taliban's Pijaro cars and taken to an unknown destination.

A male medical student who worked and lived in one of the city hospitals for twenty days straight after the takeover stated that he saw one rape case during that time. A Hazara woman, who was a nurse, and her sister had walked to the hospital from Ali Chopan.

The nurse was in a very bad shape, she had sharp stomach pains. I could not examine her because the hospital was full of Talibs. This was a day before they segregated the hospital and put women in the children's building. I just asked a few questions and finally she said that she was raped by the Talibs. She did not say which ones. We could not talk long with the Talibs watching. I could not do much, I just gave her analgesics.

Another witness described an encounter with a nurse who had been raped who may have been the same woman.

An acquaintance of ours came to our house seven or eight days after the takeover. She became ill in our house because she had taken over twenty pills to kill herself, I don't know what kind. We called doctors from the neighborhood who gave her something to wash out her stomach. She lived in Ali Chopan, but her family was staying elsewhere, and she had gone back to check on the house when she was picked up by the Taliban. At first she did not want to tell us anything, but then she said that when she went to their house, the Talibs abducted her and locked her up in a house with twenty to twenty-five other young girls and women. They were raped every night. They were all Hazaras. She was the only one released. One Talib told her that now they are *halal* [sanctified], and she should go to his parents in Qandahar and wait for him to come and marry her. He gave her a pass and his own identity card and told her to go to the Taliban's headquarters and from there to Qandahar, but instead she escaped.

The difficulties inherent in documenting such attacks on women are many. The refugees from Mazar-i Sharif are scattered throughout Afghanistan and Pakistan. Rape victims are unlikely to seek medical attention unless their injuries are severe. The whereabouts of abducted women and girls remain unknown. Rape victims are often reluctant to report their assaults because of the shame and stigma that they may bear as a result. And Afghan women coping with upheaval and the loss of family members in particular may fear the added worry of being identified as rape victims. Nonetheless, Human Rights Watch received consistent and reliable reports of abuses against women. We thus underscore the need for an investigation that is prepared to examine the full range of reported violations, including sexual violence.

VIII. DETENTIONS OF PERSONS TRYING TO LEAVE

In the first weeks following the takeover of Mazar, persons trying to leave the city were routinely stopped at checkpoints and searched the vehicles. Taliban officials specifically looked for Hazaras. Hazara men who were found in the cars or trucks were detained. The officials also looked for weapons and for pictures, as the Taliban has prohibited these. At one checkpoint outside of Mazar, Taliban soldiers reportedly questioned persons fleeing, "How many Taliban did you kill in Mazar?" apparently referring to the 1997 killings. Those who could convince the authorities that they were not Hazara or who had identity cards from other cities managed to pass.

Other checkpoints where refugees were questioned included Zabul and Qandahar. One witness reported that at Zabul, three men in the family were detained overnight until the family could convince the authorities that they had come from Ghazni. At Qandahar the Taliban told the family that they could not permit Hazaras from Mazar or Bamiyan to pass. The witness's brother, who was twenty-six, was detained for a week along with ten to twelve other Hazaras. They were given little food and water, beaten with cables repeatedly, and told to confess to being fighters. The witness knew other families whose relatives were arrested in Qandahar and had not yet arrived in Pakistan some weeks later.

Several witnesses described detentions in Jalalabad. One witness stated that his father and brother-in-law were arrested in Jalalabad and held for three days without food. Several witnesses described crowded conditions in the jail, with thirty to forty men kept in one room.

Refugees passing through Spin Boldak on the Pakistan border almost invariably were harassed by Taliban authorities. The men in the car were frequently beaten and detained until the family paid the authorities to secure their release. One witness stated that the Taliban asked, "Are you Hazaras?" and then beat them. He said, "We were like footballs."

IX. ATTACKS ON CIVILIANS FLEEING MAZAR

As the Taliban advanced northward toward Mazar-i Sharif in mid-July, civilians began to leave the city, with most heading south toward the mountains bordering the predominantly Hazara region of central Afghanistan known as Hazarajat. After the city of Shiberghan, some 130 kilometers southwest of Mazar, fell on August 2, a number of commanders reportedly left with their families. However, many residents did not believe that Mazar would fall so quickly, and the city's population was largely taken by surprise when Taliban troops entered on August 8. In the ensuing panic, at least hundreds of civilians headed south on the main road out of the city, some in cars or other vehicles but many on foot. In the words of one witness, the road was "black" with people and cars. Many families left as soon as they could after the Taliban arrived on August 8. One witness who fled with his family described "a solid line of people from Mazar to Tangi Awlie," an area just south of Mazar on the way to the mountains. Another witness stated that the road was so crowded with fleeing civilians that cars drove over the bodies of those killed because there was no way to go around them.

Moving for the most part ahead of the civilian crowd was a contingent of Hizb-i Wahdat troops, estimated by one well-informed source at about 700. The Hizb-i Wahdat forces reportedly robbed civilians of cash and cars as they left. There were also reported to be a number of Junbish and Jamiat troops on the road.

For at least two days after the takeover, the road was hit by rockets fired from Taliban positions west of Mazar. A source interviewed by Human Rights Watch stated that there were most likely BM-21 Grad (Hail) multiple rocket launchers, commonly known as Katyushas.¹¹ An unknown number of civilians on the road were also killed when they were bombed by Taliban airplanes; witnesses stated that the bombs scattered hundreds of grenade-sized munitions over a wide area on the road. Eyewitnesses said that hamlets and small markets along the road were also destroyed in bomb

¹¹ The BM-21 Grad is a heavy-duty truck mounted with a forty-round multiple rocket launcher, which can fire 40 rounds of 122mm rockets in 20 seconds. The maximum range of the 122mm rockets is 15,000 meters. Christopher Foss, ed., *Jane's Armour and Artillery 1993-94*, (Surrey, U.K.: Jane's Information Group, 1993), pp. 598-9.

and rocket attacks. In one such incident, witnesses said that rockets hit an area called Tangi Shadyan on the southern outskirts of the city at about 12:00 p.m., killing at least fifty. Cars and trucks carrying people were struck, and one witness stated that "people were in pieces" along the road. A witness who left immediately when the Taliban arrived told Human Rights Watch that he and his family carried with them nine bodies of a family that had been killed in a rocket attack on the road, including two women, three men, and four small children, and buried them in farmland on the way to the mountains.

Under international humanitarian law, the military forces retreating on the road were a legitimate military target for the Taliban forces. Many of the troops were also using civilian vehicles commandeered in Mazar-i Sharif, which would have made their identification as combatants difficult if not impossible. However, the Taliban forces were also obligated to take every precaution to refrain from harming or killing civilians. It is not known how many civilians were on the road in proportion to the combatants, but it is clear that hundreds of civilians were in flight on the road, many of them on foot, and they would have been visible from the air. The rockets and cluster bombs apparently used in the attacks are both notoriously inaccurate anti-personnel weapons designed to cause the maximum number of casualties.

X. THE APPLICABLE LAW

The human rights abuses committed by the Taliban during the capture of Mazar-i Sharif shock the conscience and violate the most elementary principles of international humanitarian law. The Taliban abuses are both too numerous and too self-evident to require an exhaustive list of all relevant international legal standards violated during the offensive. Most pertinently, however, the Taliban's actions violate the provisions of Common Article 3 of the Geneva Conventions of 1949, which lays out the minimum humanitarian rules applicable to every internal armed conflict:

In the case of armed conflict not of an international character occurring in the territory of one of the High Contracting Parties, each Party to the conflict shall be bound to apply, as a minimum, the following provisions:

(1) Persons taking no active part in the hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention, or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth, or any other similar criteria.

To this end the following acts are and shall remain prohibited at any time and in any place whatsoever with respect to the above-mentioned persons:

- (a) violence to life and person, in particular murder of all kinds, or mutilation, cruel treatment and torture;
- (b) taking of hostages;
- (c) outrages upon personal dignity, in particular humiliating and degrading treatment;
- (d) the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples.

(2) The wounded and sick shall be collected and cared for.

Since Common Article 3 of the Geneva Conventions is binding on "each Party to the conflict"—that is, it is binding on both governmental and nongovernmental forces—the Taliban currently stands in flagrant violation of international humanitarian law.

The minimum protections established by Common Article 3 are developed and supplemented by Protocol II to the Geneva Conventions of 1949, which applies to internal armed conflicts "which take place in the territory of a High Contracting Party between its armed forces and dissident armed forces or other organized armed groups which, under responsible command, exercise such control over a part of its territory as to enable them to carry out sustained and concerted military operations and to implement this Protocol." (Article 1, 1). Protocol II reiterates the fundamental guarantees laid out in Common Article 3 and adds a range of additional requirements for armed groups to whom the protocol applies. In circumstances in which Protocol II does not directly apply, as in the case of Afghanistan which has not ratified this protocol, it provides authoritative guidance on the implementation of Common Article 3. Of particular relevance here are the provisions of Article 4 of Protocol II which lay out the minimum guarantees for all those persons who are not taking a direct part in the hostilities. Article 4 prohibits "at any time and in place whatsoever" at least the following acts:

- (a) violence to the life, health and physical or mental well-being of persons, in particular murder as well as cruel treatment such as torture, mutilation or any form of corporal punishment;
- (b) collective punishments;
- (c) taking of hostages;
- (d) acts of terrorism;
- (e) outrages upon personal dignity, in particular humiliating and degrading treatment, rape, enforced prostitution and any form of indecent assault;
- (f) slavery and the slave trade in all their forms;
- (g) pillage;
- (h) threats to commit any of the foregoing acts.

XI. THE TALIBAN'S REPRESSIVE SOCIAL POLICIES

Shortly after taking Mazar-i Sharif, the Taliban took steps to impose the system of justice and social code they have established in other areas of Afghanistan under their control.¹² Women have been ordered not to move outside their homes unless completely covered and accompanied by a close male relative and have been prohibited from working. Girls schools have been closed.¹³ Hospitals are segregated by sex, and women may not be treated by male

¹²The Taliban's social policy is informed by the conservative Deobandi school, and its strict interpretation of the Sharia, or Islamic law, and by some traditions of Pashtunwali, the tribal code of the Pashtuns. The Deobandis, followers of an eighteenth-century reform movement, have close ties to Wahhabism, a sect which has the support of the Saudi royal family. Edicts governing social behavior are enforced by the Amr bil-Marooif wa Nahi An il-Munkir, or Ministry for the Enforcement of Virtue and Suppression of Vice, whose vigilance squads exact summary punishment by beating or detaining transgressors. Enforcement of the Taliban's code has been less a problem for Afghans living in rural Pashtun areas of southern Afghanistan than for those in cities like Herat and Kabul, where the Taliban have felt less secure and have been wary of resistance from the non-Pashtun, urbanized population.

¹³In Kabul, girls' schools have been ordered closed, and boys' schools have been closed because of the prohibition on work by women teachers and the lack of salary for remaining staff. The Taliban have been less rigid in applying these strictures in Qandahar, where some girls' schools function, and male doctors have been permitted to treat female patients under strict safeguards.

doctors. In other parts of Afghanistan where these policies have been enforced, the consequences for women have been grave. Women responsible for feeding and caring for their families are impoverished when they can neither work nor leave their homes. Women who do go out unaccompanied or improperly attired have been beaten on the spot. Refugees and health care workers have reported incidents of women who died when denied emergency medical care.

The Taliban's gender policies have seriously strained their relationship with nongovernmental relief organizations and the U.N., leading some groups to scale down programs or threaten to withdraw non-emergency assistance altogether.¹⁴

XII. CONCLUSION

The massacre in Mazar-i Sharif has attracted only passing attention by the outside world and has elicited little outrage even from those countries that have played a part in attempting to construct a peaceful settlement to the Afghan conflict. In part, this is due to the fact that information about the killings and detentions in Mazar-i Sharif has been slow to reach the outside world. Survivors only began to reach Pakistan in early September after an often arduous trek through the mountains in Afghanistan. In Pakistan, they remain at risk of reprisal from the Taliban. Most, having lost everything in their flight from Mazar, face a bleak future and little assistance as refugees in Pakistan.

The events in Mazar represent the latest chapter in Afghanistan's history of revenge killings. Because every group has its scores to settle in Afghanistan's long war, a thorough investigation of the events in Mazar-i Sharif would represent a first step toward breaking the cycle of violence.

¹⁴ For more on women's access to health care, see Physicians for Human Rights, *The Taliban's War on Women* (Boston: August 1998). In the aftermath of U.S. airstrikes on August 20 on alleged terrorist training camps in Afghanistan and the subsequent shooting of two U.N. workers in Kabul, one of whom died, the U.N. and virtually every relief group evacuated its staff from the country. On October 23, the U.N. agreed on conditions for a return of U.N. staff, including explicit security guarantees and a commitment to investigate the attack on U.N. staff and the killing of the Iranian officials during the offensive on Mazar-i Sharif.

Human Rights Watch
Asia Division

Human Rights Watch is dedicated to protecting the human rights of people around the world.

We stand with victims and activists to bring offenders to justice, to prevent discrimination, to uphold political freedom and to protect people from inhumane conduct in wartime.

We investigate and expose human rights violations and hold abusers accountable.

We challenge governments and those holding power to end abusive practices and respect international human rights law.

We enlist the public and the international community to support the cause of human rights for all.

The staff includes Kenneth Roth, executive director; Michele Alexander, development director; Reed Brody, advocacy director; Carroll Bogert, communications director; Cynthia Brown, program director; Barbara Guglielmo, finance and administration director; Jeri Laber, special advisor; Lotte Leicht, Brussels office director; Patrick Mingos, publications director; Susan Osnos, associate director; Jemera Rone, counsel; Wilder Tayler, general counsel; and Joanna Weschler, United Nations representative. Jonathan Fanton is the chair of the board. Robert L. Bernstein is the founding chair.

Its Asia division was established in 1985 to monitor and promote the observance of internationally recognized human rights in Asia. Sidney Jones is the executive director; Mike Jendrzeczyk is the Washington director; Patricia Gossman is the senior researcher; Jeannine Guthrie is NGO liaison; Smita Narula is a researcher; Mickey Spiegel is a consultant; Olga Nousias and Tom Kellogg are associates. Andrew J. Nathan is chair of the advisory committee and Ko-yung Tung is vice chair.

Web Site Address: <http://www.hrw.org>

Listserv address: To subscribe to the list, send an e-mail message to majordomo@igc.apc.org with "subscribe hrw-news" in the body of the message (leave the subject line blank).