



January 2011

country summary

Afghanistan

While fighting escalated in 2010, peace talks between the government and the Taliban rose to the top of the political agenda. Civilian casualties reached record levels, with increased insurgent activity across the country. An additional 30,000 United States troops increased international forces to more than 150,000.

Endemic corruption and violence marred parliamentary elections in September 2010.

Negotiations

The Afghan government made greater efforts in 2010 to promote a negotiated settlement with the Taliban and Hezb-e Islami (Gulbuddin). In June a Consultative Peace Jirga brought together around 1,500 Afghan elders, politicians, and civil society representatives in Kabul. The government offered limited reassurances it would seek to protect the rights of Afghan women and religious and ethnic minorities during the peace process. In October a newly appointed High Level Peace Council drew criticism from a wide range of Afghan civil society organizations and human rights defenders because it included numerous former warlords implicated in war crimes.

The Conflict

The armed conflict remains most acute in the south and southeast, with a marked deterioration in security in the north. In the first nine months of 2010 the United Nations documented the deaths of 2,135 civilians, an increase of more than 10 percent compared to the same period in 2009, largely due to increased insurgent attacks that often take the form of drive-by shootings or suicide bombings. US and NATO-caused civilian casualties dropped in the first six months of the year compared to the previous year. However, the third quarter saw an increase in civilian casualties, which matched an increase in the use of air attacks and night raids. US, NATO, and Afghan forces were responsible for more than 350 civilian deaths during the first nine months of 2010.

Insurgent-targeted killings in violation of international humanitarian law increased, particularly in the south. The UN estimates 183 assassinations in the first six months of the

year, up 95 percent compared to 2009. Amongst the most senior officials killed was the governor of Kunduz, northern Afghanistan, who was targeted in an October suicide bombing.

In February and March the US military carried out a major operation in Marjah, Helmand, aimed at expelling the Taliban and installing a local government capable of providing basic services. The operation led to significant civilian displacement, and increased insurgent activity in the area, including heavy mining. According to the UN, more than 70 civilians were killed in Marjah between February and April.

In June the US and NATO launched a civil and military campaign in Kandahar. Although there was emphasis on governance reform as a central component of winning popular support, little action was taken to reduce the stranglehold of a few dominant tribal strongmen on the local government and economy, including that of the president's brother, Ahmad Wali Karzai, and Kandahar's former governor, Gul Agha Sherzai. Combat operations increased in September, with civilian casualties and displacement rising due to the increased Taliban and international military presence. The International Committee of the Red Cross reported close to a thousand new patients with weapon-related injuries in August and September 2010, double the previous year.

So-called "night raids" against suspected insurgents intensified, despite a tactical directive in January 2010 encouraging commanders to use daytime raids when possible.

Timely and transparent inquiries or accountability for forces in the event of wrongdoing are often lacking when civilians are hurt or killed in night raids, airstrikes, or escalation of force incidents. A notable exception may be the response to allegations that five US soldiers deliberately killed and mutilated Afghan civilians in early 2010; several soldiers will face a court martial—for which no date has yet been set—on charges of premeditated murder.

At this writing the US has almost doubled the number of detainees it is holding in Afghanistan to more than a thousand. Despite modest procedural improvements, including the right to call witnesses, detainees do not receive adequate due process, including the right to legal counsel or to see evidence against them.

In August unidentified insurgents killed ten aid workers in Badakhshan, including eight foreign nationals and two Afghans. Insurgents abducted British aid worker Linda Norgrove in Kunar province in September; she was killed during a US special operations forces rescue operation in early October.

Attacks on Women and Girls in Taliban-Controlled Areas

Women in de facto Taliban-controlled areas face “night letters”—threatening missives often delivered at night—and death threats by phone. In recent years several high profile women have been assassinated; their killers have not faced justice. While men in Taliban-controlled areas are also threatened and attacked, there is an additional gender-related dimension to the pressures on women connected to the Taliban’s interpretation of Sharia law, which is used to justify harsh punishments for women seen to be mixing with men outside their immediate families.

The Taliban and other insurgent groups continued to target schools, particularly for girls over 10-years-old. According to the Ministry of Education, between March and October 2010, 20 schools were attacked using explosives or arson, and insurgent attacks killed 126 students.

Parliamentary Elections 2010

Parliamentary elections took place in September 2010, with insecurity and fraud disenfranchising a large segment of the electorate. More than 30 were killed on polling day.

The Taliban claimed responsibility for killing three candidates during the campaign period: Sayedullah Sayed, killed by a bomb while speaking in a mosque; Ghazni candidate Najibullah Gulisanti, abducted and, after failed demands for prisoner release, killed; and Haji Abdul Manan Noorzai, shot dead while walking to a mosque in Herat. In August five campaign workers supporting Fauwzia Gilani in Herat were abducted and killed. Women campaigners throughout the country told election observers of threats and intimidation.

There were serious attacks on election officials; in September, 28 election staff in Baghlan were kidnapped and two were killed in Balkh. Election monitors were also threatened and abducted during the campaign period.

Candidates and their supporters were responsible for a significant amount of the violence, with little sign at this writing that disqualifications or criminal prosecutions will follow.

Impunity

In January 2010 it emerged that a law had been quietly brought into effect in late 2009 that provides amnesty to perpetrators of war crimes and crimes against humanity, despite earlier pledges by President Hamid Karzai that the National Stability and Reconciliation law would not be promulgated. In 2007 a coalition of powerful warlords in parliament pushed through

the amnesty law to prevent prosecution of individuals responsible for large-scale human rights abuses in the preceding decades. It was revived in 2010 to facilitate amnesties for reconciliation and reintegration of the Taliban and Hezb-i Islami (Gulbuddin).

Lack of due process of law remains a major failing of the legal system; Afghans continue to face arbitrary detention, and are frequently denied access to a lawyer and the right to challenge the grounds of their detention before an impartial judge. Corruption and abuse of power often taint court proceedings. Reports persist of torture and ill-treatment of detainees held by the National Directorate of Security, with human rights officials gaining only erratic access to detention facilities where abuses are thought to occur.

Kidnapping for ransom is common, with an estimated 450 Afghans abducted annually according to the Afghanistan NGO Security Office. Insurgent groups also use kidnapping to demand prisoner releases.

Attacks on Human Rights Defenders, NGOs, and Journalists

Threats, violence, and intimidation are regularly used to silence opposition politicians, journalists, and civil society activists, particularly those who speak out about impunity, war crimes, government officials, or powerful local figures.

Women's rights defenders are regularly threatened and intimidated. Government failure to bring perpetrators to justice compounds fear among other women activists.

Journalists in the conflict areas face severe pressures. Insurgent groups use arson, kidnapping, and intimidation to try to stop reporting they see as unsympathetic. The government and local strongmen also intimidate and detain journalists.

Key International Actors

Safeguards against the potential human rights implications of reconciliation and reintegration have been poorly articulated by most key international actors involved, including the US, United Kingdom, and UN. While most have stressed the need to protect women's rights, notably US Secretary of State Hillary Clinton, the constitution is cited as sufficient protection, without explicit guarantees that women's right to work and freedom of movement and education will be protected in a negotiated settlement.

While the main international actors now acknowledge that impunity has fuelled the insurgency, they have not effectively addressed systemic concerns, including the entrenched

power of strongmen and former warlords, misuse of presidential powers, police corruption, and judicial weakness. This was exacerbated by continued international support for powerbrokers with past and present records of human rights abuses. The US military has introduced guidelines and a system of oversight for contracting to try to reduce perceptions it is fuelling corruption, though this has not yet led to a break with notorious powerbrokers providing logistical and security services.

The US and NATO continued to operate in Afghanistan without an adequate legal framework, such as a status-of-forces agreement. It is rare for the US and NATO to hold independent and transparent investigations into possible acts of wrongdoing, or to hold individuals to account. This is particularly true of special operations forces, and the opaque irregular Afghan forces working with both special operations forces and the CIA.