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Report on fact-finding mission to Pakistan to consider the security and human rights situation in Afghanistan, 18 to 29 January 2001

Contents

9. ANNEXES

1. Introduction

The number of Afghan asylum applicants entering Denmark and Norway has risen sharply over the last three years. There were 332 spontaneous asylum applicants from Afghanistan in Denmark in 1998; in 1999 this figure was 534; and in 2000, Denmark registered 1261 asylum applicants from Afghanistan. In Norway, 46 asylum applicants from Afghanistan were registered in 1998. In 1999, there were 172, and in 2000 this figure had increased to 326 spontaneous asylum applicants from Afghanistan.

The Immigration Service and the Danish Refugee Council last carried out a fact-finding mission to Afghanistan in November 1997. To update the information obtained during that mission, and because of the large increase in the number of applicants, the Immigration Service, in cooperation with the Danish Refugee Council and the Norwegian Directorate of Immigration (*Utlendingsdirektoratet* - UDI), planned a mission to Afghanistan in the autumn of 2000.

As there was some uncertainty over how the security situation in Afghanistan would develop following the adoption of UN sanctions against the Taliban on 19 December 2000 and their entry into force on 19 January 2001, the planned mission to Afghanistan was cancelled. Instead, the Immigration Service, in cooperation with the Danish Refugee Council and the Norwegian Directorate of Immigration (UDI), decided to undertake a fact-finding mission to Pakistan, with the central aim of gathering information on the current security and human rights situation in the Taliban-controlled area of Afghanistan.

The mission took place from 18 to 29 January 2001. The delegation visited Islamabad and Peshawar, where a large proportion of the international organisations and NGOs working inside Afghanistan have their headquarters. The delegation met representatives of a number of UN organisations, western embassies and international and national NGOs.

The criteria for selecting sources included the sources' representativeness, competence and knowledge in relation to the subjects under investigation. The deliberate intention was to achieve a broad range of sources, so that both independent international organisations and local organisations were included. Background information was also gathered about the

sources from relevant organisations and contacts in Pakistan and in Denmark. The number of sources consulted depended on the complexity of the subject and on the amount of time the delegation had available.

Most embassies and several UN sources asked not to be named in the report in connection with certain politically sensitive information, both so that they could continue to function in Afghanistan and Pakistan and to protect their own sources. For a more detailed description of the sources see section 6 of the report.

1.1 Political and military developments in Afghanistan up to the time of the mission

Amongst important events in Afghanistan since the autumn of 1997, when the last mission was carried out, the most significant was the USA's air strike in the east of Afghanistan in 1998. The attack was directed against suspected terrorist bases run by the exiled Saudi militant leader Osama bin Laden and supported by the Taliban, and was a reaction to the bombing of two US embassies in East Africa earlier the same month. As a result of this action many aid organisations, including the UN, withdrew their foreign staff from Afghanistan for fear of reprisals. The first UN staff began to return in March 1999.

The fighting in Afghanistan also became more intense in August 1998. At the beginning of the month, the Taliban took Shiberghan - about 120 km west of Mazar-i-Sharif - which had been the headquarters of the ethnic Uzbek leader, General Dostum. Dostum fled to Uzbekistan as a result of the attack, and later to Turkey. After the fall of Shiberghan, the way to Mazar-i-Sharif was undefended, and on 8 August 1998 the Taliban took Mazar-i-Sharif in a massive attack. Reports later emerged that between 2000 and 8000 Shi'ite Hazaras had been systematically massacred when the Taliban retook the town.

At the time of the capture of Mazar-i-Sharif, nine Iranian diplomats and an Iranian journalist disappeared from the Iranian consulate in the town. It was subsequently reported that they had been taken prisoner and then killed. At the beginning of September 1998 this brought Afghanistan and Iran to the verge of open warfare, and massive forces of Iranian soldiers were deployed on the Iranian-Afghan border. In October, in an attempt to defuse the tense situation, the Taliban agreed to release all Iranian prisoners in Afghanistan and promised to punish those responsible for the murder of the Iranian diplomats. By the end of the year the situation was returning to normal, after the Taliban had expressed regret for the death of the Iranian citizens and Iran had scaled down its forces at the border and stated that the country did not intend to invade Afghanistan.

In mid-September 1998 the Taliban took Bamiyan - the headquarters of the Hezb-e-Wahdat. Thereafter the Northern Alliance under the command of the Tajik General Masoud held the north eastern provinces of Takhar and Badakhshan, and a few enclaves in northern and central Afghanistan - in all approximately 10% of Afghanistan.

During the summer of 1999, the Taliban launched a major offensive against the Northern Alliance north of Kabul. Until the end of July 1999, Masoud's forces were within firing range of Kabul, but the Taliban subsequently took most of the Shomali plain north of Kabul

up to the entrance to the Panjshir valley. During that offensive the Taliban used scorched-earth tactics, i.e. comprehensive destruction including burning houses and crops and destroying irrigation systems. This offensive led to a large number (allegedly 125 000) of internally displaced persons, of whom some moved to the Panjshir valley and others to Kabul.

Important events on the political front included the adoption and implementation of UN sanctions against Afghanistan, on 15 October and 14 November 1999 respectively, as a result of the Taliban's continued refusal to hand over Osama bin Laden for prosecution in the USA or in a third country in connection with the bomb attacks on the embassies in East Africa in August 1998. The sanctions included an embargo on all Taliban-controlled resources outside Afghanistan and a ban on Ariana -the Afghan national airline - landing in international airports.

At the beginning of 2000 Afghanistan was struck by the worst drought for over 30 years. The drought hit the southern provinces of Afghanistan first, but has subsequently spread to include the central and northern areas. It has led to an acute lack of food and drinking water for the Afghan population, and has given rise to a large number of internally displaced persons in Afghanistan.

Despite the drought and the humanitarian crisis which followed, the fighting between the Taliban and opposition forces continued, and intensified in early September 2000 when the Taliban captured the town of Taloqan in Takhar province, near the border with Tajikistan. The town was the major supply route for the opposition, and this was therefore an important victory for the Taliban. Thereafter the Taliban controlled the major access roads to Tajikistan.

The fighting between the Taliban and opposition forces continued intensively, despite the onset of winter, up to the time of the mission's departure. The fighting was concentrated in Takhar province in the north and around Yakawlang in Bamiyan province in central Afghanistan.

In 1999 there were several attempts at peace negotiations, but the various peace agreements reached were broken almost immediately. UN-mediated peace talks in Tashkent in Uzbekistan in July 1999 between representatives of the so-called 6 + 2 group consisting of the six countries bordering Afghanistan (namely Iran, Turkmenistan, Uzbekistan, Tajikistan, Pakistan and China) + two (the USA and Russia) ended with a declaration signed by Pakistan, Iran, China, Russia, the USA and Uzbekistan, which confirmed that the Afghan conflict should be resolved by peaceful means. Only nine days after the conclusion of those negotiations, the Taliban launched their summer offensive in the Shomali valley (see above). In October 1999 the UN Secretary General's special envoy to Afghanistan, Lakhdar Brahimi, suspended his mediation efforts on the grounds that the Taliban and the countries bordering Afghanistan were not cooperating with his mission.

In February 2000, the UN Secretary General appointed Francesc Vendrell as the leader of

the UN Special Mission to Afghanistan (UNSMA) and as the Secretary General's

Personal Representative with the rank of Assistant Secretary General (more details on the UN's peace initiatives are given in section 2.3).

Another peace initiative which began to take shape during 1999 and early 2000 came from the former king of Afghanistan, Zahir Shah, who is based in Rome. A group of Afghan dignitaries around the king met in November 1999 in Rome and promoted the idea of holding a "Loya Jirgah", a council of traditional leaders representing interests from all sectors of Afghan society. In May 2000 a delegation from that group met representatives of the US Government and the UN in Washington and New York respectively, to discuss how the Loya Jirgah process (also known as the Rome process) could be implemented. The initiative has not yet led to any concrete results.

On 19 December 2000 the UN Security Council adopted further sanctions against Afghanistan (see Annex 2). The sanctions should be seen as following on from the previous resolution (1267) adopted in October 1999, and the failure to hand over Osama bin Laden. The new sanctions still demand the handing over of Osama bin Laden and also demand that the Taliban close all the camps where terrorists are being trained within its territory. The sanctions also include an arms embargo on the Taliban and reinforce the existing air embargo, with other countries refusing to give any plane permission to land in or overfly their territory if it has taken off from or has as its destination areas controlled by the Taliban. The sanctions also called for the closure of the Taliban's representations abroad and the freezing of their foreign assets, and recommended a ban on senior Taliban officials entering member states. Finally, the resolution forbade the export to Afghanistan of chemicals which might be used to produce heroin.

The sanctions, which were adopted on 19 December 2000, came into force on 19 January 2001 for a 12-month period which may then be extended.

1.2 Terms of reference for the fact-finding mission to Pakistan to consider the security and human rights situation in Afghanistan

The mission gathered information and undertook investigations in relation to the following terms of reference:

The security situation

- The security situation in general in Afghanistan
- Regional differences in the security situation

The political situation

- The Taliban's political and administrative control
- Organised political opposition to the Taliban movement
- The Taliban's intelligence service (function and scope)

The human rights situation

- The human rights situation in general
- The situation for religious and ethnic minorities
- Political affiliation
- The situation of women
- Other vulnerable groups
- Freedom of movement

Entry to and exit from the country

2. Security situation

2.1 Security situation in general in Afghanistan

The delegation's contacts were widely in agreement that the present security situation in Afghanistan cannot be considered in isolation from food security and the general humanitarian situation. A combination of over 20 years' warfare and the effects of the serious drought which struck the country in 2000 has clearly worsened the humanitarian situation for resident Afghans. The drought has led to an acute lack of foodstuffs, given rise to a large number of internally displaced persons in Afghanistan, and led to a stream of refugees leaving for Iran and especially Pakistan. In addition, the fighting continued throughout 2000 and 2001 despite the winter.

According to the delegation's contacts, the Taliban have now occupied between 90 and 95% of Afghanistan. The Northern Alliance holds the remaining 5 to 10%, including the province of Badakhshan and about 50% of Takhar - where the front line runs east of Taloqan - and parts of Parwan province and of Kapisa (the Panjshir valley). According to s*everal western sources, including UN sources and western embassies*, there have not been major movements of the front lines during the last year. The established front line is approximately 50 km north of Kabul, although the Kunduz-Takhar frontline has moved slightly to the east since Taloqan was captured by the Taliban in September 2000. *A centrally placed UN source* said that fighting is continuing in the northern area in Samangan province around Dara-e-Suf and Aibaq.

Several western sources, UN sources and western embassies, reported that it was now largely Masoud who is playing a role in the Northern Alliance. Dostum, Malik and Hekmatyar no longer have any influence, and there has not been much sign of them in the last year; a few commanders from Gulbuddin Hekmatyar's party, Hezb-i-Islami and Hezb-e-Wahdat still have some influence. The sources stated that the support of Hezb-e-Wahdat's people has been bought by the Taliban in some areas, and that sometimes it is a question of who can pay the most for loyalty - the Taliban or the Northern Alliance.

Several western sources pointed out that the fact that the Taliban have occupied 90 to 95% of the country does not mean that they have control over the entire occupied area, since in some areas control is minimal. *Several UN staff, western embassies and international NGOs* reported an increase in the number of opposition activities and incidents over the last year

particularly in the central Hazarajat area but also in the entire western region. *One UN source* said that this was deliberate opposition strategy, with activity at the front lines reduced and increased activity in the western area (see more on this in section 3.2).

Most contacts, including several senior UN sources and several western embassies pointed out that the overall security situation for the ethnic minorities is very bad in the combat zones. In their relations with the Taliban, the Hazaras are especially at risk, whilst in the area controlled by the Northern Alliance it is the Pashtuns who are vulnerable.

A senior central UN source said that the conflict has intensified over the last few years, and that methods of fighting have become increasingly atrocious, with consequences for the civilian population in the form of massacres and detentions. According to this source, the Taliban's reactions have become increasingly barbaric, and people are being punished for being in the wrong place at the wrong time. This has particularly affected the Hazaras; where there have been massacres of the civilian population following the Taliban's victories in 1998 when Mazar-i-Sharif was taken, in 1999 in Bamiyan, and most recently during the fighting in Yakawlang in January 2001.

Another UN source said that civilians from minority groups have been the target of violence in the combat zones. The civilian population is regarded in the same way as soldiers, and is imprisoned in connection with attacks. Depending on the circumstances, massacres take place as revenge for previous attacks; the source mentioned the massacre in Mazar-i-Sharif in August 1998, the Samangan massacre in May 2000 and most recently the Yakawlang massacre in January 2001 (see section 4.2 for more details on the massacres).

One western embassy said that there are revenge attacks in the combat zones; if the Northern Alliance assault Taliban soldiers, when the Taliban retake the area they exact revenge. In the Taliban-controlled combat zones there are systematic attacks on non-Pashtun minorities.

Several sources, including several centrally placed UN sources, several western embassies and the Cooperation Centre for Afghanistan (CCA) pointed out that an increasing number of foreigners are involved with the Taliban - particularly Pakistanis and Arabs, including, according to *one senior UN source,* numerous criminal elements - whose fighting techniques are appalling. This UN source said that to a growing extent the Arabs and Pakistanis do the dirty work in connection with the fighting. This aspect has, according to the source, become more visible than it had been earlier.

The Cooperation Centre for Afghanistan (CCA) said that the Taliban movement consists of a mixture of Arabs, Pakistanis, Sunni Muslims from the central Asian countries and Afghan Pashtuns, who have an extremist attitude to Shia Muslims and who see it as their mission to kill Shia Muslims. The CCA said that this particularly affects Hazaras and Ismailis (see section 4.2).

A western embassy said that the way civilians in the combat zones are treated is now worse than was the case two years ago. Women and children are also the targets of violence, which this source believed is also connected with the increasing number of foreigners amongst the

fighters, including Arabs and Pakistanis, who have no respect for the local population and who will not have to live with them afterwards. The source also believed that the ethnic dimension of the war has become more marked over the last few years. The source said that there is now a new dimension to the Taliban's fighting methods, since they now also attack the agricultural infrastructure, including irrigation systems, and hence take away people's ability to fend for themselves. This was seen for the first time when the Taliban took the Shomali plains in 1999 (see introduction), when there was comprehensive destruction of resources and crops, wells, etc., but had also occurred in other areas in connection with the fighting in the summer of 2000.

2.2 Regional differences in the security situation

There are enclaves in the Taliban controlled area of Afghanistan where the opposition movement is strong. *Several centrally placed UN sources* reported that these are in the northern area of Hazarajat in central Afghanistan, where the situation is very tense, and where there have recently been movements to and fro. For example, the Yakawlang district has changed hands twice in the last month, and while the delegation was in Pakistan a report was issued by the UN Secretary General describing massacres of civilians when the Taliban recaptured

Yakawlang in mid-January 2001.

According to the sources, guerrilla-style warfare is being conducted in the areas mentioned above, with the opposition based in the mountain areas while the Taliban control the plains. The opposition do not fight in an organised way, but carry out hit-and-run actions.

A centrally placed UN source reported that the opposition is based particularly in Ghowr province - in the area around Yar and north of Chaghcharan. *Several UN sources* said that Badghis province, the southern part of Fariab, parts of Jowzan and Samangan provinces, and an area in the eastern part of Herat are not fully under the Taliban's control. *Several sources in both the UN and international NGOs* reported that the opposition had attacked checkpoints right inside the city of Herat.

The Danish Committee for Aid to Afghan Refugees (DACAAR) observed that the main road between Herat and Badghis is often closed, since opposition troops operate in the mountain areas on the border between Herat and Badghis. DACAAR said that the Taliban in Herat are more aggressive towards UN organisations and NGOs, which could indicate that the Taliban's presence in Herat is perhaps not permanent (see section 3.1 for more details). As an example of the Taliban's lack of control, DACAAR mentioned that one of the Taliban's vehicles in Herat had recently been attacked.

The Cooperation Centre for Afghanistan (CCA) said that some Hazara groups in Bamiyan are loyal to the Taliban. This applies particularly to those belonging to the Akbari faction of the Hezb-e-Wahdat, who have their headquarters in the Panjaor district. The CCA claimed that there were five districts (Wares, Shahrestan, Lal, Sari Jangle and Daikundi) in Bamiyan province where Akbari has been compelled by circumstances to make an agreement with the Taliban to save his own people. The agreement inter alia provides that

Akbari's people will not be recruited to fight against other Hazara groups.

A western embassy estimated that a quarter of the population of Bamiyan province is opposed to the Taliban.

A centrally placed UN source said that the opposition is also gaining strength in the area immediately north of Jalalabad.

2.2.1 Security situation outside the combat zones

Several sources, including several western embassies and international NGOs, noted that the general security situation in the Taliban-controlled areas outside the combat zones is good. The sources compared the situation with the mujahedin period from 1992-96, pointing out that there has generally been an improvement in personal safety, as the crime rate has fallen, law and order are more widespread, and kidnaps and assaults no longer take place as they did previously when the mujahedin groups were in charge.

Several western embassies believed that personal security is best in predominantly Pashtun rural districts, where the situation is more stable and social control was greater, and where the Pashtun way of life is traditionally not so different from that of the Taliban.

The Swedish Committee for Afghanistan (SCA) observed that security in the Pashtun areas is now better than was previously the case, and that fewer physical assaults have taken place in the Taliban-controlled areas since the Taliban took over, compared with 1992-96 when the Pakistan transport mafia and the mujahedin were in control. Nowadays there is more law and order. However, legal security is a problem. People are detained largely with a view to taking bribes for their release from their families. The SCA believed that the Taliban has become more corrupt in recent years (see sections 3.3 and 4.1 for further details). The SCA also mentioned a major robbery which had taken place in the summer/autumn of 2000 in Kabul during the curfew, which showed that the Taliban do not have full control of Kabul.

The Agency Coordinating Body for Afghan Relief (ACBAR) believed that the Taliban now have greater problems with law and order and is losing control in some areas, particularly those lying between Herat and Kandahar, where, according to ACBAR, there has been a rise in crime. The Taliban are losing control over what ACBAR called the "gangs of Kandahar".

Most sources from the UN, western embassies and international NGOs pointed out that the situation in urban areas, particularly Kabul, is very different from that in the countryside. In urban areas there is a greater mixture of people which means that social control is less and results in the Taliban acting more restrictively.

A highly placed UN source said that the Taliban generally regard urban areas as forms of Sodom and Gomorrah and are suspicious of everything that happens there. The Taliban therefore control such areas more closely and there is a greater risk of intervention, particularly by the religious police. This applies particularly to Kabul but also to other towns.

Several western embassies reported that in Kabul the religious police accost both women and men for infringing the laws on dress. A western embassy claimed that the Taliban rule the towns by creating fear amongst the population, and want to set examples.

Both international and national NGOs believed that the greatest risk for personal security in the towns comes from the religious police, who carry out arbitrary attacks on people who are in the wrong place at the wrong time. For the same reason it is the religious police who are most feared by local Afghans, both men and women. *Afghan Women's Network (AWN)* said that the religious police are worst in Kabul, but that they also operate in other towns including Herat, Kandahar and Mazar-i-Sharif.

A centrally placed UN source also reported that since 1996 there has been a permanent curfew after dark in Taliban-controlled areas, from about 9 or 10 pm until 5 or 6 am. According to the source, it is risky to go out after curfew, as this will give rise to suspicion and possibly result in arrest. There are checkpoints manned by armed members of the Taliban in urban areas, but not in the countryside. Particularly in urban areas the curfew is maintained by the Taliban to keep control, as they feel more insecure in the towns. Checkpoints are located at the edges of the towns, and, if incidents occur, further checkpoints are set up for security and to look for weapons. The religious police are also sometimes involved at checkpoints.

Finally, *one centrally placed UN source* said that mines represent a major threat to security, since Afghanistan is still a heavily mined country. Many accidents occur every year; in 2000 there were 3 000 recorded accidents, mainly in the western region. Mine explosions occur both in residential areas in the towns and in rural areas. The source reported that during Communist rule mines had been laid in a ring around the towns by the occupying forces and in rural areas by local mujahedin groups, which makes current mine-clearing work very complicated.

2.3 Prospects for peace

During its mission the delegation had the opportunity to meet the UN Secretary General's Personal Representative, Assistant Secretary General Francesc Vendrell, who is the head of the UN Special Mission to Afghanistan (UNSMA), and who briefed the mission on the peace process. Francesc Vendrell saw the peace process as a very complicated matter, since it did not just involve the internal conflict in Afghanistan but also an international conflict in which other countries had been intervening for the last 21 years. Last year Vendrell succeeded in bringing the warring parties - the Taliban and the Northern Alliance - to the negotiating table, and the "6+2" group - consisting of the six countries bordering Afghanistan (Iran, Turkmenistan, Uzbekistan, Tajikistan, Pakistan and China) together with the USA and Russia - were also involved. Vendrell felt that peace could not be achieved in Afghanistan until the 6 + 2 group reached consensus on how they wanted Afghanistan to look in future. Vendrell pointed out that the 6 + 2 group would enjoy great advantages from a solution to the conflict. The two warring parties signed an agreement at the end of October 2000, in which they agreed to launch a process with the aim of achieving peace in Afghanistan by political means. Both parties had undertaken to participate in a serious dialogue, and had agreed not to leave the process until all the items on the negotiating

agenda, which was to be drawn up jointly, had been covered. The adoption of UN sanctions shortly after this agreement had been concluded had not exactly promoted the process. Vendrell felt that the prospects for the peace process were not particularly great in the near future.

Another centrally placed UN source felt that the prospect of peace was hopeless, and that the involved parties had no interest in finding a solution to the conflict, but rather in maintaining the status quo. This source felt that neither Pakistan nor the USA and Russia had any interest in a peaceful Afghanistan.

Several western embassies also believed that the current situation was bad, and there was very little chance of a successful peace process. One western embassy believed that it was doubtful whether neighbouring countries had an interest in peace and mentioned the fact that Iran was playing a double role by supplying arms to the Northern Alliance while at the same time being involved in the large-scale trade of smuggled goods with Pakistan, which entered Pakistan via Afghanistan.

Another western embassy commented that the prospects for peace had been best in 1993-94, when Rabbani was in power, because at that time the political authorities were backed by armed militia. Now the warring parties could only conclude agreements on the exchange of prisoners of war. They had held peace negotiations separately, but not together. If the Taliban were to succeed in eliminating the Northern Alliance, there would be no structure on which to build power. The international community might then have to support the Taliban - a very dubious point.

Finally, *a third western embassy* said that the worst that could happen to the Taliban would be for them to achieve 100% control over Afghanistan, since their power was based on waging war, and if the fighting stopped the Taliban movement would no longer be united around a common goal.

Several sources, including senior UN sources and western embassies, expected increased fighting in Afghanistan in coming months as a result of the recently adopted UN sanctions. *A centrally placed UN source* observed that as a result of the UN sanctions which had come into force on 19 January 2001, the Taliban had consolidated their position and were united against a common enemy, which could make their actions more aggressive. *Another centrally placed UN source* stressed that the Taliban would not hand over Osama bin Laden without a full guarantee that the Taliban would be recognised as the government by the international community, which they currently were not.

Several western sources said that following the UN sanctions, the Northern Alliance would be better placed in the months to come because of the one-sided arms embargo against the Taliban. *A western embassy* pointed out that the Taliban were very strong militarily, much stronger than the Northern Alliance, but that the possibility could not be dismissed that the one-sided arms embargo against the Taliban might have some effect. *Another western embassy* also believed that the sanctions would strengthen the Northern Alliance in terms of weaponry and weaken the Taliban, but thought that the Taliban was already well-

provided with arms.

Several western sources, including several embassies and international NGOs believed that following the sanctions, the Taliban would no longer be flexible in relation to peace negotiations, as they had been earlier to a limited extent, and that they were now united against a common enemy.

3. Political situation

3.1 The Taliban's political and administrative control

A senior UN source believed that in the areas under its control, the Taliban clearly exercised civil authority, fulfilling its functions through various ministries. To illustrate this, the source mentioned the movement's capacity to adopt laws, administer accordingly and punish infringements of those laws. The central authority also recruited Afghan men for the armed forces. The source compared Afghanistan with Somalia and pointed out that Afghanistan had a quasi government; the fact that the Taliban government had not been recognised internationally was more on political grounds - because of their unwillingness to meet the international community's demands regarding the closure of terrorist bases - than for legal reasons.

On the other hand, *another senior UN source* felt that administration within the Taliban system was not functioning. Most ministries existed in name only. He believed that the only functioning ministries were the Ministry of Defence, the Ministry of Foreign Affairs, the Ministry for the Promotion of Virtue and the Prevention of Vice, and the Ministry of the Interior. The local population's sympathy for the Taliban movement was steadily decreasing. This was because of the movement's way of prioritising society's tasks. The focal points were the continuing war, the construction of new mosques, and increasing control of the population. Passable roads were a necessity for munitions to reach the front lines. Road construction and maintenance were therefore a major priority for the Taliban. Passable roads also helped smuggling, and the customs duties on that traffic were important for the Taliban.

A western embassy said that, generally, the Taliban administration consisted of people without any form of education, except for the religious education given in the Koranic schools known as *madrassas*. The few people who could be said to have some form of secular education were those who in some context or other had contact with non-Afghans. This group had been marginalised by the core group, i.e. the inner circle in the Taliban. The source also pointed out that one effect of the lack of central authority was that there was no authority able to guarantee security of food supply in Afghanistan today, and that no services of any sort were provided for the people. Those services which were provided in the form of hospitals and schools were run by the international community including the UN system and NGOs.

Several sources, including centrally placed UN sources, western embassies and international NGOs pointed out that besides income from trade in smuggled goods, the most important source of income for the Taliban authorities was that received from

opium production. *A western embassy* observed that opium was the only crop with a functioning distribution system and credit facilities. The source estimated that the production of opium just in Helmand province in southern Afghanistan, which before the war had provided most of Afghanistan's corn, now accounted for approximately one third of world opium production.

The Swedish Committee for Afghanistan (SCA) observed that for the Taliban movement the State, i.e. government and administration, meant following Sharia law in the way in which the movement itself interpreted it. Important areas such as education and health were therefore not given any priority. The only secular teaching taking place in Afghanistan nowadays was supported by NGOs. The Taliban only invested in the religious Koranic schools. However, the SCA felt that although the Taliban movement held central political power, it had to be based on popular support. The SCA said that the Taliban had adopted the system from the Communist period under Mohammed Daoud - who was President of Afghanistan from 1973 to 1978 - as regards the administrative system of ministries and departments.

DACAAR felt that recently the Taliban had shown a greater ability to function as a government, at local level too. The central authorities, for example the Ministry of Health (MoPH) dealt locally with NGOs, without the influence of the councils of elders, in connection with projects which those organisations wanted to establish for local people. DACAAR also said that the organisation was now being approached increasingly frequently by the Taliban authorities, setting out guidelines for how the organisation should work in Afghanistan.

The situation in the rural areas

Several sources stressed that the situation in rural areas differed from that in the towns. In rural areas, particularly in the Pashtun-dominated areas, public support for the Taliban was much greater than in the towns. The source believed that as a result, in the Taliban-dominated rural areas there was a more liberal and tolerant attitude to questions such as education for girls. *A western embassy* observed that in the rural areas in general, Sharia law was interpreted more liberally.

A western embassy stressed that to a large extent the people in rural Pashtun areas ran their own affairs. The councils of elders (local shuras) were powerful, which meant that education and health services could be established in those areas at the instigation of the local people. However, conflicts could arise. As an example, the source mentioned the Taliban's edict on limiting opium production. Traditionally for many years such production had represented a not insignificant source of income for local communities.

A western embassy explained that the local mullah was the long arm of the Taliban in the rural areas. The mullah had a form of autonomous power. The task of the councils of elders was to solve problems at a local level. In practice this meant that the councils of elders acted as they always had done, although they took the mullah's point of view into account. *Another western diplomatic source* added that the Taliban worked through force and pressure, and that this was leading to disagreements between the Taliban and the councils of

elders.

Another western embassy did not believe that the Taliban controlled small local communities in the same way as it controlled urban society. In non-Pashtun areas the Taliban's only task was to collect taxes, in some communities with the help of the local mullah.

DACAAR asserted that the Taliban was interested in finding pragmatic solutions so that local communities could function. The source mentioned that the governor of Khost province had been deposed a year ago, following pressure from local people, who were not satisfied with his conduct of affairs.

Conflict within the Taliban movement

Several sources, when asked whether there was any political disagreement within the Taliban movement, claimed that it had a conservative and a moderate wing. *One western diplomatic source* said that several members of the Taliban administration in Kabul did not agree with the Taliban leadership's ideology, policies or priorities. Some of the Taliban's representatives took a pragmatic approach to their contacts with western authorities and the UN. The *SCA* found it difficult to comment on any political fragmentation within the Taliban but claimed that within the movement there were several people who understood what was needed to build up a modern society. The SCA said that this was because those individuals had represented the Taliban abroad on a number of occasions.

A western embassy believed that political disagreement had led to the authorities in Herat becoming more and more independent of the Taliban leadership which was based in Kandahar. Herat was known as having been Afghanistan's cultural centre and therefore also a centre of the intellectual élite.

A senior UN source, discussing political disagreement within the Taliban movement, said that if the international community were to present the movement with a sufficient number of proposals to develop Afghan society, this might lead to open conflict within the Taliban.

Several sources felt that despite possible political disagreement, the Taliban seemed to have consolidated a united position within the movement. These sources felt that the reason for this was the implementation of UN sanctions against the Taliban.

3.2 Organised political opposition to the Taliban movement

Several sources observed that in Afghanistan today there was no visible opposition to the Taliban movement, except from the opposition seen from the political groups belonging to the Northern Alliance. *A senior UN source and the SCA* felt that any other opposition would be too risky for those involved. The UN source also believed that most political activists had left Afghanistan.

Several sources explained that any organised political opposition to the Taliban movement

was to be found outside Afghanistan - in Pakistan and in Germany. A western embassy added that there were groups in Rome which were closely linked to the former king of Afghanistan, who was living in exile in Italy. The same source claimed that the opposition groups had been outside Afghanistan for so long that they had lost their credibility and were now unknown to a large proportion of the population in Afghanistan.

Several contacts, including UN sources and international NGOs, observed that most Afghan intellectuals had left Afghanistan. They added that some moderate Afghan political groups which supported the former Afghan king were operating in Pakistan. Other groups' activities were few.

Regarding the political organisation SAMA (Sazman-i-Azadibakhsh-i-Mardum-i-Afghanistan), the *CCA* explained that it was not easy to discover whether this organisation had any members. According to the CCA, SAMA did not itself carry out any independent activities, but some of its members might be active in other groups. SAMA did not issue membership cards. The organisation's leaders came from Parwan province. The majority were Tajiks. SAMA had been active in Najibullah's time. The CCA estimated the organisation to have had between a few hundred and one thousand members. If SAMA existed as an organisation nowadays, it was underground. *A UN source* reported that there were still some people in Afghanistan who had previously been affiliated to SAMA. This was a group of intellectuals with Maoist ideas, who did not carry out any visible activities nowadays. The UN source claimed that it was difficult to know anything about the previous affiliations of these persons, since nobody wanted to reveal their sympathy for the organisation as this was too risky.

The delegation met representatives of RAWA (Revolutionary Association of Women of Afghanistan). The organisation works in several towns in Pakistan - including Quetta - but chiefly in Peshawar, where it is active in the refugee camps. Its activities are in two main areas: social work and political work. On the social front, RAWA concentrates on education for women and children and work in the health sector both in Afghanistan and in the refugee camps in Pakistan. On the political front, they organise demonstrations in Pakistan, e.g. on international women's day on 8 March.

The organisation explained that most of its members were working underground in Afghanistan under a range of identities.

A UN source claimed that activities by women's organisations inside Afghanistan were non-existent. If such organisations were active, they were not visible.

3.3 The Taliban's intelligence service (function and scope)

All the sources agreed that the Taliban had its own intelligence service operating inside Afghanistan. *Several sources* reported that this intelligence service also operated in Pakistan. *A western embassy* stressed that the Taliban intelligence service was clearly present in the North West Frontier Province of Pakistan. *A UN source* felt that its presence, particularly in Peshawar, made the situation for Afghans there insecure; it had heard that some individuals with links with the Northern Alliance had disappeared from the

refugee camps in Peshawar in November/December 2000, and their fate was not known.

ACBAR and the CCA explained that the function of the Taliban's intelligence service was to collect information on Afghan citizens who were in opposition to the Taliban. This information could subsequently be used against the person in question, e.g. if they were accused of belonging to the former Communist party.

A UN source reported that its area of operations was concentrated in the towns, and that it was present to a lesser extent in rural areas.

However, the *CCA* reported that the Taliban's intelligence service was to be found all over Afghanistan, including areas where there was no strong military presence, such as Hazarajat. In Hazarajat, loyal Hazaras were also used as informers.

The *CCA* said that intelligence service personnel were specially trained policemen. They were now being trained in Kabul with Pakistani assistance. Previously, training had taken place in Pakistan. *Several sources, including the CCA*, explained that some members of the Taliban's intelligence service had previously been employed by KHAD, the intelligence service of the former Communist party. The persons concerned were largely Pashtuns.

The *CCA* stated that the Taliban's intelligence service recruited from the former KHAD and from communities where people were regarded as being loyal to the Taliban. There were also Pakistani citizens amongst the Taliban's intelligence service staff.

The *CCA* also reported that the working methods of the intelligence service included the widespread and frequent use of torture. *A UN source* commented that people were often arbitrarily arrested and subjected to torture. In many such cases the Taliban demanded money from the detainee's family for his release.

The *SCA* said that there were no formal links between the Taliban's intelligence service and the religious police, but that they passed information to one another.

Despite this, *a centrally placed UN source* observed that the Taliban's intelligence service did not operate systematically and did not have the capacity to track down a wanted individual. Thus it was possible to live underground, even in the towns.

The intelligence service's presence outside Afghanistan

The *CCA* reported that the Taliban's intelligence service had a form of cooperation with the Pakistani intelligence service, the ISI , and that to a large extent the ISI had left control in the refugee camps in Pakistan to the Taliban's intelligence service. The Taliban's intelligence service was also present in Iran, where it collected information on Afghan citizens in Iran.

Several sources, including western embassies and NGOs, reported that Afghans were still being murdered in Pakistan. *A western embassy* believed that Afghans in Pakistan were

being murdered daily, while ACBAR believed that there was a murder at least once a week. *Another western embassy* believed that the situation in 2000 had been better than in 1998 or 1999, when more Afghans in Pakistan had been murdered.

The murder of Afghans in Pakistan could be politically motivated. The *CCA* did not believe that all the murders were committed by the Taliban's intelligence service. The *SCA and a western diplomatic source* stressed that subsequent investigations of murders had shown that several killings which had been regarded as politically motivated had in fact been caused by family rows and disagreements over the ownership of land.

4. Human rights situation

4.1 Human rights situation in general

As mentioned in section 2 on the security situation, several of the delegation's contacts commented that when the Taliban came into power, personal security for the civilian population had significantly improved. *Several UN and NGO contacts* remarked that the complete lawlessness prevailing during the mujahedin period from 1992 to 1996, when people were the victims of murders and kidnappings, ceased when the Taliban disarmed the warring commanders, and that, all other things being equal, this had had a positive effect on the human rights situation in the form of the population's security of life and of property.

However, the same sources stressed that human rights violations under the Taliban movement had taken on other form. *Several sources*, including *a western embassy and the CCA*, added that the Taliban were a repressive regime which oppressed those who held opposing political or religious/ideological views. The *CCA* commented that both the Taliban's political programme and the movement's way of exercising its authority led to infringements of people's rights.

A senior UN source summarised the human rights situation as follows: the Taliban oppressed ethnic and religious minorities; women were deprived of basic human rights; there was an absence of freedoms such as the freedom of expression, and there were no independent media. Finally, Sharia law as interpreted by the Taliban was used in courts which did not provide fundamental legal safeguards such as the right of defence. The same source described the Taliban as a potential totalitarian power, which however did not yet have the resources to control the entire country.

Several sources, including a senior UN source and the CCA, remarked that both the Taliban and the Northern Alliance tortured prisoners of war and political prisoners. Other sources, including *ACBAR and the SCA*, drew attention to the lack of legal security in the administration of justice, in which under Sharia law the punishment for theft was the amputation of limbs and the punishment for murder and adultery was death.

Several contacts, including UN sources and international NGOs, remarked that in recent years the security situation for the population in the combat zones and potential areas of conflict had worsened. This was because the Taliban were losing control of some areas

particularly around Herat and in Hazarajat border area.

Moreover *several sources* mentioned that corruption was growing with the Taliban exploiting their position of power, for example by arbitrary arrests of individuals with the sole purpose of demanding payment from their relatives. The *CCA* claimed that there were examples of cases being constructed against wealthy people solely with the aim of demanding money for their release.

Several UN sources and international NGOs commented that the human rights situation differed from region to region, as the Taliban's restrictions were implemented more forcefully and intensively in the towns, particularly in Kabul. The sources explained that there was a "town versus country" element to the conflict, since the Taliban movement, which represented the traditional Pashtun way of life, regarded the large towns which had been home to a secularised, modern and multi-ethnic community as a threat. The Taliban movement regarded the towns as sinners in need of discipline.

The religious police

Several sources explained that the religious police enforced the Taliban's religion based rules on dress and behaviour, which for men consisted of a ban on cutting or trimming the beard, and a requirement to have short hair. The religious police also forced men to go to the mosque. Afghan women were obliged to cover themselves completely (most often with a *burqa*), and were only allowed to go out accompanied by a male relative. (The implementation of these rules on dress and behaviour is covered in the section on the situation of women).

All our sources observed that the religious police clamped down more against people in the towns - particularly in Kabul and Herat - as an expression of the need to discipline secularised urban society as mentioned above. The Taliban did not have the resources to control the rural areas, where confrontations were fewer and the atmosphere was consequently more relaxed.

Several UN sources and international NGOs expressed the opinion that the religious police's sanctions were unpredictable, and that the urban Afghan population had good grounds to fear excesses by the police. *ACBAR* noted that arrests by the police were arbitrary in nature, and said that they "affected those who were in the wrong place at the wrong time".

A centrally placed UN source, RAWA and AWN listed the religious police's sanctions against women who infringed the rules on dress and behaviour, which ranged from warnings, lashes on the back, beating of the husband to, in a few cases, imprisonment. *Several UN sources and international NGOs* reported that men were punished by beatings on the palms of the hands or by imprisonment. If men were imprisoned, it was so that their beards could grow sufficiently long.

4.2 Situation of religious and ethnic minorities

4.2.1 The increasingly ethnic dimension of the conflict

During the fact-finding mission to Afghanistan by the Immigration Service and the Danish Refugee Council in 1997, the delegation discussed the situation of minorities and the tendency towards an increasingly ethnic dimension to the civil war with a number of contacts; see the report on the fact-finding mission to Afghanistan, 1997.

During the current mission the delegation's contacts, which included a broad spectrum of *UN sources and both international and national NGOs,* agreed that the ethnic dimension of the civil war in Afghanistan had increased.

Several sources, including a centrally placed UN source, the CCA and a number of international NGOs, observed that there was no generalised political persecution or expulsion of ethnic minorities in Afghanistan as a whole, but that it depended where they lived. Several sources pointed out that this was not a Balkan-type situation. However, ethnic minorities in the combat zones or in potential areas of conflict were extremely vulnerable. The same sources remarked that the number of areas of conflict had increased since 1997 with political instability in Hazarajat and in western Afghanistan; see the section on the security situation.

Several sources, including senior UN sources and a number of international and national NGOs stressed that the Taliban's reaction to minorities had mainly political motives, because of suspicions of contacts with the opposition. This meant that minorities in combat zones and potential areas of conflict were particularly vulnerable.

A senior UN source reported that the situation of minorities from areas where fighting was taking place, particularly the northern areas and Hazarajat, was now so bad that they must be regarded as being at very particular risk. The Hazaras were a particularly vulnerable group and had been so since 1998. The Tajiks' problems were also growing. Uzbeks and Turkmen were the victims of ethnic discrimination. The situation was worse in the fighting season, i.e. not normally in the winter (see section 2).

Several senior UN sources explained that violence against the minority population took the form of murders, arbitrary arrests, the placing of landmines and the use of scorched earth tactics, in which houses and crops were destroyed. All the delegation's sources referred to information on the massacres of Hazara civilians in 1998 in Mazar-i-Sharif and in 1999 in Bamiyan, and to the deportation of Panjshir Tajiks from the Shomali valley in 1999, where there were mass arrests and property was destroyed. The sources also referred to the most recent information on yet another massacre of the Hazara population in Yakawlang in January 2001; see the section on the Hazaras.

Several sources, including senior UN sources and a number of international and national NGOs, explained that an ethnic polarisation had taken place between the Taliban and the non-Pashtun minorities. One source added that the Hazara population suffered by being a " double minority", since because of their ethnicity they were suspected of affiliation to the Hazara-based opposition -the Wahdat party - and were also attacked because of their Shia Muslim faith. Attacks on Panjshir Tajiks - who are Sunni Muslims - were of a

political nature alone, since they were suspected of links with General Ahmad Shah Masoud.

All sources mentioned that attacks on ethnic minorities were of an unsystematic and arbitrary nature. The *CCA*, which had been able to visit the prison in Kandahar once in 1997 and the prison in the Naharin district of Baghlan province at the end of 1998, reported that a number of prisoners described by the Taliban as "political prisoners" were in reality ordinary workers or peasants from the minority groups, who had been picked up on the streets. The same source said that if there was fighting in Bamiyan Hazaras and Tajiks were usually arrested in Kabul or Mazar-i-Sharif.

The increasingly religious dimension of the conflict

As mentioned above, *several sources* believed that the Taliban's reactions to minorities had largely political motives because of suspicions of links to the opposition.

However, *a number of sources including a senior UN source, the CCA and ACBAR* mentioned that in the last couple of years a religious element had entered the war, since the Taliban had incorporated many foreign Sunni Muslim fundamentalists into their forces, and these regarded it as their religious mission to kill non-Sunnis. Similarly, in recent years strongly anti-Shia statements had been made in connection with the conduct of the war (see section 4.2.2).

4.2.2 Situation of ethnic minorities

Afghanistan is a tribal society, divided into many tribes, clans and sub-clans. The Pashtuns are the largest ethnic group and make up 35% of the population. The Pashtuns are mostly Sunni Muslims, speak Pashto and live mainly in the central, southern and eastern parts of the country. The Tajiks are the next largest ethnic group making up 25% of the population. Their main language is Dari. Most Tajiks are Sunni Muslims, but Shia Muslim Tajiks are found in western Afghanistan (particularly around the city of Herat) and in Kabul. Panjshir Tajiks are a sub-group of Tajiks. They are Sunni Muslims and speak Panjshiri, which is a dialect of Dari. The Hazaras are of unknown central Asian origin and make up 19% of the population. The Hazaras speak Dari and are Shia Muslims (see the section on Hazaras). Uzbeks make up 6% of the population of Afghanistan. Uzbeks are Sunni Muslims, and like the Turkmen are ethnically and linguistically of Turkic origin.

Hazaras

The Hazaras, currently approximately 1 to 1,5 million people, are of unknown central Asian - probably Mongol-origin, and have traditionally lived in their home area of Hazarajat in central Afghanistan. Since the middle of this century there has been emigration by some Hazaras to Kabul and other major towns: initially they were employed as workers or servants for the urban population, but subsequently they educated themselves and sought better qualified work. Both in their physical appearance and cultural customs, Hazaras are marked by their Asian origin, but speak Dari (a variant of Persian), and the majority are

imami Shia Muslims.

All the delegation's contacts remarked that the Hazaras were a particularly vulnerable group. A *centrally placed UN source and DACAAR* commented that the Hazaras have traditionally held the lowest position in the ethnic hierarchy, but that their situation has worsened further with the emergence of the Taliban movement, since this is based on Sunni Muslim fundamentalism and Pashtun traditions.

One senior UN source reported that particularly Hazaras and Tajiks had been the victims of violence. The source stressed that the situation of all ethnic minorities - particularly Hazaras - in combat zones and potential combat zones was now so bad that they must be regarded as being at very particular risk. The same source referred to information on massacres of Hazara civilians in Mazar-i-Sharif in 1998, in 1999 in Bamiyan and most recently in January 2001 in Yakawlang.

A centrally placed UN source reported that Hazaras were not systematically persecuted because of their ethnicity, but that men of fighting age in particular were suspected of links with the opposition in areas where there was fighting or where opposition was building up. If the Taliban felt threatened they reacted by clamping down on the Hazaras with arbitrary arrests, and there had been a small number of executions. The source mentioned that there had been cases of violence on the ground of suspected links with the Hazara-based Wahdat party, without there being any objective foundation for such suspicions.

According to the same UN source, some of those forcibly returned from Iran in 1998 and 1999 had been arrested, had disappeared, or had been subjected to forced labour, particularly Hazaras and Uzbeks. He added that Hazaras were the easiest to identify; in Herat in May 1999 there had been arbitrary arrests and a small number of executions in connection with an attempted coup.

The *CCA* reported that the Taliban had arrested people, usually Hazaras and Tajiks, in Kabul and Mazar-i-Sharif when they felt threatened.

See the section on Shia Muslims.

Tajiks

As mentioned above, the Tajiks are the next largest ethnic group in Afghanistan. The main language of the Tajiks is Dari, and most Tajiks are Sunni Muslims, although Shia Muslim Tajiks are found in western Afghanistan. The Panjshir Tajiks are a sub-group of Tajiks who are Sunni Muslims and speak Panjshiri, a dialect of Dari.

A *senior UN source* remarked that Hazaras and Tajiks in particular had been the victims of attacks by the Taliban. The source stressed that the situation of all ethnic minorities in combat zones and potential combat zones was now so bad that they must be regarded as being at very particular risk.

Several contacts, including UN sources, the CCA and the Swedish Committee for

Afghanistan explained that the Taliban carried out mass arrests of ethnic Tajiks and other Dari speakers when they feared opposition at times of instability.

A centrally placed UN source explained that Tajiks could not be distinguished by their appearance, but could only be identified by their language. The Panjshir Tajiks who had lived in the Shomali valley were suspected of links with General Masoud. They had mostly left the area as they been the victims of such frequent attacks e.g. the deportations in 1999.

All sources mentioned that there had been a deportation of Panjshir Tajiks from the Shomali valley in 1999. The Taliban carried out house-to-house searches, arrested men, destroyed property and expelled the civilian population. *A UN source and the Women's Commission* reported that men and women had been separated, and the women driven firstly to Jalalabad. However the local Taliban there had regarded it as un-Islamic to separate men and women, and they had been allowed to leave the city. Many Panjshir Tajiks were now living in the area surrounding the former Soviet embassy in Kabul, in very poor conditions.

Uzbeks

Uzbeks, who make up about 6% of the population of Afghanistan, are Sunni Muslims, and are ethnically and linguistically of Turkic origin. Their physical appearance is Mongol, like the Hazaras.

A centrally placed UN source observed that Uzbeks could risk detention by the Taliban because of their ethnicity, since they were also easy to identify because of their appearance. They were suspected of links with Dostum's forces, and in 1999 many Uzbek men of fighting age had been arrested in Shiberghan and Maimana. The arrests were random and dependent on the situation and on the area where the Uzbeks were living.

Another centrally placed UN source stressed that the situation of all ethnic minorities in combat zones and potential combat zones was now so bad that they must be regarded as being at very particular risk. The same source pointed out that because of their supposed political links with Dostum, Uzbeks could come under Taliban scrutiny.

A centrally placed UN source reported that some of those forcibly returned from Iran in 1998 and 1999 had been arrested, had disappeared, or had been subjected to forced labour, particularly Hazaras and Uzbeks.

4.2.3 Situation of religious minorities

Islam is the official religion of Afghanistan, and 80 to 85% of the population are Sunnis, with 15% being Shia Muslims. The majority of the Shia Muslims are Hazaras. Other significant Shia Muslim groups are the Qizelbash and the Ismailis. Small groups of Sikhs and Hindus are also to be found in the country, although since the early 1990s many of these have left for India.

A centrally placed UN source pointed out that persecution on the grounds of suspected links

with the opposition was the major reason for the persecution of ethnic minorities, but that this also had a knock-on effect as regards religious persecution. For example, Shia Muslims might be suspected of belonging to the opposition.

Several contacts, including UN sources and a western embassy, observed that attacks on religious minorities were unpredictable. As the Taliban movement did not constitute a central government, the situation of religious minorities depended on how the local Taliban leaders exercised their powers. In some areas they could live in peace and practise their religion, whereas in others there were cases of harassment and persecution of religious minorities.

As mentioned above in the introduction to the section on minorities, *a number of sources, including a senior UN source, the CCA and ACBAR* believed that in the last few years a religious element had come into the conduct of the war, since the Taliban had incorporated foreign Sunni Muslim fundamentalists into their ranks who regarded it as a religious mission to kill non-Sunni Muslim minorities. The *CCA* said that this particularly affected Hazaras and Ismailis.

The edict on the death penalty for conversion

All sources reported that in January 2001 the Taliban had adopted an edict (a religious directive), laying down that conversion to Christianity or Judaism was punishable by death. The sources had not seen any consequences of the adoption of this edict and several observed that the death penalty for conversion was in any case a consequence of Sharia law.

However, *several contacts, including a centrally placed UN source and a western embassy* feared that the edict would make it more risky for Afghans to work for international organisations of which some were religious foundations.

Shia Muslims

A centrally placed UN source reported that Shia Muslims were subject to various restrictions, including a ban on large gatherings, which should be seen in the light of the Taliban's fear of opposition activities. Shia Muslim places of worship had been reopened, but many chose not to go there as they preferred to pretend that they were Sunni Muslims. The same source mentioned that *Tajik Shia Muslims* in Herat were shopkeepers and usually influential people, and were at particular risk of attention from the Taliban if they were suspected of links to the opposition.

Several sources, including a centrally placed UN source and the Swedish Committee for Afghanistan reported that when the Taliban took Mazar-i-Sharif they made anti-Shia statements. the first Taliban governor of Mazar-i-Sharif said that Shia Muslims had three possibilities: they could flee to Iran, convert or be killed.

Regarding the situation for *Ismailis*, *a well-informed UN source* said that especially in Baghlan province in the western region there were Shia Muslim Ismaili communities. When the Taliban took the area the local commander proclaimed that the Ismailis should convert

and become Sunnis. *A western embassy* said that many Ismailis had fled to Badakhshan province because of the fighting in Takhar. They had traditionally been discriminated against. The same source explained that Ismailis were regarded as very liberal, and therefore distant from the ideology of the Taliban movement.

See also the section on the situation for Hazaras.

Hindus and Sikhs

A centrally placed UN source commented that Hindus and Sikhs were not as such at risk of religious persecution, which did not however exclude particular individuals being at risk because of local conflicts. However there were very few Hindus and Sikhs still in Afghanistan. Most had left the country since 1992, and those remaining were poor families which did not have the means to travel. There were 61 Sikh families and 4 Hindu families in Kabul, and a few families in Jalalabad. Their means of supporting themselves had disappeared, since they had mostly been shopkeepers and money-changers and no longer had access to the market.

A centrally placed UN source reported that religious leaders had held talks with the Taliban on how Sikhs and Hindus could avoid punishment by the religious police and avoid being forced into the mosques. These talks had taken place against the background of the arrests of some male Hindus who had been celebrating the festival of light. The religious leaders and the Taliban agreed that Sikhs and Hindus should wear a piece of yellow material - "a non-Muslim sign". It was also agreed that Hindus and Sikhs could not build new temples but could only restore old ones, of which there were three in Kabul. *Several sources* confirmed that Sikhs and Hindus were allowed to practise their religion in the temples. Sikhs and Hindus, like all other Afghan citizens, were covered by the Taliban's interpretation of Sharia law, which banned listening to music or possessing objects which portrayed living beings.

Christians

All sources agreed that Christians could not be open about their faith in Afghanistan, as they were not tolerated by the Taliban. *A centrally placed UN source* explained that there were very few Christians in the country but that there had been cases of conversions to Christianity taking place in hiding. There was a risk of this being discovered if the person in question did not worship at the mosque (see also page 25 on the edict on the death penalty for conversion).

The UNHCR office in Peshawar reported that its offices in Pakistan had received applications for the resettlement of Christian Afghans.

4.3 Political affiliations

All the delegations' contacts believed that except for the Northern Alliance, organised opposition to the Taliban was not visible and existed only to a very limited extent if at all in Afghanistan. The sources commented that large gatherings were not allowed in the country

Several sources also referred to the fact that for many years there had been a "brain-drain" from Afghanistan, since the intellectual elite did not see any future in the country after the Taliban. Sources agreed that individuals who challenged the political ideology of the Taliban movement risked serious penalties.

Several sources, including several senior UN sources, ACBAR and DACAAR explained that most political activity took place outside Afghanistan - in Pakistan, in Germany or in Rome where the former king was in exile. There were Pashtun royalists in Peshawar who risked sanctions from the Taliban. In general, secular Pashtuns and Pashtun intellectuals were the most vulnerable group, as they were a threat to the Taliban's support in the Pashtun population. In Peshawar in 1999 there had been some cases of political murders of Pashtun intellectuals.

A western embassy reported that a few individuals from the Islamic Council for Peace in Afghanistan had been arrested in Pakistan but subsequently released, and since 1999 no-one from that organisation had been imprisoned.

Collective persecution

A centrally placed UN source mentioned that the risk of persecution often depended on family relationships. Collective persecution could take place, where particular individuals had not themselves openly expressed views opposing the Taliban but where family relationships combined with ethnic affiliation had led to conflicts with the Taliban. This might for example be the case if relatives were involved in the Loya Jirgah process or related to former Communists.

4.3.1 Former communists

Several contacts, including a centrally placed UN source and a number of international NGOs, mentioned that anti-Communism was still a live issue in Afghanistan. *The UN source* reported that usually in December - around 27 December, is the anniversary of the Russian invasion - strong declarations were made against Communists, who were blamed for all the problems in Afghanistan. In recent years in December, former Communists had been expelled from the administration, and there had been many arrests. In mid-2000 the Taliban also sacked many former Communists in the Ministries of Health and Education under cover of a restructuring. *ACBAR* said that the Taliban had adopted an edict on the expulsion of former Communists and persons who had received honours from the former Communist government or been educated in the former eastern bloc.

A centrally placed UN source believed that the risk of violence was affected by how closely an individual had been associated with the former regime, and with the human rights violations committed for example by KHAD - the intelligence service in the Communist period. The mere fact of having been a former member of the Communist party PDPA (the People's Democratic Party of Afghanistan) could lead to a risk of violence by the Taliban. A decisive factor was whether the individual had been associated with the former government at local level. In villages with few party members, the latter, whatever their level, were at risk of being held responsible for the Communist government's offences against the

population.

Several contacts, including UN sources and national and international NGOs, noted the paradox that some former Communists had been able to keep a low profile about their past and were part of the Taliban's administration, for example in Kabul.

Several sources mentioned that former - mainly Pashtun - members of KHAD were now working for the Taliban's intelligence service. *A western embassy* added that former pilots from the Communist period had transferred to the Taliban's forces.

All sources expressed the opinion that action against former Communists could be unpredictable and arbitrary. *A centrally placed UN source and ACBAR* said that family background and clan membership could be decisive in bringing former Communists to the attention of the Taliban. By way of illustration, *the UN source* explained that individuals would be at greater risk of persecution if many of their relatives had had a military career under the Communists, or all their relatives were living outside Afghanistan. Conversely, if there were many relatives still in the country this could provide a form of protection. *ACBAR* noted that the risk of persecution depended on an individual having the right contacts and relationships with the Taliban, and said that in an Afghan context social structures were decisive for an individual's protection.

A centrally placed western source commented that after six years in Kabul, the Taliban could still suddenly carry out raids, searching and confiscating houses and arresting individuals. An edict had been proclaimed with various formal requirements concerning how house searches should be conducted, including the provision that a mullah should be present. However, the source doubted whether these requirements were complied with. He felt that the Taliban's actions were unpredictable and not systematic.

A western embassy pointed out that if a member of the Taliban was too accommodating towards former Communists, he could himself come under suspicion. *The Swedish Committee for Afghanistan* felt that expulsions and violence against former Communists were very dependent on military developments. If the Taliban felt pressured, the movement was more active than in periods of stability.

4.3.2 SAMA

The CCA and a western embassy confirmed that members of SAMA were not in evidence in Afghanistan, and that those who were suspected of links with SAMA would be at serious risk of action being taken against them since the Taliban did not accept this intellectual, Maoist movement. The CCA believed that any SAMA activities in Afghanistan were underground and limited (see section 3.2).

4.4 Situation of women

4.4.1 Situation of women in general

The delegation discussed the issue of women with *a range of UN organisations and*

national and international NGOs, which all generally distanced themselves strongly from the Taliban's policy towards women. All the delegations' contacts felt that the situation of women was worrying and serious. *A western embassy* felt that there was no need to exaggerate in assessing the situation of women in Afghanistan, since it was appalling enough as it was. *A centrally placed UN source* said that the position of Afghan women must be seen from an overall perspective. By means of the various rules on behaviour, women were effectively excluded from participating in society, and were thereby deprived of basic human rights. The same source commented that this made the situation of single women without a family network hopeless, as they were not able to provide for themselves through employment.

As stated in the 1998 report on the fact-finding mission by the Immigration Service and the Danish Refugee Council, in 1997 the Taliban issued a series of religious decrees (edicts) laying down a number of rules and restrictions on the behaviour, dress and opportunities of Afghan women.

During the current mission, *all sources* referred to the Taliban's regulations for women, including the obligation on women to be fully covered (usually in a *burqa*) and to be accompanied by a male relative when they went out. The Taliban has also banned the education of girls except from basic religious education. Women were also excluded from further education and employment. Under the provisions there were a few exceptions in the health sector.

In edict No 8 of July 2000 the Taliban laid down that women were banned from employment by national and international NGOs and UN organisations. The edict is attached to this report as Annex 3. The edict has been implemented in all areas except health. See also the section below on women's access to education and employment.

Several sources, including *a centrally placed UN source and the AWN* said that by means of these regulations women were generally excluded from society. The same sources mentioned that women could not gather in public places. In this context, the Taliban has closed popular bath houses in Herat. According to several UN sources and to international and national NGOs, the Taliban's policy of separating the sexes in hospitals had led to severe limitations on Afghan women's access to qualified medical treatment.

The religious police

All sources commented that a failure to comply with the requirement to be covered or other rules of behaviour were generally punished by the religious police. *A centrally placed UN source, RAWA and the AWN* reported that failure to comply with the rules on behaviour was punished by the religious police by warnings to the women, lashes on the back, beatings of their husbands and, in rare cases, imprisonment. *The AWN* reported a case in which a tailor and a woman's husband had been imprisoned as punishment for the tailor measuring the woman. The sources commented in general that the religious police's sanctions against women were arbitrary and unpredictable.

Regional differences

Several UN sources and international NGOs pointed out that Afghan women had traditionally been restricted as regards their freedom of movement and their activities, particularly in the rural Pashtun areas in the south. Several sources, including *UN organisations, international NGOs and Afghan women's organisations*, reported that the way of life of women living in the countryside had not markedly changed since the Taliban came to power. The Taliban's view of women stemmed from Pashtun tribal traditions, in which the status of women was decided in relation to her marriage, home and family. However, the situation had been different in the larger towns, particularly Herat and Kabul, where under Communist rule in the 1980s women were increasingly able to receive an education and to work outside the home, and were not obliged to cover themselves. The Taliban therefore regarded the large towns with their secularised way of life as sinful and in need of discipline. In Kabul, the religious police regularly clamped down on the population, but this happened more rarely in rural areas.

However, *the Women's Commission* said that in rural areas the Taliban movement's restrictions did constitute a qualitative change in the situation of women, since *cultural and traditional restrictions and customs* were one thing, whereas *legislation* was quite another. The latter prevented any development in the situation of women through information work etc.

4.4.2 Security situation for women/physical security

Several UN sources and international NGOs said that the physical security of women had improved since the Taliban came to power compared with previous years, when various mujahedin groups had been in control.

RAWA was also of the opinion that during the mujahedin period from 1992 to 1996 there had been a great deal of lawlessness and that women had been subjected to serious violence in the form of rapes, kidnaps and forced marriages. RAWA felt that those had been the worst years from a female perspective. With the emergence of the Taliban movement, particularly in the early years, the security situation for women had markedly improved. However, after the initial years the suppression of women's rights had increased, and security had also decreased. In recent years there had been examples of girls and women being kidnapped by men inside the Taliban movement.

A centrally placed UN source and the Women's Commission said that there were no confirmed cases of men inside the Taliban movement kidnapping women. *The UN source* stated that there were many rumours that this happened. These may have arisen from the Taliban's separation of men and women and children following the fighting on the Shomali plains in the summer of 1999. However, in Afghan culture many marriages were arranged. If a Taliban commander asked to marry the daughter of a family, this would be difficult to refuse, and in many cases the whole family would probably try to flee the country to avoid reprisals.

4.4.3 Women's access to medical treatment

A centrally placed UN source reported that access to treatment by a doctor was severely limited for all population groups in Afghanistan. There was one doctor for every 30 000 inhabitants. Moreover, women's access to medical treatment was further restricted after the emergence of the Taliban, since women had in principle to be treated by female doctors, of whom there were very few. A woman could be treated by a male doctor if she was accompanied by a male relative who was present during the examination. However, treatment was very limited, as the male doctor could only examine and treat the actual area of the illness and was unable to examine the whole body.

The Women's Commission said that there were cases of women doctors opening private clinics. In some places this was tolerated by the Taliban, as access to medical treatment was completely absent in most places. In some places men from the Taliban movement brought their wives to these private clinics for treatment.

4.4.4 Dress requirements for women and restrictions on their freedom of movement

Several contacts, including a centrally placed UN source and several NGOs, said that under the Taliban's legislation women could not show themselves publicly except wearing a *burqa* and could only do so if they were accompanied by a male relative. In most cases the religious police reacted to infringements with physical punishment on the spot in the form of beatings and in the worst cases imprisonment. The sources stressed that in some cases the religious police also punished the husband.

DACAAR pointed out that restrictions on the freedom of movement of women and dress requirements were implemented differently in different parts of the country. In Herat it might seem as though there had been some liberalisation, since unlike other places more and more women were seen without a *burqa* and therefore with their faces not covered, and without a man accompanying them. Several women might also be seen standing on the street and talking. This should probably be viewed in the context of the Taliban not having full control of the area.

RAWA said that the situation in Herat was special, as there were many educated persons in the town, and because resistance to the Taliban was probably stronger there than elsewhere. RAWA stressed that such cases should not be given particular weight, as the Taliban had in no way let it be known that they had changed their view of - or policy towards - women. The *AWN* also said that the liberalisation in Herat represented an expression of rebellion by the female population rather than a change in the Taliban's policy towards women.

Several sources, including a centrally placed UN source, several NGOs and women's organisations, reported that dress requirements and the requirement of an accompanying male were particularly strictly enforced in Kabul. For example, women begging on the street often had an under-age son with them to fulfil the requirement for an accompanying male.

The *SCA* said that the freedom of movement of women in Kabul followed a pattern

whereby the religious police regularly took action against immoral behaviour. Immediately after such action there were few unaccompanied women to be seen on the streets.

4.4.5 Girls' opportunities to attend school

Several sources, including a centrally placed UN source, international NGOs and women's organisations, reported that the Taliban did not formally allow the secular education of girls, but to a limited extent tolerated the teaching of girls in so-called home-based schools. Home schools were found both in the towns and in the countryside, and many were supported with funds from international organisations. The teaching of girls up to years 10 to 12 also took place in private homes, under the guise of sewing lessons. Local communities turned a blind eye to these home-based schools.

The SCA stated that approximately 170 000 children received education in these home schools, of which 21 to 22% were girls. However in most areas the provincial authorities only allowed the education of girls up to year three - until they were about 8 to 10 years old. In some areas the teaching of girls was allowed until year 6. The provincial authorities did not usually give formal permission for the schools, but were aware of their existence. Several sources said that within the Taliban movement there were different attitudes to girls' access to schooling, and some sent their daughters to school in Afghanistan or in Pakistan.

The *Women's Commission* said that the right to education for both men and women was seriously limited in Afghanistan. This was because of the country's difficult economic situation and because of 40% of teachers had previously been women, who were no longer able to work. Public education in Koranic schools was also limited, and universities were functioning at a minimum level. The Women's Commission also said that Pashtuns in rural areas had traditionally not sent their girls to school, even before Taliban rule.

4.4.6 Women's opportunities to receive an education and to work

All the delegation's contacts expressed serious concern about the ban on women working and on the consequences for educated women, single women and women who were the breadwinners. The ban on women working and extreme poverty had forced women out onto the streets to beg without men accompanying them, despite the risk of punishment by the religious police.

Several sources, including a centrally placed UN source and several NGOs, confirmed that the Taliban did not allow women to study at university or at other further educational establishments. However in practice exceptions were made in the health sector.
For example, the Taliban had allowed 65 women who had completed the second and third year at the medical faculty in Kabul in 1996 to practise and receive theoretical teaching at a military hospital in Kabul in order to complete their studies. The hospital was run by a female chief doctor. It was assumed that the Taliban only tolerated this because of the great lack of female doctors.

Women's opportunity to take paid employment was severely restricted in 1997, when

the Taliban legislated to ban women from working outside the health sector. Previously it had been possible to work for international organisations with special permission from the Ministry for the Promotion of Virtue and the Prevention of Vice.

In June 2000, women's ability to work was further restricted by the issue of a new edict, *Edict No 8* (see Annex 3), explicitly banning women from working for UN organisations and foreign NGOs. However, an exception was made for work in the health sector.

Both ACBAR and DACAAR explained that edict no 8 could be subject to different interpretations, and therefore allow differences of implementation. For example, in Herat province only professionally qualified staff - doctors and nurses - were allowed to work. In the eastern provinces and in Kandahar both trained and untrained staff worked in the health sector. *ACBAR* described the circumstances surrounding the proclamation of the edict as exemplifying the approach adopted by pragmatic Talibans to the outside world. In the first edict issued by the Taliban the ban on working was complete. After three days of negotiations with UN organisations, a new edict was issued with an exception for the health sector.

A centrally placed UN source reported that some women who had been trained in the health sector chose not to work although they were able to. This was because women made themselves vulnerable by working. Also, they had to have a man to accompany them to and from work, which in some cases meant that their husbands could not take paid work.

The *Women's Commission* reported that - under Pashtun traditions about women's way of life - women who worked had lower status, and many women in a recent survey had said that they only worked because their husband had no work because of the poor economic situation in the country. The Women's Commission also believed that NGOs were employing more women than previously, and that local communities in the rural areas were putting pressure on the Taliban authorities, who were turning a blind eye. Many projects in rural areas were being undertaken under the guise of health projects and were therefore exempt from the edict's provisions.

4.4.7 Situation of single women

As mentioned above, *all the delegation's contacts* expressed serious concern about the ban on women working and the consequences of this for single women and women who were the breadwinners. This has forced women into prostitution and begging in order to survive.

A centrally placed UN source felt that single women without male relatives were in a particularly vulnerable position. Widows with male relatives often survived within the extended family by marrying their late husband's brother. For widows without male relatives one of their few alternatives was begging, since that was one of their few permitted opportunities to provide for themselves. The source felt that such women had been deprived of their basic right to secure their own existence, and could not survive in Afghanistan.

The *AWN* pointed out that the cultural tradition whereby the extended family and the local community, through the mullahs and the mosques, provided for widows, no longer

functioned because of the current economic situation in Afghanistan.

Several sources, including a centrally placed UN source, several women's organisations and other NGOs, said that there were more beggars in Kabul now than there ever had been before. *RAWA* reported that there were several thousand female beggars in Kabul including many well-educated women who had previously been working, amongst other things as teachers. The proportion of female teachers before the Taliban came to power was 40%. Several sources also reported that the number of female prostitutes had noticeably increased. *A centrally placed UN source* observed that prostitution amongst Afghan women had previously mostly occurred in Pakistan, but that there were now also reliable reports of female prostitution in Kabul.

A centrally placed UN source reported that many women who had previously been employed by the ministries and had remained on the payroll until the middle of 2000, receiving one to one and a half US dollars per month, no longer received that income. When in the middle of 2000 the Taliban sacked 10 000 people employed in the administration, this included all the women on the payroll. For many of those women this had been their only source of income.

4.5 Other vulnerable groups

Most of the delegation's contacts believed that few intellectuals remained in Afghanistan, as most had left the country. The *CCA* reported that intellectuals generally had problems in Afghanistan, and that the situation was particularly difficult for the educated. *A centrally placed UN source* reported that the Taliban had sacked most intellectuals and educated people who had worked in the administration, and that the movement was therefore to blame for the brain-drain which had taken place over recent years.

Several western embassies confirmed that the situation for intellectuals and educated persons in Afghanistan was difficult. Female intellectuals and educated women could be regarded as vulnerable to serious reactions from the Taliban, since their very existence was a provocation to the Taliban. *Several UN sources* believed that women who had previously been affiliated to the PDPA must be regarded as being in a particularly vulnerable position.

Several NGOs, including DACAAR, ACBAR and CCA, reported that local employees of NGOs could not generally be regarded as being in danger of serious reactions from the Taliban, but they were in a vulnerable position. The risk of reactions would depend on which organisation they worked for and what work they did. The *SCA* mentioned that NGO staff received much higher wages than Taliban officials, and could therefore be victims of harassment and attempts at extortion. *A centrally placed UN source* pointed out that employees of organisations which had a religious background would be more vulnerable, referring to the Taliban's edict on conversion.

RAWA commented that if the Taliban became aware of the women working for the organisation in Afghanistan and in Pakistan they would be very vulnerable as the Taliban did not accept the organisation's political work.

4.6 Freedom of movement

Both *international and national NGOs, including DACAAR, SCA and AWN,* felt that there was now reasonable freedom of movement in Afghanistan. There were generally no difficulties for men in travelling wherever they wanted to go. Women generally did not have freedom of movement, but could only move around accompanied by male relatives. *The AWN* pointed out that only men would be asked to leave buses for checks at checkpoints. According to the AWN, the freedom of movement applied to all ethnic groups.

The NGOs reported that nowadays there was only a limited number of checkpoints in Afghanistan and that checks were primarily carried out to discover whether people were carrying illegal materials - e.g. music cassettes, pictures, etc. - and to demand customs duties on goods.

DACAAR claimed that before the Taliban came to power, there had been about 75 checkpoints between Jalalabad and Torkham (the border with Pakistan), but that now there was only one checkpoint between the border and Jalalabad and one immediately outside Kabul. There was not much activity at the checkpoints and the situation was in fact better than it had been before the Taliban came to power. (For more information on checkpoints in relation to curfews, see section 3.2.1 on the security situation).

5. Entry to and exit from the country

The official border crossing points between Pakistan and Afghanistan are *Torkham* near Peshawar in the North West Frontier Province (NWFP) and *Chaman* in Baluchistan. Official policy is that the Pakistani authorities closed the border at Torkham on 9 November 2000 and imposed a ban on entry without a valid visa.

A centrally placed UN source reported that controlled crossings had been allowed for a few days in December 2000 because of serious pressure at the border crossing, but, officially, the border had been closed to those without valid travel documents since November 2000. However, there had been some flexibility regarding crossings by "old" refugees, who travel to and fro across the border.

Senior western sources observed that the closing of the Pakistani border was no surprise, as there had been problems on the Pakistani side of the crossing in Baluchistan for a long time, and there had not been any registration of new refugees at that crossing. Non-Pashtun Afghans - particularly Hazaras, but also Uzbeks - have paid large sums to cross the border. Since the capture of Mazar-i-Sharif in 1998 the Taliban have generally prevented Hazaras from leaving Afghanistan, but in 2000 there have also been increasing problems in crossing the border from the Pakistani authorities, according to a well-informed western source. Controls at the border have become more strict, and the Pakistani authorities require valid documents and visas for entry.

Several centrally placed western sources commented that the closure of the border should be seen in the light of the Pakistani authorities' call for camps for internally displaced persons to be set up within Afghanistan, for those fleeing the northeastern areas (Takhar and

Baghlan), since Pakistan lacked the financial resources to run the camps. In 1994, camps for internally displaced persons had been set up in Afghanistan, but sources claimed that the situation was different nowadays, as a large proportion of those who were fleeing belonged to minorities - sources estimated that 80 to 85% of them did so - and were fleeing persecution or because of the drought. *A senior western source* reported that between September 2000 and the middle of January 2001, 120 000 new refugees had arrived in Pakistan.

Western sources also said that there were checkpoints inside Afghanistan between Jalalabad and the border. There had been examples of non-Pashtuns being detained de facto, arrested and not being allowed to continue to the border. The situation was now that the Taliban chose who was allowed to cross the border. The sources claimed that the border could still be crossed if a bribe was paid, and Pashtuns generally did not have problems, but it had become more expensive to cross the border. This applied to both Torkham and the crossing in Baluchistan, but the phenomenon had been known in Baluchistan for longer.

A centrally placed UN source also noted that the Taliban exercised control through the issue of passports, but that passports could also be bought in Peshawar. There were no check-lists at the border crossings, and checks were not made at the border for wanted individuals. The checks which did take place were primarily for the transport of goods over the border, in order to demand customs duties. Only a high-profile wanted person, who was known outside his local community, might have problems if he tried to leave the country.

Several western embassies agreed that despite the fact that the Pakistani authorities had officially closed the border on 9 November 2000, a significant number of people were still crossing the border at Torkham. Afghans could still cross the border without being recorded and without documents. Refugees who had stayed in Pakistan for some time could travel to and fro, if they had official documents; see section 5.1. The border in Baluchistan was also officially closed, but people still slipped through.

A western embassy believed that with a very porous border 4 200 km long between Afghanistan and Pakistan, there were five or six thousand places where the border could be crossed illegally. Bribes were paid on both the Pakistani and the Afghan sides of the border, and a lot of trade took place over it.

Several western embassies agreed that the Iranian border was relatively closed, and *a centrally placed UN source* added that it was in fact dangerous to cross the border illegally because of drugs patrols. There were cases of people who had tried to cross the border illegally being killed. Illegal entrants who were stopped at the border were arrested and deported to Afghanistan. Those who forcibly returned were questioned; the source mentioned that of those forcibly returned from Iran in 1998 and 1999 some had been arrested and some had disappeared, particularly Hazaras and Uzbeks. Some were detained for a few days, some perhaps for longer, and some were used for forced labour.

A centrally placed UN source reported that it was only possible to obtain a visa to cross the Iranian border in very special cases. Visas were issued e.g. to traders with passports issued by the authorities in Herat, known as Herati passports, and some individuals obtained

permission to cross the border once a year for medical treatment or to visit relatives. There was an annual lottery in which 500 visas were issued at 20 US dollars each. It was possible to cross the border via the desert in the south; this had previously cost 100 US dollars per person paid to an agent, but prices had now gone up.

All sources agreed that the border to Tajikistan was completely closed, which increased the flow of refugees to Pakistan.

5.1 Afghan refugees in Pakistan

In July 2000 the Pakistani authorities introduced an amendment to the Foreigners Act. This included a reinforcement of the prohibition on illegal entry and on assisting such entry, and a reinforcement of the ban on Pakistani employers employing anyone not legally resident in Pakistan. Under the ordinance, illegal entry is punishable by up to 10 years' imprisonment and a fine of up to 10 000 rupees, and the punishment for assisting an illegal immigrant is up to 3 years' imprisonment and a fine. There is no possibility of being released on bail. The ordinance also includes a registration requirement. Finally, the ordinance makes it possible for someone who breaks the law to be expelled from the country (the text of the ordinance is in Annex 4).

A representative of the Pakistani Ministry for Northern Affairs (Ministry of KANA and SAFRON), whose responsibilities include the refugee issue in the border regions including the North West Frontier Province, explained the background to the introduction of the new provisions in the Foreigners Act and the closure of the border as follows: Pakistan had had a large number of Afghan refugees for many years now, and they had previously been welcome in Pakistan as it was expected that at some point they would return to Afghanistan. In 1992 about 1,2 million refugees had returned, but, because of the continuing internal fighting between the various groups in Afghanistan, there had been new influxes of refugees into Pakistan, particularly from the towns, and refugees were still coming in large numbers. In the autumn of 2000 so many new refugees had crossed the border that the authorities had to act, as the limits of Pakistani hospitality had been reached. A conservative estimate of the number of Afghan refugees currently in Pakistan was 2,2 million. The Pakistani Ministry for Foreign Affairs had urged the UNHCR to set up camps inside Afghanistan.

The source also believed that western countries had only assisted Pakistan with the refugee problems while it had suited them to do so, and that they now no longer contributed. Much of the help had already stopped in 1995, and the Afghans had had to move out of the camps to fend for themselves, as there was no longer sufficient assistance from the UNHCR and the WFP. Every major Pakistani city had a large number of Afghan refugees; the source mentioned that Islamabad, with a total of 600 000 inhabitants, had 100 000 Afghans. This created major problems because of a lack of employment for Pakistanis, since the Afghans kept wages down.

Finally, the source said that only Afghans who had documents and were registered were now able to stay legally in Pakistan - any others would be regarded as illegal immigrants. Afghans residing in Pakistan could be given permission to travel to Afghanistan to visit relatives etc. with the right to return before a stated date, if they registered with the

District Commissioner of Afghan Refugees in Pakistan.

Western sources confirmed that the Pakistani authorities were now implementing the Foreigners Act in a more restrictive fashion. Afghans were no longer regarded as prima facie refugees in Pakistan, and the concept of prima facie refugees had been changed to the concept of illegal immigrants.

A senior western source stated that it was not possible to seek asylum in Pakistan, and only those with legal passports could now cross the border. Since the end of 1999 the authorities in Baluchistan had deported some refugees over the border, which had been a particular problem for the Hazaras in Baluchistan, and this had been a warning of what might happen in future.

The same source also said that while deportations might occur of individual Afghans from parts of Pakistan, to date there had been no cases of mass deportations. The source believed that the deportation of two to three hundred Afghans had not yet created a situation which could be taken as implying a systematic change of policy. Information was also lacking on who had actually been deported.

A centrally placed western source felt that the overall situation of Afghans in urban areas of Pakistan had worsened following the implementation of the Foreigners Act. If no forceful lobbying was done on behalf of the Afghans in question they risked deportation to Afghanistan.

Neither the UNHCR nor any other of the sources asked were aware of actual cases in which Afghans had been convicted under the Foreigners Act.

5.2 Pakistan as a transit country for voluntary return

The delegation asked the Pakistani *Ministry for Northern Affairs* about the possibility of using Pakistan as a transit country for Afghans who wanted to return to Afghanistan from Denmark voluntarily. The Ministry's representative did not disguise the fact that such an arrangement would encounter considerable scepticism as it was thought very likely that the people in question would not move on to Afghanistan but would remain in Pakistan. At the moment there were no air connections with Afghanistan, and the Ministry believed that transit passengers would be very likely to disappear. A decisive pre-condition would be that the individual should have a valid visa for Pakistan, and the representative added that if an Afghan with a passport presented himself at a Pakistani embassy abroad, an application for a visa would of course be processed in the normal way.

Two centrally placed UN sources pointed out that Pakistan had opposed the transit of Afghans from other western countries, and had not yet accepted any.

A centrally placed UN source informed the delegation that in 2000 India had returned a few people (5 or 6 individuals) via Iran, facilitated by the UNHCR. In connection with the hijacking in 1999, Turkmenistan had also allowed the transit of a small group of 6 to 10 people, but that had been described as a one-off occurrence. The source was also aware

that Germany had been trying to negotiate a transit agreement with Pakistan for a long time but without success.

Another centrally placed UN source added that some Afghans had been returned from the Gulf States - the United Arab Emirates and Saudi Arabia - via Pakistan, on the grounds that they were illegal immigrants, and that, according to the Pakistani authorities, the Taliban had a readmission agreement with those countries.

Several western embassies confirmed that previous negotiations with the Pakistani authorities about a transit agreement had not borne fruit, and that there was no possibility of voluntary return via Pakistan from any western country.

Furthermore, there were currently no flight connections with Afghanistan, since all flights had been stopped because of the UN sanctions, including a former route from Dubai to Kandahar. At the moment the only flights were by the UN and by a private American NGO (PACTA) which brought in emergency aid.

6. Individuals, organisations and authorities consulted

Islamabad:

UNSMA (United Nations Special Mission to Afghanistan):

Assistant Secretary-General, Personal Representative of the Secretary-General and Head of the Special Mission to Afghanistan, Francesc Vendrell

Senior Political Affairs Officer, Ms. Freda Mackey

UN Coordinator for Humanitarian & Development Activities in Afghanistan, Erick de Mul

UN Human Rights Advisor, Norah Niland

U**NHCR Afghanistan**, Protection Officer, Katharina Lumpp

UNHCR Pakistan:

Representative, Hasim Utkan

Assistant Representative (Legal), Philip Karani

ICRC, Head of Delegation, Alfred Grimm

US Embassy, Deputy Director, Dr. Lowry Taylor

Netherlands Embassy:

Deputy Head of Mission/ Head of Development Section, Mar van der Gaag

First Secretary (Political) Rudolf L.B. Tuijnman

First Secretary (Immigration) Enno J.F. Nater

First Secretary, Willem J. de Bruin

Norwegian Embassy:

Ambassador Tore Toreng

Immigration attaché Grethe Løchen

Swedish Embassy, First Secretary, Annika Jansson

Danish Embassy:

Chargé d'Affaires e.p., Sven B. Bjerregaard

Consul Ebbe Petersen

Pakistani Ministry for Northern Affairs (Ministry of KANA and SAFRON),

Joint Secretary (Refugees), Sahibzada Mohammad Khalid

Peshawar:

UNHCR Sub-office Peshawar:

Head of Sub-Office, Roy Herrmann

Protection/Repatriation Officer: Iris Blom

US Consulate in Peshawar, Vice-Consul, Roger Kenna

ACBAR (Agency Coordination Body for Afghan Relief):

Director, Chris Cork

Senior Consultant, Nancy Dupree

Programme Manager, Azizurrahman Rafiee

ACBAR, which was founded in 1988, coordinates NGOs working in Afghanistan, and comprises both Afghan and international organisations.

CCA (Cooperation Centre for Afghanistan),

Director, Said Sarwar Hussaini

The CCA is an Afghan NGO, which is supported by several international aid organisations, including NOVIB, Norwegian Church Aid, Church World Service, USAID and various UN organisations. The organisation, which was founded in 1990, has had a human rights programme since 1994 and is particularly involved in activities concerning women, education and human rights. Its activities consist in particular of educational projects concerning human rights, and monitoring that such rights are observed. The organisation has three regional offices in Afghanistan - in Kabul, Mazar-i-Sharif and Bamiyan.

DACAAR (Danish Committee for Aid to Afghan Refugees)

Director Thomas Thomsen

DACAAR is a humanitarian NGO, founded in 1984 to assist Afghan refugees. The members of the organisation are ASF (Arbejdernes Samarit Forbund), the Danish Refugee Council and Mellemfolkeligt Samvirke. The two main areas of DACAAR's activities in Afghanistan are currently an integrated agricultural development programme and a clean drinking water project. The programmes are financed mainly by DANIDA and the EU, but also with resources from various UN bodies and private Christian organisations. DACAAR has its headquarters in Peshawar and is active in large parts of eastern, southern and western Afghanistan.

Den norske Afghanistankomite, NAC (Norwegian Afghanistan Committee):

Director, Odd Bratlie

Programme Director, Badakhshan, Hermione Youngs

Leader of the women's committee, Britt Kejo

The NAC was founded in 1979 and is a solidarity and aid organisation; it is supported by, inter alia, the Norwegian Government and UNHCR. The Committee is currently running projects in both Afghanistan and Pakistan in the fields of emergency relief, health, education, reconstruction and agriculture, and information activities in Norway. In Afghanistan it is mainly active in Kabul, Ghazni, Badakhshan, Nuristan (Laghman), Paktia and Nangarhar.

Den svenske Afghanistankomite, SCA (the Swedish Committee for Afghanistan)

Country Director, Anders Fänge

The SCA, which is mainly supported by SIDA and the EU, was founded in 1980 and currently runs programmes particularly in the fields of education and health. The SCA's programmes in Afghanistan represent 60% of total international aid in the education sector

and 30% of aid in the health sector. The programmes are mainly implemented in the northern and eastern parts of Afghanistan; besides its headquarters in Peshawar, the SCA has 3 regional offices in Afghanistan - in Ghazni, Kabul and Taloqan.

Women's Commission for Refugee Women and Children, WCRWC,

Technical Advisor Afghanistan, Ms. Sippi Azerbaijani-Moghaddam

WCRWC was launched in 1989 as an organisation under the International Rescue Committee, which has its headquarters in New York. Its aim is to improve the situation for refugee families inside or outside their home country, by focusing on the situation of women and children and by attempting to urge international organisations, governments and voluntary organisations to take responsibility for the protection of refugees. The organisation sends people to refugee camps, internment camps and areas where there are many internal refugees to carry out investigations and fact-finding missions to describe the situation and needs of women and children. WCRWC is supported financially by the International Rescue Committee and receives funds from various foundations and organisations, and from private donors. For specific projects help is also received from the UN and from the US Government.

RAWA (Revolutionary Association of the Women of Afghanistan),

Sahar Saba

RAWA, which is the oldest women's organisation in Afghanistan, was founded in 1977 and operated during the Soviet invasion as a resistance movement. The organisation works for women's rights and for democracy in Afghanistan. In 1980 the organisation moved its headquarters to Quetta in Pakistan, where its leader, Meena, was murdered in 1987. The organisation has some activities inside Afghanistan in the social field, with various projects concerning the education of women and children, and some in Pakistan in the political field, where they hold meetings and demonstrations on 8 March and 27 December (the anniversary of the Soviet invasion of Afghanistan). The organisation receives financial support from individuals, mostly foreigners.

AWN (Afghan Women Network),

Chairperson, Khursheed Noor

Office Manager, Mina Mushrif

The AWN is an organisation of Afghan women based in Peshawar. The organisation, which has 370 members, does not receive financial support and is largely based on voluntary work. The organisation's activities consist of building up the abilities of Afghan women based in Peshawar, including training and education in various areas. The organisation does not carry out any activities inside Afghanistan, but several of its members have jobs in other organisations which do work in Afghanistan and its chairperson, for example, works for an international NGO.

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8. Abbreviations

ACBAR: Agency Coordinating Body for Afghan Relief

AWN: Afghan Women Network

CCA: Cooperation Centre for Afghanistan

DACAAR: Danish Committee for Aid to Afghan Refugees

ICRC: International Committee of the Red Cross

IDP: Internally Displaced Person

KHAD: Khidamat-i-Ittala'at-i-Dawlati (Ministry of State Security)

NAC: Norwegian Afghanistan Committee

NGO: Non-Governmental Organisation

PDPA: People's Democratic Party of Afghanistan

RAWA: Revolutionary Association of the Women of Afghanistan

SAMA: Sazman-i-Azadibakhsh-i-Mardum-i-Afghanistan, a Maoist organisation

SCA: Swedish Committee for Afghanistan

UN: United Nations

UNHCR: United Nations High Commissioner for Refugees

UNSMA: United Nations Special Mission to Afghanistan

WCRWC: Women's Commission for Refugee Women and Children

WFP: World Food Programme

9. ANNEXES

The annexes are available on request

Annex 1. Map of Afghanistan

Annex 2. UN resolution 1333 (2000)

Annex 3. Edict No 8

Annex 4. Foreigners Act