

# The Afghanistan Justice Project

## **Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001**

### **Documentation and analysis of major patterns of abuse in the war in Afghanistan**

#### **The Afghanistan Justice Project**

The Afghanistan Justice Project (AJP) was established in late 2001 as an independent research and advocacy organization whose objective is to document serious war crimes and crimes against humanity committed by all of the parties during the conflict in Afghanistan, 1978-2001. Our work has focused on some of the most egregious incidents of the different phases of the war – massacres, summary executions, systematic torture, mass rapes, and deliberate targeting of civilians in warfare. Our researchers interview a wide range of sources to determine the facts about specific incidents in order to establish an objective historical record and to press the Afghan government, and international donors and policy-makers to pursue accountability for the crimes of the past.

The Afghanistan Justice Project's staff includes Afghan and some non-Afghan researchers and legal experts. Much of the work has been done by volunteers. Almost all of the field work has been carried out in Afghanistan over a period of three years, although we have also interviewed some Afghans living outside the country. Many of the Afghans working with the project lived through some or all of the war.

The Afghanistan Justice Project is independent and non-partisan, and has no official relationship to any government or intergovernmental body or other international organization. The organization's status as a non-profit foundation is pending the completion of registration procedures in Belgium. For more information about the Afghanistan Justice Project, see our website at [www.afghanistanjusticeproject.org](http://www.afghanistanjusticeproject.org).

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# 1 Executive Summary and Recommendations

## 1.1 Report summary

Afghanistan has been at war since April 1978. During every phase of the conflict—the revolution of April 1978 that brought to power the factionalized Marxist-Leninist People’s Democratic Party of Afghanistan, its radical reform measures and brutal crackdown on the uprisings that followed; the Soviet invasion of December 1979, occupation and counterinsurgency war; the Soviet withdrawal and the civil war; the repressive rule of the Taliban, and finally the U.S.-led intervention that ended it—different armed factions, both Afghan and foreign, committed crimes against humanity and serious war crimes. These war crimes have included large-scale massacres, disappearances and summary executions of at least tens of thousands of Afghans, indiscriminate bombing and rocketing that killed hundreds of thousands of civilians, torture, mass rape and other atrocities. In the twenty-seven years since the war began, there has been no serious effort, international or domestic, to account for these crimes.

To say that all of the armed forces that fought in Afghanistan committed war crimes is not to say that every single fighter has been guilty of such actions. What the Afghanistan Justice Project has documented are incidents in which senior officers and commanders ordered actions amounting to war crimes by their forces, or allowed such actions to take place and did nothing to prevent or stop them. The Afghanistan Justice Project’s intent in documenting these incidents is not to impugn the cause for which any of the armed groups fought, but rather to call for accountability where those actions amounted to war crimes.

Accounting for the worst of the crimes committed continues to be an issue of great concern to many Afghans: the report published in January this year by the Afghan Independent Human Rights Commission (AIHRC), “A Call for Justice,” indicates strong support among Afghans to address the legacy of the past. How that should take place remains a choice for the Afghans to make. When given the opportunity to discuss their views about the past, as did those consulted for the AIHRC’s survey, and as those interviewed by the Afghanistan Justice Project and other human rights groups have done, Afghans across a broad political, ideological and social spectrum have expressed strong support for several key steps, including:

1. Excluding persons who have been responsible for war crimes and crimes against humanity from political office and institutionalizing vetting procedures
2. Establishing mechanisms at the local, regional and/or national level for documentation, investigation and other truth-seeking measures about past abuses and war crimes;
3. Recognizing the suffering of the victims of the war and acknowledging their right to the truth about what happened to loved ones who were killed or disappeared in the course of the war.

Afghans interviewed by human rights organizations have also consistently charged that commanders and others responsible for serious abuses retain power in many parts of the country, and continue to violate the rights of local citizens. They see that so long as those responsible for past crimes enjoy impunity, the security of ordinary citizens is at risk.

The Afghanistan Justice Project has documented a number of key incidents from the different phases of the war in Afghanistan. that are important because of the magnitude of the

crime or because of the involvement of people who continue to wield power. In this report, we have included a number of these incidents. The dossiers reproduced here represent only part of the Afghanistan Justice Project's work, as we have gathered more information about violations from every period than we were able to include in this report. In each case that we have included, the Afghanistan Justice Project has attempted to include not only direct witness testimony about the events that took place but an analysis of the command and control of troops responsible for the operations.

No single report can adequately document the many grave war crimes committed by all parties to the conflict in Afghanistan's twenty-five years of war. What we have covered in this report represents only a fraction of the many crimes that drove millions of Afghans from their homes, laid waste to their farmlands and cities, and killed and maimed more than one million. In this report we have included incidents

- From the PDPA period, April 1978 to December 1979: Arrests, disappearances and summary executions; the Kerala massacre 1979; the Herat uprising in March 1979; bombings, disappearances and resistance in Hazarajat 1979; crackdown on uprisings in Kabul; torture.
- From the PDPA period and Soviet Occupation 1980-1988: Arrests, detention and torture; Indiscriminate bombardments and reprisals against civilians in the countryside
- From the Najibullah government after the Soviet withdrawal, and the resistance: Continuing bombardments; abuses by government-backed militias; attacks on Afghans in Pakistan; torture in mujahidin prisons.
- From the civil war 1992-96 and United Front period 1996-1998: The bombardment and rocketing of Kabul 1992-1995; The Afshar massacre and mass rape in Kabul 1993; torture, rape and summary executions by Ittihad, Hizb-i Wahdat and Shura-i Nazar forces in Kabul; torture, rape and summary executions by Junbish forces in Kabul and the north; the massacre of Taliban prisoner in Mazar-i Sharif 1997
- From the Taliban era: The massacre in Mazar-i Sharif 1998 ; massacres in Sar-i Pul 1999-2000 ; the massacre in Rabatak 2000; the massacre in Yakaolang 2001; Burnings and deliberate destruction: the Shamali campaign 1999-2000; Yakaolang and Bamyan 2001

Although the original mandate of the Afghanistan Justice Project was to document war crimes only through 2001, some patterns of abuse identified in this report have continued in the years since 2001. In the concluding chapter in this report we examine how U.S. forces allied themselves with commanders who were responsible for some of the worst war crimes committed during the civil war. They did so because they believed these commanders could help the U.S. defeat al-Qaeda and the Taliban. Nearly four years later, many of these same commanders have grown richer and more powerful, with links to organized crime and the narcotics trade, while the Taliban continue to pose a threat. The U.S., along with senior officials in the U.N. and in some other governments, has also opposed efforts to investigate past abuses, arguing to do so would imperil "stability." In addition, U.S. forces have replicated some of the same torture techniques; unacknowledged and secret detentions employed by their predecessors, and have thereby undermined efforts to establish in Afghanistan accountable institutions that adhere to the rule of law.

Documenting war crimes committed during the various phases of the war has proved more problematic for some periods than in others. For example, during the Soviet occupation, few witnesses to specific incidents or survivors of bombardments interviewed by the Afghanistan Justice Project have been able to identify the forces responsible other than that they were “Russians.” The years that have passed since the Soviet occupation have made it more difficult to locate key witnesses to specific incidents, and the historical accounts that exist from this time tend to focus on macro-level political developments with general accounts of field operations. There was no discussion of accountability in the negotiations that culminated in the Geneva Accords and the Soviet withdrawal. The last Soviet forces left Afghanistan in February 1989, and on November 28, 1989, the Supreme Soviet adopted an amnesty excluding the possibility of prosecutions of any of its forces for deliberate or indiscriminate attacks against Afghan civilians. Most of the Soviet documentation related to the war remains classified. Declassifying these documents and allowing access to them would represent an important step forward for Afghanistan’s efforts to create an accurate historical record and pursue its own documentation efforts.

Conversely, there are few historical accounts of any kind about the fighting in Kabul 1992-1996 and the situation elsewhere in the country, despite the relatively recent nature of the events. Thus, the Afghanistan Justice Project has attempted to fill a gap in documenting the nature of the fighting, the shifting patterns of command and control in different areas, and the abuses that resulted. Finally, while certain aspects of the Taliban regime have been subject to international criticism, that scrutiny has not led to detailed documentation of field operations during which the Taliban committed war crimes, including many massacres of non-combatants. The post September 11, 2001, focus on global terrorism has further diminished concern about the Taliban’s record of war crimes.

## **1.2 Recommendations**

In September 2005, Afghanistan will hold parliamentary elections. The candidates for parliamentary seats include persons against whom there is credible evidence of responsibility for war crimes. Some are named in this report. Although there is no mechanism in place for excluding those persons from running for office, the Afghanistan Justice Project believes that the records of those candidates should be open to public scrutiny. We reject the argument that publicizing information on past abuses is “anti-mujahidin” (our report includes atrocities from all periods of the war); or that reports such as ours risk “destabilizing” the political process. If Afghanistan’s political transition is to be guided by principles of good governance, including transparency, there is no need to bury the truth.

In our first report, issued in October 2004, the Afghanistan Justice Project also urged the President and his staff not to appoint to public office individuals against whom there is credible evidence of responsibility for serious human rights violations or war crimes, and recommended that the records of any individuals who may be candidates for these posts should be subject to public scrutiny. Discussions on appropriate vetting mechanisms for such appointments have begun. Furthermore, as the process of security sector reform, including disarmament, demobilization and reintegration, moves forward, the political actors involved—both Afghan and international—should pay particular attention to the commanders against whom there exists credible evidence of responsibility for war crimes.

The main purpose of the Afghanistan Justice Project is to contribute to establishing an objective record of abuses perpetrated by the range of actors in the Afghanistan conflict. The decision on how to hold perpetrators to account and address the needs of victims must be part of

the political process in Afghanistan. The Afghanistan Justice Project does not foresee the possibility of bringing perpetrators to trial in Afghanistan in the immediate future. However, a transitional justice strategy for Afghanistan embraces a number of actions that could go far to addressing the demands of the Afghan people for accountability and security, and help lay the groundwork for future actions, including criminal judicial procedures.

The views of Afghans interviewed by the Afghanistan Justice Project—from those who suffered the repression and brutality of the earliest years under the PDPA, the violence and brutality of the civil war and the era of “commander rule” that followed, and those who suffered under the Taliban—or in some cases, those who survived to suffer during all the phases of the war—invariably reflected the need for the truth about the past to be publicly acknowledged, that victims and survivors have a chance to have their stories told, and that the senior political figures responsible be held accountable in some way. There was equally an understanding that what might answer that need varied according to the nature of the crime, the person’s position in the command structure and the need at the local level for reconciliation and reparation.

Thus, the strategy for “transitional justice” must take into account both national concerns and the international obligation to address impunity. A comprehensive strategy should include the following elements:

- provision for further documentation of war crimes, including forensic investigations. There are many grave sites in Afghanistan where the remains of victims of massacres and summary executions lie buried, including for example, sites long believed to exist in the vicinity of Pul-i Charkhi prison where perhaps thousands of victims of the early PDPA regime lie buried. There are many other sites as well.
- vetting for official appointments
- appropriate mechanisms for truth-telling. For the most egregious crimes against humanity, prosecution is appropriate, but is not yet feasible given the country’s fragile judicial institutions and security situation. The Afghan government and international donors should work to expedite the process of judicial reform and strengthen the institutional capacity to eventually prosecute cases of serious human rights violations and war crimes. Prosecutions of Afghans charged with war crimes outside the country should be supported.
- Finally, any initiative for transitional justice should ultimately include provision for victim compensation and forfeiture of property acquired by commanders who gained these assets as a result of their war crimes.

On the basis of the evidence assembled by the Afghanistan Justice Project, and the experience of undertaking this documentation, we contribute the following findings and recommendations to the discussion on transitional justice.

#### *Challenge of documentation*

Enormous difficulties exist in establishing an authoritative and objective record of past abuses in Afghanistan. Such difficulties include the dearth of documentary evidence, the difficulties in locating many key witnesses, fear of retribution from war criminals who retain positions of military power and political influence, and the atrophy of public institutions that could contribute to official truth telling. International and Afghan actors cannot develop a meaningful strategy for transitional justice without addressing these problems. The international actors, especially the donor community, should support documentation and investigation efforts, including capacity-building in the area of forensic investigations.

### *Stopping current abuse*

Afghan civilians, and some foreigners working in Afghanistan, remain vulnerable to serious abuse for the same reasons that real stability remains elusive in Afghanistan. Armed commanders who control large militia forces or networks of ex-combatants and who may or may not answer to any political authority, but who do not necessarily see a future for themselves in the country's political transition, remain a dangerous and volatile force. Some have ties to criminal networks linked to the country's burgeoning opium production and trade, and other smuggling activities. Security, both for Afghans and for foreigners working with them, cannot be seen in isolation from these phenomena.

Thus, efforts at transitional justice must be part of a comprehensive strategy to combat ongoing violations. In the course of our documentation of past war crimes, we received numerous reports of torture, arbitrary detention, summary executions, looting and extortion that had taken place after 2001. In some cases, witnesses describing incidents from ten years past would note that the same commander was committing similar crimes today. In the process of laying out the priorities of the new government after the presidential elections, the head of state should make a credible commitment to protecting citizens of Afghanistan from a repetition of the patterns of abuse that are documented here. It is in part by accounting for the crimes of the past that the new administration can begin setting standards for the future use of state power—an exercise that would enhance the legitimacy of the political process and the government. International partners of Afghanistan should offer practical support to implement these measures and focus on effective checks on torture, arbitrary detention and summary executions. The design of such checks should be informed by lessons from past abuses. In this regard, the efforts by the U.S. to block the renewal the mandate of the Independent Expert—apparently in order to prevent inspections of U.S. facilities—were short-sighted and condemnable.

### *Vetting for discretionary appointments*

An essential part of the process of establishing legitimate administration in Afghanistan is the removal of war criminals from positions of authority. Under Afghanistan's centralized system, the president and government are vested with a high degree of discretionary power to appoint officials throughout the country, with few of the checks that exist in other democracies. The new president should pledge to establish an administration that does not include anyone involved in war crimes, and should explicitly refrain from appointing people against whom there is credible evidence of involvement in war crimes to senior positions in the administration or military. International support is needed for developing a vetting procedure to review allegations of war crimes in a fair and transparent manner.

### *Information in the public domain in advance of elections*

In light of current electoral law and the absence of credible judicial processes, there is no provision for vetting candidates for parliamentary, provincial and district elections on the basis of responsibility for war crimes. Therefore civil society organizations and donors should help to ensure that credible information on allegations of candidates' involvement in war crimes is in the public domain and readily accessible, and should also ensure that there is an opportunity for right of reply and clarification. The Afghan authorities should provide all due legal protection and security for those involved in this process of popular accountability.

### *War criminals in U.S. custody*

The lack of transparency on the part of the U.S. about detainees it has in custody has made it impossible to determine whether any Taliban commanders responsible for war crimes against Afghans may be detained and eventually released without any attempt to hold them accountable for their crimes. The Afghanistan Justice Project has been able to document



credible allegations of involvement in crimes against humanity against both former and current detainees. In at least one case, a former Taliban commander (Mullah Shahzada), was released from U.S. custody despite his role in a series of massacres. After his release he rejoined the Taliban, and was subsequently killed in a battle with U.S. forces. U.S. officials were apparently unaware of the commander's past record, which indicates either a serious intelligence failure or indifference to war crimes that do not fall under the official designation of "terrorist acts." There are other senior Taliban commanders in U.S. custody. At least one of them, Mullah Fazil, is implicated in a number of massacres and other war crimes documented in this report. He should be indicted for those crimes. The failure to investigate or prosecute detainees against whom there is evidence of involvement in crimes against humanity only reinforces a pattern of impunity.

#### *War criminals in other countries*

A number of countries, including the U.K. and the Netherlands, are currently in the process of investigating and prosecuting Afghans living within their borders on charges of torture and other war crimes. The Afghanistan Justice Project supports these efforts and encourages other countries to do the same. These indictments and prosecutions send the important signal that there is no safe haven for war criminals.

In this report, we name a number of suspected war criminals who currently reside in, or periodically visit, Pakistan. The most prominent of these is the senior Taliban commander Mullah Dadaullah, responsible for a number of massacres in Afghanistan. Others include former mujahidin commanders against whom there is evidence of their involvement in political assassinations and summary executions.

## **2 Violations of International Human Rights and Humanitarian Law 1978-1992: the political context**

### **2.1 *The PDPA coup and Soviet Occupation***

Afghanistan's quarter-century of war began on April 27, 1978, when the People's Democratic Party of Afghanistan (PDPA), a small, faction-riven Marxist-Leninist party, launched a coup, overthrowing and killing then President Muhammad Daoud Khan and most of his family.<sup>1</sup> The PDPA then embarked on an ambitious and ruthless campaign to transform Afghanistan into a modern socialist state. During this period, the forces of the PDPA, principally the intelligence services, in addition to the regular army and police, committed war crimes on a massive scale.<sup>2</sup> The attempted reforms and the repressive measures the PDPA undertook to bring them about, sparked resistance particularly in the countryside. The PDPA crushed the uprisings, but, lacking popular support to carry out its political agenda, found itself in a situation that was spiraling out of control. A year after the coup, the regime faced widespread mutinies in the army.

Internal divisions within the PDPA contributed to the bloodshed. The party was divided into two factions, Khalq ("masses") and Parcham ("flag"). After the coup, the new PDPA leadership, dominated by the Khalq faction, purged the party of leading members of the Parcham (flag) faction, executing at least hundreds, imprisoning others and exiling some as ambassadors abroad.<sup>3</sup>

Khalq leaders pushed forward an agenda of reform and repression designed to eliminate all opposition and transform the very structure of Afghan society.<sup>4</sup> Mass arrests and executions began shortly after the coup and targeted those suspected of opposing the regime and its reforms: former government officials, religious leaders, tribal leaders, teachers and other intellectuals, and political activists: Maoist, Islamist and ethnically based. Mass arrests were common in the cities as well, and the fate of many of those arrested was often execution in Pul-i Charkhi, the prison on the outskirts of Kabul, or at other facilities. As of 2005, no efforts had been undertaken to exhume remains of the many persons believed to be buried in mass graves in the vicinity of the prison.

The PDPA's deputy prime minister, Hafizullah Amin, was the driving force behind the government's efforts to crush the opposition. Despite the scale of atrocities that took place during this period, 1978-79, very little documentation of many of the incidents exists. The Afghanistan Justice Project has carried out independent research into a number of incidents of arbitrary arrest, torture and summary executions during this period. We also investigated a number of forced "disappearances"—the abduction and clandestine detention of individuals, usually accompanied by torture and summary execution. The practice is considered a crime against humanity.<sup>5</sup> The number of disappearances that took place between April 1978 and December 1979 is not known, but is estimated to be in the tens of thousands. The incidents of torture, disappearance and summary execution included in this report represent only a few examples of the many such abuses that took place.

Repression took other forms. The PDPA bombed areas of resistance, killing many civilians. The Afghanistan Justice Project has investigated the PDPA campaigns against local resistance in Logar, Bamyan and Nangarhar. In each case the campaigns included bombing of villages in resistance-held areas. In most cases the bombing was indiscriminate and disproportionate, killing many civilians. Witnesses interviewed by the Afghanistan Justice

Project have described search operations that followed during which men were arrested and later disappeared.

The repression sparked uprisings and mutinies within the Afghan army that threatened to destabilize the regime. This report describes a number of these uprisings—in Kunar, Herat, Kabul and Hazarajat—and the government’s efforts to crush them. The mutiny at the Herat garrison in March 1979 was possibly a turning point for Soviet policy and decision to invade in December 1979; the PDPA government’s response to it remains one of the most serious war crimes of that era.

The Soviet occupation brought about a shift in tactics in the war. Soviet forces assassinated Amin, and installed Babrak Karmal, from the rival Parcham wing of the party in his place. Aware of the need to build support for the party, the Soviets ended the mass slaughter of intellectuals, religious leaders and others and instead adopted more systematic means of intelligence gathering and more selective targets of repression. The secret police, the *Khidamat-i Ittila’at-i Dawlati* (State Information Services), or KhAD, was modeled on the Soviet KGB. It engaged in widespread summary executions, detentions and torture of suspected *mujahidin* (resistance) supporters.<sup>6</sup> In the countryside, the bombing became routine and indiscriminate, killing countless civilians; in the early 1980s most refugees arriving in Pakistan reported they had fled because of the bombing. The indiscriminate bombing constituted a grave breach of international humanitarian law.<sup>7</sup> The Afghanistan Justice Project documents a number of these incidents in this report, but the few we document should be seen as illustrative of a widely used practice that devastated the countryside, killed tens of thousands and drove five million Afghans into exile.

## **2.2 The Soviet Withdrawal and Najibullah Government 1988-1992**

The period between the withdrawal of Soviet forces in 1988-1989, and the collapse of Najibullah’s government in 1992 saw several significant changes in the patterns of abuse by all parties to the conflict. The government invoked an Islamic identity for the state, and adopted some reforms in the law to relax the absolute control of the state. The reforms were largely cosmetic, however. Arrests decreased but did not cease. Bombings of resistance strongholds in the countryside, while less frequent, continued, killing many civilians.<sup>8</sup>

At the same time, divisions within the resistance became more marked, as the various parties vied more openly for what they saw was the eventual—if not imminent—change of regime in Kabul. This period also saw the increased prominence, and virtual autonomy, of militias ostensibly loyal to the communist regime, but whose allegiance was based primarily on cash payments, and who engaged in violence against civilians and looting.

### **3 Violations of International Human Rights and Humanitarian Law during the Taraki-Amin period of PDPA rule, 27 April 1978-27 December 1979**

#### **3.1 A period of massive repression**

This twenty month period, which began with the Saur revolution on April 27, 1978, saw some of the worst abuses of the entirety of the war. Nur Muhammad Taraki, of the Khalq faction, was president until September 1979, when he was assassinated by his deputy, Amin, also of the Khalq faction. Amin then became president. Throughout this period he was the driving force behind a radical reform agenda that was poorly planned and ruthlessly imposed,<sup>9</sup> and soon provoked a series of popular uprisings around the country. The PDPA leaders also proved to be brutal, inept and prone to in-fighting. They set much of the country against them by arresting or executing thousands of people whom they branded as counter-revolutionaries.<sup>10</sup> Mass arrests and executions of known opponents began shortly after the coup and targeted authorities in the countryside who opposed the regime and its reforms, including former government officials, religious leaders, tribal leaders, teachers and other intellectuals. In the cities as well, arrests of suspected dissidents and political activists were widespread.

Despite the enormity of the abuses, this period has been the most poorly documented of the war. Afghanistan was largely isolated from much of the world; few foreign correspondents had access to the country, and news of incidents that took place outside of Kabul filtered slowly out of the country. Most information eventually traveled with the refugees, who began to flee the country by the thousands. Those who could afford to, left for Europe, the U.S. or other destinations. Thousands of others settled in Pakistan and Iran.

After the coup, Taraki became both president of the Revolutionary Council, and prime minister. Two Politburo secretaries, Babrak Karmal (of the Parcham faction) and Hafizullah Amin became deputy prime ministers. Taraki appointed Parchami Lieutenant General Abdul Qadir as minister of defense and Parchami Nur Ahmad Nur as minister of the interior. In July 1978, factional infighting led to a purge of Parchamis; many were killed, while senior figures were sent abroad as ambassadors.

A new intelligence agency reporting directly to Taraki, known as AGSA<sup>11</sup> was also established immediately after the coup. Under Taraki it was headed by Khalqi Asadullah Sarwari. After July 1978, Taraki kept the defense portfolio for himself and named General Muhammad Aslam Watanjar as minister of the interior.<sup>12</sup> After Amin's coup in September 1979, he renamed AGSA as KAM (Workers Intelligence Agency) and appointed first Aziz Ahmad Akbari and then Dr. Asadullah Amin as its head. However, Amin ran the agency through relatives and close associates. The agency received direct support from East Germany and the USSR.<sup>13</sup> In his own book about the war, Gen. Nabi Azimi, a Parchami former deputy defense minister and commander of the Kabul garrison under Najibullah, wrote that the regime had "arrested too many ordinary people, clergymen, intellectuals ... and put them in Pul-i Charkhi prison or executed them in Pul-i Charkhi prison without trial on dark nights and threw them into holes already prepared." He also wrote that AGSA had special formations and was based on the former intelligence service departments.<sup>14</sup> Asadullah Sarwari was the first head of KAM. Faqir Muhammad Faqir became minister of the interior when Amin came to power. The commander of Pul-i Charkhi prison was Sayyid Abdullah

As of July 2005, Sarwari was held in the NDS compound next to Sedarat, the detention facility in the prime ministry compound, according to Afghan officials. In the years since the fall of the Najibullah government, he reportedly had been held in a detention facility in the Panjshir valley.

### **3.2 Overview of arrests, disappearances and summary executions**

The practice of arrests without charge followed a similar pattern throughout the country. In many cases, agents of the intelligence services AGSA, later KAM, carried out the arrests. The first wave of repression was pre-emptive: among the thousands arrested shortly after the coup were individuals (or entire families) that the new regime considered as potential opponents: leaders of social, political, or religious groups, professionals of every kind and other members of the educated class. Thus tribal and clan leaders, Islamists and Maoists, Western-educated teachers and traditional religious leaders all became victims of the regime.

As the PDPA launched its program of reforms, it met resistance, particularly in rural areas. The regime attempted to crush the resistance with further violence by arresting family members of local leaders and influential figures as hostages and killing them if the resistance continued; and by arresting persons identified as landowners, schoolteachers or other persons of authority who were in a position to resist the reforms. The numbers of those disappeared, and those known to have been executed or who died in prison runs into the tens of thousands in just this twenty-month period.

Although few detailed accounts of these incidents have been documented, some have been described in human rights reports. Amnesty International reported that in July and August 1978, several faculty members from Kabul University were arrested, and that during this same period hundreds of Parcham political workers were arrested.<sup>15</sup>

In most of the cases AJP has investigated, family members who were witnesses were given no reason for the arrest and were unable subsequently to obtain any information about their relative's whereabouts or fate. In many cases those detained were executed soon after their arrest. In some cases relatives were able to meet with the detainees in prison, only to be told at some point that the detainee was no longer there.

The most prominent of the prisons holding detainees was Pul-i Charkhi, an enormous wheel-shaped facility that was still under construction at the time of the coup in 1978. The unfinished construction contributed to the appalling living conditions for the prisoners, in particular, the lack of water pipes and toilets. Built to hold up to 5,000 prisoners, it held at least 12,000 a year and a half after the coup.<sup>16</sup> Thousands are believed to have been executed there; many also died of disease. Detainees were also held at other prisons throughout the country, some in more crowded facilities than Pul-i Charkhi.<sup>17</sup>

### **3.3 Arrests and disappearances : case studies from Kabul and the provinces**

The Afghanistan Justice Project interviewed a number of family members of persons who were arrested, never charged and who “disappeared” after their arrest. The stories are similar, and there are countless more among Afghans in the country today as well as those living outside.

Ahmad Shah Ahmadzai, who served as Minister in the Mujaddedi and Rabbani governments 1992-96, and as candidate for the presidency in 2004, provided AJP with testimony on the disappearance of sixteen members of family and acquaintances in the aftermath of the communist coup. He stated that in 1978 officers of the intelligence service arrested his brother Akbar Khan, his brother-in-law Adam Khan and his paternal cousin Khan Aqa, all residents of Malang village of Khak-e-Jabar district, Kabul. In the initial days of their detention, they were in the custody of Babrak Shinwary, a leader of the PDPA youth wing. Thereafter, all three disappeared. The family was not able to trace or ascertain their fate. They concluded that the men must have been transferred to Pul-i Charkhi and executed. During the same period PDPA intelligence officials disappeared numerous acquaintances of Ahmad Shah from the Khak-i Jabbar area, including the following thirteen men : Haji Shadawla Khan, Haji Khayali Khan, Haji Mohammad Siddiq (an elder of Malang village), Habibullah son of Mohammad Siddiq, Jalandar son of Mohammad Siddiq, Malik Abdul Khaliq, Mir Aqa and his brother Shahzad Mir, Mohammad Siddiq, Toran Mohammad Omar son of Juma Gul, Moalim Jalil son of Ziauddin, Daoud son of Nadir, and Mohammad Rahim son of Zarifgul.

The Afghanistan Justice Project interviewed N., the son of a former Supreme Court justice during the government of the former king, Zahir Shah. After Taraki came to power, his father was taken from his home by intelligence agents under Sarwari, and imprisoned in Pul-i Charkhi. N. never saw his father again and never learned anything further about what happened to him, but assumes he was killed in prison.

Mohammad G. narrated an incident in which members of his family were arrested because of their support for the mujahidin. The incident took place while Taraki was prime minister. After intelligence officers arrested Daud Khan Nooristani, a military officer, whom they accused of association with Hizb-i Islami. Other officers and the locally prominent family of Wakil Nooristan were taken into custody. Survivors believe they were all accused of association with the mujahidin, and may have been named by others under torture. When Amin came to power as president, Mohammad G. learned that all of the detainees had been killed.<sup>18</sup>

One woman, N., of Tahia Maska, Kabul, stated that her husband was arrested during the night. She was not certain of the date, but it occurred when Amin was prime minister. When she tried to obtain any information about him, she was told nothing by official sources, but heard unofficially that her husband was arrested by agents of the the intelligence service. She never saw her husband again, nor learned when or where he had been killed.<sup>19</sup>

Sh., a resident of Kabul and former resident of Ghazni, told AJP that her two brothers, Hayatullah and Abdul Hamid, were taken into custody and held at Pul-i Charkhi. She was never able to see them or learn what happened to them, but she assumes they were killed and buried there. Although she was not certain of the date, it occurred when Taraki was prime minister. Hayatullah had been a captain in Division 14 in Ghazni, and Abdul Hamid had worked in a school in Ghazni. She believes they may have been imprisoned because they were suspected of being supporters of former president Daoud Khan.

E., a resident of Barana Shahr-i Kohna in Kabul, told AJP that her uncle, Sayid Bashir disappeared after being arrested by intelligence agency forces under Asadullah Sarwari. in 1978. She stated:

Sayid Bashir was son of Noor Ahmad Khan, former state accountant. He was a resident of Kabul and he had a degree in law faculty of Kabul University. He didn't have any formal job. He was campaigning politically against the cruel regime of the time. The first time he had been in prison for thirteen years during Zahir Shah's government. He was then held in De Mazang Prison and released. Then, when Taraki came to power, and Asadullah Sarwari was head of the intelligence service, Sayid Bashir was taken from a meeting by the intelligence service. It was not clear where he was taken first. Later, we were informed that he had been imprisoned in Pul-i Charkhi. Because he was a political prisoner, no one was allowed to visit him. His brother, Zia Ahmad Fidayee who was in the special revolutionary court said that when he found Sayid Bashir's dossier, there was no document in it. It means that there was not any investigation. After they could not find any document, they hanged him. The order of his execution was announced in TV. His relatives never saw the body. At the meeting that Sayid Bashir had participated, there were almost eight people. They were all arrested and after some time they were all executed.<sup>20</sup>

A. described to AJP the abduction and imprisonment of members of her family in late 1979.<sup>21</sup> They were living in Qala-i Shahada next to Safid (white) mosque Kot-i Sangi, in Kabul. A., who was 10, was the eldest of five children. Her father was a baker working in Kot-i Sangi, and his cousin was the owner of the bakery. They were both working together. She said:

The situation was very bad at that time and they disturbed people under different pretexts. For example, they said you are mullah or spy, etc. then, and they imprisoned you. People could not see the prisoners and they could not dare to ask about their relatives. They not only arrested and imprisoned my father, but also eight relatives. My father's cousin, Yousuf son of Nik Qadam, who worked in Silo was also arrested. They took another relative, named Habib, a shopkeeper, from his shop. They took another man, Haji Ewaz, a freelance worker who was also a relative. They arrested the mentioned people before my father. They also took two brothers from our relatives. They were both shopkeepers in Sar-I Kariz, Qala Shahada. One was named Sohrab and the other Mehrab. Their wives are still widows without supporters. A man named Haji Safar was arrested along with my father and his cousin in the evening when they finished their work. My father sent his small cousin home earlier because my father was invited in their home. His elder cousin was going home together with my father. On the way a military jeep stopped and made them get in to the car. One of our relatives who had a café there saw that they took them in to the jeep by force. My father and his cousin were repeatedly asking what their crime was. But they beat them and took them in the car and did not let them speak anymore.

Since then, my father and his cousin have never returned. We did not search for them at first because we thought that he had gone to his cousin's house. When we started searching him, some people said that the prisoners were in the Prime Ministry Prison, Sedarat, and others said that they are in Pul-e-Charkhi. We asked at several places and gave them our petitions, but they were not telling the truth. They were telling us, "They have not brought your relatives here." After that Babrak Karmal got the power. Our relatives said then that the government has changed and as a result your father would be released along with other prisoners. But he is still lost. Since then, my mother has been a widow and suffered a lot of trouble raising us.<sup>22</sup>

Witness Z. from Qalai-Nau in Badghis told AJP that in 1979, her father, a schoolteacher, was taken from his school in and imprisoned. She was an infant at the time but learned of the event from her mother. For the first fifteen days that he was in prison, relatives were allowed to bring him food. However, after that they were unable to see him. The family made inquiries with district authorities, and were once told that the father was held in a place called Faramorz Bagh, but when they went there, they could find no information about him. Z. later learned from others that her father had been killed along with seven other teachers.<sup>23</sup>

S. described to AJP the disappearances of members of his family in 1978-79:

Two people from our family were arrested by the intelligence service in 1978. One is my cousin whose name is Noor Mohammed son of Darwish Khan, resident of Panjshir and the other is my paternal uncle whose name is Mohammed Asghar son of Rahmdel resident of Panjshir. Mohammed Asghar son of Rahmdel Khan, resident of Alaqadari second part of Panjshir was a driver at that time. Noor Mohammed son of Darwish Khan, resident of the second part of Panjshir was a watchman. The intelligence forces arrested them from Panjshir in 1978. The *alaqadar* (subdistrict manager)<sup>24</sup> of the second part of Panjshir, Abdul Khalil Amin, was also the security deputy of Kabul and intelligence in the area at the time. His intelligence forces were responsible for killing several people of that part of Panjshir. From Panjshir to Parwan Charikar we learned that people had seen them. After that they were brought to Kabul and taken to Pul-i Charkhi prison where they disappeared. They were not seen after they were brought to Kabul. Because of political criticism, they were arrested. As well as my relatives there are two other people whose names are Wakil Qochkar and Fakhruddin Khan were arrested.<sup>25</sup>

Mohammad, a resident of Muhammad Aghah district of Logar province, told AJP that five of his family members were arrested in 1979 and disappeared. They included:

- His brother Muhammad Farooq son of Muhammad Ibrahim School, a student
- His maternal cousin Abdul Ghani son of Jan Muhammad Mawlavi
- His maternal cousin Abdul Manan son of Jan Muhammad Dagarman
- His paternal cousin Muhammad Alim son of Framoz second lieutenant
- His paternal cousin Muhammad Ismail son of Framoz school student

All had been taken into custody by the intelligence services. According to the statements of their co-prisoners, they were in jail for 15 to 20 days and then taken out and killed. Mohammad also knew of four others detained under similar circumstances from his region: .

- Dagarman (lieutenant colonel) Baz Muhammad from Logar province
- Muhammad Barat a medical student in Jalal Abad
- Dagar wal (colonel) Muhammad Azim from Logar province.
- Momor Abdul Salam from Logar province

Mohammad believes that his relatives were arrested and killed because they were influential Muslims in the area. In April 1979 an uprising took place in Logar against the PDPA reforms. (see below), and the government responded by arresting and disappearing hundreds of men.

W., a resident of Zarghon Shahr, Logar, told the Afghanistan Justice Project: “After anti-government demonstrations in Logar in Saur 1358 (March-April 1979), soldiers came and detained 45 people from Zarghon Shahr. They took my husband, Haji Saifullah, out of his



home that evening. He was detained by the intelligence service and imprisoned in Mohammad Agha district for about a week. After that, he disappeared". His wife stated that she believed he had been arrested because "he was a notable man; the government was arresting such people. The person who arrested him was the Uluswal (district governor) of the area. But I don't know the people who gave the order to arrest him. I learned that they took the prisoners to Kabul. They only released six people from the district, but took all the others to Kabul. Those never returned home, including my husband, Saifullah, and are still lost."<sup>26</sup>

Human rights organizations and journalists reported on some of the mass arrests. Though precise information on numbers was impossible to obtain, given that no human rights organizations had access to the country, Amnesty International published the names of some of the high profile persons arrested at the time. In a report published in 1979, the organization noted the arrest on August 17, 1978 of Lt. Gen. Shahpoor Ahmadzai, along with an unknown number of his family members; Dr. Mir Ali Akbar, the head of Jamhuriat hospital in Kabul. Both were accused of involvement in a conspiracy to overthrow the government. Sometime shortly after the Saur coup, Engineer Abdul Tawab Asefi, Minister for Mines and Industries was arrested and held in Pul-i Charkhi, as was Engineer Karim Ataie, the Minister of Communications and former head of Radio Afghanistan. The former governor of Qandahar, Ayub Aziz, was also arrested shortly after the coup; it is not clear where he was imprisoned.

The United Nations Commission on Human Rights did not appoint a Special Rapporteur to monitor and report on human rights violations in Afghanistan until 1984. The Austrian professor Felix Ermacora was appointed then, and in a 1986 report he reviewed some of the incidents of the previous six years.

"[The Special Rapporteur] received information concerning the disappearance of persons prior to 27 December 1978. It was alleged that some 9,000 persons had been killed, although Amnesty International refers to a list of 4,845 killed. As stated in his report to the General Assembly (A/40/843, para. 50), the Special Rapporteur was informed that the number of persons considered to have disappeared before the amnesty in 1980 is, in fact, much higher than that previously announced. Recently the Special Rapporteur heard the testimony of a former member of the Ministry of Planning in Afghanistan, who was authorized in February 1980 to register all missing persons on the basis of information received from their relatives and friends. In three weeks over 25,000 persons between the ages of 18 and 60 had been registered. The missing persons were well educated and included medical doctors, government officials, military or religious people. An analysis was ordered by the minister in charge. In the view of the witness, well over 27,000 persons would have been registered missing if the registration procedure had not been stopped when it was discovered that the number of missing persons was much higher than foreseen."<sup>27</sup>

### **3.4 Arrests and Disappearances in Qandahar**

The Afghanistan Justice Project investigated one incident in Qandahar that is illustrative of the way arrests and disappearances took place. The incident took place in Dand district during the Taraki-Amin period, or possibly just after the Soviet invasion.<sup>28</sup>

According to residents of the village, local authorities had called the men of the village to come to a meeting at the village school, and had then asked the assembled villagers to identify those among them who were resisting land reform measures imposed by the PDPA. In particular,

the assembled men were told to point out local landlords, and those so identified were taken away. Surviving residents have identified the authorities directly involved as Engineer Zarif, the then governor of Qandahar, Mohammad Wais, the district governor of Dand district, and a senior PDPA official named Agha Mohammed.

Haji M., who was head of the local cooperative at the time, was in the village of Karz on the day of the incident. He stated:

I was near the river when the district governor, Mohammad Wais, came and told me to call the village manager and come to the school for a meeting. I went to the school and all the men of the village had gathered there. After a short time the school was surrounded by troops and tanks. Three men got up on a platform—the governor, the district governor, and Agha Mohammad, who was a senior PDPA official. They asked the men who were gathered there to point out anyone who had been resisting the land redistribution program. Various people accused others and they were taken away. Then they asked, “who has said women should wear the chador?” Again, some admitted saying it, and others were accused of doing so by some in the crowd. They were taken away too. Then those who had been accused were put into three big trucks and taken to the governor’s office. I learned that they were taken there because the relatives came searching for their men. In the evening 29 of them were killed. Some were released, and others remained there. My brother was held there, and for a time we could bring him food. When Amin came to power, the prisoners were taken away and we never saw them again.<sup>29</sup>

A.H., another resident of Karz, Dand district, Qandahar, described the incident in this way:

They made an announcement from the government that all men should assemble at a well known local school, Karz School, and then they arrested 35 people from that school. I lost my two uncles named Mohammed Hassan and Mohammed Hashim. They were imprisoned in Qandahar for a few days and then I believe they killed them. They did not give their dead bodies to us. I did not see or meet them after they were arrested. My uncles were landlords.<sup>30</sup>

N.M. had been among the men gathered at the school. He was placed in a truck and taken to the governor’s office, that had a jail inside the compound. He stated:

Agha Mohammad was standing at the gate and calling names. Some of the men were pulled out of line then. A man called Khodai Daud and his son were pulled out and we never saw them again. They were accused of being with the opposition. The ones they took away were taken behind a wall. We could still hear them while they were being beaten. They beat us too. They beat me so bad I left some of my flesh in the prison. They asked me for information about others. And they told me I should enroll my daughters in school. In all about 30-35 taken away—we presume they were killed. There was a decree at the time that landowners should redistribute land. The ones who refused to do it were killed. My son-in-law was taken—I saw his shawl and sandals in one of the jail rooms, but he was gone.<sup>31</sup>

Sayid, a farmer from Dand, told AJP that he lost a brother named Feda Mohammed. “They arrested him from the school and he was imprisoned in Qandahar. I know they killed him. I did not see his body and I did not receive it either. He went to Karz School with elders and there was a meeting with the governor of Qandahar and Mohammad Mirwais, the Dand district manager.

They took him from the school. My brother was a farmer.” Mohammed H., resident of Karz and a laborer, stated that he lost two brothers named Hassan and Amir Mohammed, in the operation. They were also laborers and were arrested from the school in Karz.

Gh., a resident of Karz, stated that he lost three relatives in the incident, his father and two uncles: Ghulam Sarwar, Ghulam Farooq, and Ghulam Sediq, all of whom were landlords. They were also arrested from the Karz School. Gh. never saw them again.<sup>32</sup>

Others were arrested from their homes. A.K., who is also of Qandahar province Dand district, lost his father Amanullah and brother, Abdul Razaq, after they were arrested in the same incident. He stated, “A force came from the center of the province and near the school they arrested my father and brother. They were laborers. We never saw them again and the authorities did not give their bodies to us. I do not have any information about what happened to them.” E., a shopkeeper in Karz, stated that his father, a landlord, and his uncle were arrested from their home, and he never saw them again.<sup>33</sup>

According to witnesses interviewed by the Afghanistan Justice Project, the incident coincided with a military operation by government forces in the area. Other security officials involved in the operation who were named by witnesses were Commander Noor Mohammed Srozaival, commander of the Division, and Commander Haider of the local police.<sup>34</sup>

### **3.5 Overview of War Crimes during Counter-Insurgency Military Operations**

The tactics used by the Taraki-Amin government to impose the reforms and crush any opposition sparked resistance throughout the country. In a report published in 1985, then Special Rapporteur Felix Ermacora noted that by August 1978, military operations had been undertaken in areas where resistance to the reforms was strongest, notably Kunar, Nuristan, Paktia, Parwan and Uruzgan.<sup>35</sup> These operations included mass arrests, summary executions and in some cases, indiscriminate bombardments which killed an unknown number of civilians. Some of these incidents have been described in accounts by journalists and human rights activists who interviewed refugees in Pakistan.

### **3.6 The Kerala Massacre**

In early 1979, organized resistance to the PDPA had gained considerable ground in Kunar province. By March, this resistance, known as the *mujahidin*, had captured the district centers of Kunar, leaving only the provincial capital, Asadabad, within the control of the PDPA. Dagerwal Shahnawaz Shewani, of Paktia, was the governor of Kunar. The mujahidin forces had launched sustained attacks on Asadabad. The besieged provincial personnel contacted Kabul and requested urgent military assistance. The principal military forces deployed to take action against the resistance were the 444 Commando Force commanded by Saddiq Allamyar and a unit from the 11<sup>th</sup> Division.

According to witnesses interviewed by the Afghanistan Justice Project, on the night of 15 Hut 1357, (March 6, 1979), a large force of mujahidin that had come from Darra Petch attacked Asadabad from the east. They entered the town through Kerala, a village on the eastern approaches to Asadabad. The mujahidin were able to penetrate the outer defences of the town, and mount an attack on the provincial headquarters. However, they were unable to overcome the main government posts and by morning had to retreat. The government forces were able to

establish a cordon, trapping some of the retreating mujahidin within the town outskirts, in particular in the village of Kerala. Saddiq Alamyar and associates moved rapidly to organize a clean-up operation and reprisals.

Accounts differ on when precisely the reprisals took place. Survivors interviewed by AJP invariably stated that the government responded immediately after the mujahidin attack. Press reports that appeared almost a year later stated that the massacre took place on April 20, 1979, but do not specify when the mujahidin assault took place. Without further research, it will be impossible to pinpoint the date exactly. The details of the government's response are consistent.

The government forces launched house to house searches in Kerala village and summoned a public meeting on open ground on the river bank, next to the bridge which links Kerala to Asadabad. The main massacre took place at the public meeting, when, according to the testimony, Saddiq Alamyar had ordered his troops to surround the crowd and then to fire indiscriminately into it. Testimony describes how Saddiq Alamyar's forces then used a bulldozer to dig a trench to bury the casualties from the massacre by the bridge. According to witnesses, many of those buried were not dead but only wounded, and were then buried while still alive. The main mass grave is still visible in this location.

The troops then mounted a search operation in the residential area of the village. They had orders to shoot on sight while they searched houses. The operation resulted in many civilian casualties, as they shot indiscriminately. Testimony describes the killing of women, children, the aged and infirm during this search operation. Two mass graves of the victims from this search operation are located in the residential area. Accounts place the total number killed at over 1,000. The graves have never been exhumed, and most of the remaining residents fled to Pakistan.<sup>36</sup>

Witnesses interviewed by the Afghanistan Justice Project identified the following figures as present in Kerala during the events and directly responsible for planning and directing the massacre :

*Jagran Saddiq Alamyar*, commander of the 444 Commando. As of 2005 he was believed to reside in the Netherlands.

*Jagran Bahramuddin*, officer of the 11<sup>th</sup> Division and operational commander in Kounar, subsequently killed in a mutiny in Jalalabad.

*Jagran Gul Rang*, officer of the 11<sup>th</sup> Division, who lived in Peshawar and Kabul until 2004, now reportedly deceased.

The testimony consistently indicates that the provincial governor was not involved in the massacre and indeed that the perpetrators actively prevented the governor from intervening. A significant factor in allowing these officers to commit a large scale massacre was their political links. The massacre took place at a time of revolutionary upheaval within the army. The troops responsible belonged to the Khalqi faction of the PDPA. Saddiq Alamyar in particular enjoyed the confidence of Amin. His brother, Sidique, was a cabinet minister. The relatively junior officers were able to command troop formations beyond their normal authority and felt empowered to act with impunity.

### **3.7 The Herat Uprising in March 1979**

The Herat uprising marked a watershed in this period of the war, demonstrating the weakness of the regime, the extent of popular dissent and the possibilities for popular mobilization. The apparent use of Soviet air power to crush the rebellion (a claim widely reported but never acknowledged by Soviet authorities), indicated growing concern in the Soviet Union about the deteriorating situation in Afghanistan.<sup>37</sup>

There are multiple versions of how the revolt began. It seems to have escalated from inappropriate-reaction to initially small scale and peaceful demonstrations. However, no independent Afghan press was operating in the country and no foreign reporters were in Herat at the time.<sup>38</sup> According to Dorronsoro, the uprising in Herat was unique in exacting a psychological blow to the regime, as the Khalq government came to realize that it faced opposition not only in the countryside but also in the cities. It was not the agrarian reform measures that sparked the revolt, but the persecution of religious elites—pirs, ulema and other notables—that was decisive.<sup>39</sup> Prior to the Herat uprising, there had been a series of smaller revolts in other villages in the province, but these were provoked by local resentment of regime decrees, including forced labor.<sup>40</sup>

On March 15, the peasants of surrounding districts assembled at their mosques, and, at the word of the mullahs, converged on Herat, where they were joined by city dwellers in open revolt. When the revolt broke out, the 17<sup>th</sup> division of the army, stationed in Herat, mutinied, joining the insurgents and providing arms. In one day the insurgents had taken control of all government strongholds, and for a week the insurgents held the city, during which time they killed some leading PDPA officials, including the governor, Abdul Hai Yateem. All of the uluswalis in the province were taken except Obeh and Zargun. According to witnesses, the situation was anarchic with widespread looting and attacks on residents suspected of being pro-government.<sup>41</sup> Two commanders from the 17<sup>th</sup> division, Sardar Khan and Ghulam Rasul Khan, along with Ismail Khan, played prominent roles on the military side, but lacked counterparts on the civilian side within the city.<sup>42</sup>

The government accused Iran of fomenting the revolt. Kabul sent the commander of the Qandahar base, Sayyed Mukharam, to crush the rebellion. As his forces entered the city, aircraft from Shindand bombarded the city. The rebellion was crushed after several days of fierce fighting that included aerial bombardments and house-to-house searches. A commando unit from Qandahar operated under the command of Engineer Zarif. On the fourth night (29 Hut) many of the dead were buried in mass graves between Takht Saffar and Bagh-i Millat. According to one former resident, people called the area “the place of obscure martyrs.”<sup>43</sup>

Once the government had retaken control of the city, it carried out mass arrests; many of those arrested disappeared, and were apparently summarily executed. According to Special Rapporteur Ermacora:

The gist of the information given the Special Rapporteur indicates that about 1,000 persons, if not more, were arrested during the period up to April 1979 following an uprising in the town of Herat. In some instances the arrests of political prisoners was followed by detention of their wives and children. The range of persons arrested extends from members of the fundamentalist religious groups to members of extreme left groups and embraces members of the Government, students, businessmen, diplomats, academics and party dignitaries.<sup>44</sup>

D., a farm laborer, and resident of former Shindand district, told the Afghanistan Justice Project that on March 15, 1979 (24 Hut 1357), he lost his father and brother. “My father had a

hotel in the city and my brother was working with him too. They were both killed in the incident on 24 Hut. I got my father's dead body that was fallen on the ground near our hotel in the bazaar of the city, but I did not see my brother's because they arrested him alive. My father's name is Nazar Mohammed and my brother's name is Shiragha. They were both laborers and they had a hotel in the city. I was afraid of the government and I never sought information from them.”<sup>45</sup>

A., a shopkeeper, and resident of the city, stated that he lost a brother named Mohammed Ibrahim with whom he lived. A. stated, “He was not arrested. When the war started on Thursday 24 hut 1357 the bullets from the airplane killed him.. I was afraid of the communists. I could not speak even with a soldier of them. People were Muslim and the government was communist. They had enmity with each other, so this incident happened. My brother has been buried in the shrine of Baboshah Agha and people buried their relatives in their own cemeteries.”<sup>46</sup>

F., a shopkeeper from Jaghara village, told the Afghanistan Justice Project that when the government sources attacked, “They attacked from all around the city and some people were killed and some people were arrested. Mostly it took place in a place called Padak-i Shohada. Abdul Hai Yateem was governor and senior captain Mokarram Khan was commander of the Division and Zemarai Zemariyar was commander of police. The people were killed in Qandahar gate, Malik gate, Pul-i-Zangina, Iraq gate and also all over the city.”<sup>47</sup>

S., a teacher from Pul-i Rangina village, stated that his brother Jawad was arrested during the crackdown on the insurgency.

He was in class 12 of school. When the national revolution took place, they arrested him at school and I do not know what happened to him then. The police commander arrested the people. I went to the governor and the intelligence service and gave them my petition. They replied they do not have any prisoner by the name of Jawad. I went there several times. At the last they did not let me get close to their office. It was because the people had risen against the government and attacked government offices from everywhere. On 24 Hut those people who were out of their homes—the government counted them as the enemy and arrested them. Some people took their relatives and buried them in their related cemeteries and those who were arrested and killed, the government buried them in the martyrs' hill and my brother has been buried there too.<sup>48</sup>

In 1992, a mass grave was discovered in Herat reportedly containing the remains of 2,000 persons.<sup>49</sup>

The Afghan Independent Human Rights Commission has begun to gather information on the identities of people who disappeared during the Herat uprising, based on interviews with survivors and relatives. A partial list appears below.

Some people who disappeared after the Herat uprising in March 1979

Haji Abdul Ahad  
Haji Dad Muhammad  
Haji Aminullah  
Wakil Ahmad s/o Murtaza  
Haji Muhammad Jan s/o Mullah Barat  
Haji Hafizullah s/o Haji Nuruddin  
Haji Siddiq  
Nadiullah s/o Habibullah  
Amrullah s/o Abdullah  
Akbar Jan s/o Habib Khan Shakiba  
Zabihullah s/o Haji Nasruddin

Gausuddin s/o Gulistan

Haji Yar Muhammad s/o Sayyid Muhammad  
Abdul Hakim s/o Habibullah  
Arbab (village head) Aziz Shakiban Marwi  
Nuruddin Shakiban Marwi  
Muhammad Amin Shakiban Marwi  
Saduddin Shakiban Marwi  
Akbar Khan Shakiban Tajiki  
Abdul Shukur, teacher of the Shakiban  
Ghulam Sakhi  
Muhammad Hashim  
Haji Bismillah, brother of Muhammad Hashim  
Abdullah Naseh  
Abdul Majeed, shopkeeper  
Ghulam Ghaus, teacher

Source: Afghan Independent Human Rights Commission, [Herat Zone](#).

### **3.8 Bombings, Disappearances and Resistance in Hazarajat 1979**

The insurgency in Hazarajat was the first, and ultimately one of the most successful during the early PDPA regime. It began in October 1978 and by June 1979 the entire region with the exception of the center of Bamyan province had been liberated. The government continued bombing the area, but until 1983, most of the territory remained under the control of the Shura-i Ittifaq-i Inqilab-i Islami, a council of Hazara leaders and commanders. The reasons for the success of the resistance in Hazarajat are largely due to its remote and rugged geography: the PDPA administrative presence was smaller there to begin with, and the region's poor communication and near inaccessibility during harsh winter months limited military operations.

Fighting in Bamyan itself continued, however, through the next decade. H., a former teacher and resident of Dasht-i Eisa Khan, Bamyan province provided information to AJP on the following disappearances of his relatives that he witnessed in April 1979:<sup>50</sup>

- Mohammed Hussain son of Khadim Hussain, resident of Bamyan, Dasht-i Eisa Khan. He was office servant. In 1979 the PDPA forces took him from his work. They accused him of

being associated with rebellions. He is still disappeared and we do not know whether he is dead or a live.

- Khadim Hussain son of Ghazanfar Shah, resident of Bamyan Province, Dasht-i Eisa Khan, PDPA forces took him from his house in 1358 (1979). He is still disappeared. The PDPA accused him of being associated with rebellions. They attacked him and then killed him.
- Yasin son of Sayyid Rajab was resident of Bamyan province, Dasht-i Eisa Khan. In 1358 (1979) PDPA arrested him at his home and he is still disappeared. He was a tradesman. They accused him of being associated with rebellions. They took him from his home and then killed him.
- Hussain Shah son of Sayyid Aqa was resident of Bamyan province and Dasht-i Eisa Khan. In 1358 (1979) PDPA forces arrested him from his house and took him to center of the province. His family does not know whether he is dead or alive.

M., a resident of Dasht-i Eisa Khan, Bamyan Province, described a major military assault on the area in 1979:

The PDPA began its military operation against the civilians in 1358 (1979). The bombing began from the center of Bamyan province and ended in Foladi and Shaidan. It also continued in other places of the province. In our area, 400 houses were destroyed and a hundred people were killed in the area of Dasht-i Eisa Khan. The operation lasted one day. The soldiers fired everywhere and the bombing was steady. The houses of civilians were destroyed due to the bullets, rockets, artilleries and bombing. They were all burned down. They fired at the houses with any heavy weapons they had. Afterwards, they looted the houses. 60 families were forced to emigrate to Iran and Pakistan because of it. The battalion commander of armed forces of that time was a lieutenant colonel from Qargha Division 8 and he was named Nasrullah. I myself was a soldier and that is how I knew that Nasrullah was the battalion commander. The military units were deployed around the province, airport and other areas.

They also arrested 30 people in Foladi area, Dasht-e-Akhond Sar-e-Asyab. Then, they carried them to Pul-i Charkhi Jail in Kabul. They are still disappeared and we do not know whether they are dead or alive. They also forced me to join the military service and I was in military service in Qargha Division 8 for three years. They took me there for I was in the age available to military service. I was not able to go anywhere. I had to join the military service.

51

During military and search operations, an unknown number of people were summarily executed and arrested and “disappeared.” S., a resident of Bamyan, Dasht-i Eisa village, told AJP that in 1979 PDPA forces took Khalifa Ewaz from his house, shot him dead, and shot his brother, Bostan, as well, injuring him in the foot. They accused him of being associated with the resistance. He was 35 at the time, the father of 6 children. S. stated:

I live in this area and our house near his house. I was there when the incident took place. They accused of being opposed to the government. They entered his home. When they left his



home and retreated, Khalifa Ewaz's body was left in front of his home and the people buried him.<sup>52</sup>

In one operation in Bamyan described by survivors, government forces relied on forces from Paghman to try to crush the resistance. One survivor from that incident told the Afghanistan Justice Project that she had just graduated from high school at the time:

I was in the area and I talk about what I saw it with my own eyes. In 1979 for the first time the government organized a military operation on Azhdaha Mountain. People of Paghman were sent to central Bamyan for looting and burning the homes. They not only looted people's property, but also did everything they could against the people. A lot of people from the area were killed, and a lot of people were imprisoned and they are still lost. Then some people left Bamyan and went to Behsud, Ghazni, and Kabul.<sup>53</sup>

### **3.9 Uprisings in Kabul**

Protests against the regime began in earnest in Kabul in 1979. As in Herat, the arrests of the religious leadership and other prominent persons sparked the demonstrations. Witnesses interviewed by the Afghanistan Justice Project described a number of incidents of arrests, shootings of protesters and disappearances. S.D., a resident of Paghman, was a nine-year-old boy at the time. He described the disappearance of his father:

In 1358 (1979) it was the second day of Ramadan and Hafizullah Amin was in power. We lived in Paghman. My father was working as a gardener in the Japanese Nursery under the Ministry of Agriculture. We were two brothers and one sister and we were all small at that time. I was in grade 5 at school. We had our breakfast and my father went to his job. My father was used to come home for lunch everyday. Then, he returned to his job. That day he did not come. I went to his workplace, but they did not tell me what had happened. They only said that he had gone somewhere and would come back. The next morning I went there again and I saw that my father was not there. Then, they told me that some armed men had come and taken my father. In addition to my father they took some other men who were working there. They even took the caretaker of the school with them. They took the caretaker of the mosque and someone named Bashi who was universally known as Wakil too.

On 3 Hut (February 1979), we were in De Dana. The people went on their roofs and said Allah Akbar. During the day they came on the streets and were yelling that they did not want the Russians and Communists. The area was surrounded by troop who shot the people. My aunt's husband named Sayid Muzafar Shah was arrested and then they brought his body in the area. After a while, his wife and daughter were arrested and disappeared. People said they had been killed.<sup>54</sup>

S.M. also described protests in Chindawol before the uprising:

On the first night of Hut, all the people went on the roofs of their houses and they were yelling Allah-o Akbar. One of my memories of that time is that in the morning of that night all the people had sore throat for they shouted Allah-o Akbar during the night.<sup>55</sup>

In July 1979, there were anti-government demonstrations uprising in the predominantly Hazara neighborhood of Chindawol in Kabul, consisting mainly of attacks on police stations. Thousands were arrested.<sup>56</sup> According to the Afghan Independent Human Rights Commission, the arrests of scholars and intellectuals from the Shi'a (Hazara and Qizilbash) communities in Kabul had provoked the demonstrations on July 3, 1979. Nabi Azimi makes the same observation, and notes some of the names of scholars, clerics and intellectuals of Shia and Hazara people who disappeared, including Sayid Sarwar Wayez, Shaikh Mohammed Amin Afshar, Shaikh Mohammed Ali, Mohammed Ismail Moballigh, Sayid Ibrahim Alamshahi, Mohammed Yousuf Benish, Nadir Ali Jaghori, Sayid Abdul Hamid Nasir and a man named only as Alimi.<sup>57</sup> He states that the protests began on June 23, 1979 (2 Saratan 1358), when Shia residents of Chindawol first attacked the Chindawol Police Station and captured it. With weapons from the police station, they marched to Maiwand Avenue chanting anti-government slogans where they were joined by others.<sup>58</sup>

According to the AIHRC:

(a) “Around 200 Hazaras with [Afghan national] tri-colored (Black, Red and Green) and [Islamic] green colored flags had poured out in the streets and were shouting against the Kabul regime. Thousands of other people had also joined them and they were armed with the very basic things such as wooden sticks, knives, and old swords.

(b) “Around 11:00 to 12:00 noon same day, the protesters came under attacks from armed-to-the-teeth regime soldiers. They [the soldiers] were shooting at them and some people were killed. A small number of people who survived this rampage were later arrested and taken into custody and never reappeared.”<sup>59</sup>

S., a former resident of Chindawol, told AJP:

In July 1979 (Saratan 1358), Amin had arrested and imprisoned so many Mullahs and Scholars that I can't count them. He arrested two young brothers who were sons of Agha-y-San. They arrested them from the Takia Khana [ place of mourning for Imam Hussein, sacred to all Shias]. They also arrested and took my husband named Sayid Hussain and my father-in-law named Sayid Jaffar who was the Takia Dar ( in charge of the Takia Khana). At 1:00 a.m. armed soldiers came to the door and knocked. When my husband went to open the door, the armed men told him to come with them for the head of the municipality district wanted to see him. They told him that he was needed to identify the house of someone and then he could return home. They also told him to call his father. As a result, they took my husband and father in law and they are still disappeared. We tried to find out from the local officials, but they did not tell the truth. We gave the petition to Prime Ministry and Intelligence Department, but there was no result. Finally, they said that my husband and father-in-law were not before them. They said they had escaped. They have been disappeared and we still do not know anything about them. They also arrested and took our relative named Sayid Ali Shah who had a drugstore in Kart-i Sakhi. They arrested him in his drugstore and took him. They also arrested his father named Sayid Ahmad Shah and his brother Sayid Mahbob Shah at that time. They are still disappeared.<sup>60</sup>

Another witness described some of disappearances in Chindawol that led to the uprising:

It was in 1358 when Hafizullah Amin was in power. They arrested two sons of Agha-e-San. It was 11:00 pm when a car full of armed men came and took them. One was named Sayid Mozafar Shah Zohori and he was one of the influential clergymen. The other was called Sayid Askarshah Zohori who was a teacher in Baihaqi School and also the *wakeel-e-gozar*, the community representative.

We searched everywhere for them, but we could not find them. Every authority gave us a negative response. They also arrested and took Pahlawan Abul Hassan, one of the clergymen, Haji Ali Ahmad who was also influential, Akhond Kazem, Agha-y-Benish, and Agha-y-Fazilat. Since they had taken and imprisoned many scholars and important religious characters of them, the people got too angry. They began to rise up against the government.

It was 8:30 when the people got Islamic flags and entered the local police post (Mamoriyat Samt). They broke the tables, desks and chairs. Then, the communists fired against them. As a result, a lot of people were killed. Mohammed Abbas was killed at the beginning of the uprising.

In the morning people went on the roads. As they arrived in Asmayee Avenue, a Russian car came and people attacked it. They beat the men in the car with knives. One of their other cars escaped from the area.

Everywhere was terror and fear: the communists were shooting the people, but most of the people escaped. But the dead bodies were everywhere. We gathered them to bury. I myself buried about 21 dead bodies in Shah Najaf Mosque. I buried them with the clothes they had on for we did not have the opportunity to wash them.

The whole people were saying with one voice that they did not want the non-believers or Kafirs. They were saying "Down with internal and foreign communists." They were saying that we only wanted Islam. But the people were in bad situation for they received lots of troubles. Their relatives were imprisoned, killed, etc. After that the people were under the control of the government. KhAD or intelligence men were walking everywhere. People were under their control and nobody dared to walk freely and speak openly.

Also the people revolted against the government in Kota Sangi, Qala Shahda and Kart-i Sakhi. People began to revolt from the areas around and that resulted in a lot of human losses.

After the uprising, again they arrested many people. They were entering the people's houses during the night and took the people out of their homes. Then, they were searching their houses very seriously and carefully. People even could not breathe easily and speak easily. As people were informing on others, they were arresting them.

The communists also arrested many young men such as Mama Mir Agha, Aslam, Sayid Mukhtar, Farid Agha, Hashim son of Akhond Ibrahim, Rasul and Sayid Ismail who were in the same level and period with me in school. Sayid Ismail, Rasul and Ibrahim were put to death in Pul-i Charkhi, but the others were

released. They were punished so severely that most of them were not able to speak.<sup>61</sup>

There is a lot to say from the memories of that time. I do not remember all of them. But the situation is not forgettable.<sup>62</sup>

In August 1979, students, disaffected military officers and others staged a more ambitious attempt to launch a city-wide demonstration against the regime and seize Radio Kabul. The insurgents battled government troops at the fort of Bala Hissar and commandeered tanks and other weapons. Government forces then bombed the fort, killing hundreds of insurgents. Those not killed on the spot were summarily executed or imprisoned in Pul-i Charkhi.<sup>63</sup>

### ***3.10 Torture under PDPA [1978-79]***

The PDPA regime under Taraki and Amin used torture both to punish detainees suspected of opposing the regime, and as a tool of interrogation. In addition, prisoners were held in filthy, crowded prisons with inadequate food and no access to medical care; no one knows how many hundreds or thousands died of disease. In his 1986 report, Special Rapporteur Ermacora described the treatment of prisoners during the 1978-79 period:

“Several individuals gave the Special Rapporteur an account of ill-treatment suffered during their detention, including, deprivation of sleep, tearing out of fingernails, burns of various types, electric charges, in some cases involving the use of electric generators.”<sup>64</sup>

Azizullah Ludin, who was as of 2005 a member of the Afghan government, told Professor Ermacora that he had personally been tortured by some of these methods. He also described the torture of Sayed Abdullah Kazim, a former Dean of the Faculty of Economics, who was arrested with Ludin on the same allegations of being involved in an anti-government plot:

Mr. Ludin, himself arrested in June 1978 and detained until 11 January 1980 in the Poli Charki prison, reveals that he himself was present during the torturing of Mr. Kazim, who had the fingers of both hands crushed under the legs of a chair on which two of his torturers sat.<sup>65</sup>

Amnesty International reported at the time that it had “received a substantial number of allegations that political prisoners are being subjected to torture. Fears have been expressed that some prisoners are now paralyzed and that others died as a result of torture.” Witnesses told Amnesty International of a former minister held in Pul-i Charkhi who had “blood coming out of his mouth.” Amnesty International also “received several specific allegations that political prisoners have died as a result of torture.” Methods of torture included “severe beatings, whipping, pulling out of prisoners’ nails, burning of the hair and sleep deprivation. Some reports also allege that political prisoners are given electric shocks.”<sup>66</sup>

The Afghanistan Justice Project has interviewed a number of persons who were imprisoned and tortured during this time. One case was that of “X.”

X., a former resident of Kabul, was arrested on September 11, 1980. He had been involved with an underground intellectual left-leaning resistance group at the time. According to X.:

Department 3 of the Kabul KHAD was for non-Islamist opponents, and I was arrested by what they called ‘activists’ of Department 3 of KHAD. The charge against me was that I was a member of a “counter-revolutionary band” and also “a key member of a counter-revolutionary gang and responsible for maintaining liaison with counter-revolutionaries of the Islamist brand.”

X. explained that this charge was based on the fact that he had obtained an ID card from an Islamist resistance group through a family member living in a village outside Kabul:

I needed to make personal visits to the village and this was a laissez-passer at the time and a guarantee that I would not be molested as an urban “infidel”. I also had a similar laissez-passer from Hizb-i Wahdat, obtained for the same purpose because our house in Kabul was situated in a Hazara-dominated section of Kabul city.

Of the KhAD interrogators—whose only method of interrogation was beatings and torture—and whose names I remember, one was Qayum Safi whom I heard was living in Germany. Another was Abdul Raouf Lewal, but I haven’t heard about the whereabouts of this latter. I was one of the last ones on the KhAD list of our organization to be arrested, so my interrogation period was shorter than most (about a month). I was not electrocuted (the favorite method), but I was beaten up and kicked and punched by several interrogators at the same time (“interrogation football”), verbally abused, received repeated painful kicks on the shin bones during questioning, seized by the hair and my head banged against the wall, and slapped. This was repeated once or twice a week over a period of four to five weeks. I was threatened with worse to come if I did not divulge my “superior and inferior circles” meeting committees to whom I reported and committees who reported to me (I had none). The reason this “worse” did not happen to me is that other members of the group testified that I didn’t have any information of the kind they wanted me to divulge.

At the trial by the “Special Revolutionary Court”, the prosecutor just read the general indictment sheet and left, and the prosecution was taken over by the judges (there were three of them). We were tried as a group, consisting of 23 individuals. The sentences were handed down after six months, in May or June, 1981. Of the 23 defendants, six were executed; three (among them myself) received sentences of 16 years, and the rest received sentences of one to twelve years.

X. believes that the reason he received such a heavy sentence was because he knew several languages (at the time he could speak six) and that he had once been interviewed by a foreign television station, which apparently led his interrogators to suspect that he was a significant leader in one of the resistance groups, or a spy. The six co-defendants who were executed never received any formal notice of their sentences and were executed in July 1981. X. learned later from family members of those killed that the executions were announced on Radio Afghanistan.

X. was in Pul-i Charkhi from September 1980 to December 1987 and served nearly eight years of the sixteen-year sentence before being “released” in December of 1987 with hundreds of others under Najibullah’s “National Reconciliation Policy”. He stated:

We were press-ganged into combat units of the regime's armed forces immediately upon our "release" without even being able to contact our families. Most defected within weeks. I defected during the first week.

## **4 Violations of International Human Rights and Humanitarian Law during the Soviet Occupation and Karmal-Najibullah period of PDPA rule, January 1980-February 1989**

### **4.1 Political developments after the Soviet intervention**

On December 25, 1979, the Soviet Union invaded Afghanistan. Within a few days, Soviet commandos had assassinated Amin<sup>67</sup> and installed Parcham leader Babrak Karmal as prime minister. Desertions in the Afghan army at that point had so decimated the military that Soviet forces and advisors were deployed in great numbers: the contingent numbered as many as 105,000, with another 20,000 rotated in as needed. The Afghan army at that point numbered at most 30,000. Soviet personnel made decisions for the state, and for the PDPA officials who nominally governed it.<sup>68</sup> Responsibility for war crimes committed during this period rests with those Soviet officers as much as it does with senior Afghan officials who worked with them and who were in fact subordinate to them. Until almost the end of this period, both countries had a system under which the political bureau of the central committee (politburo) of the ruling party (Communist Party of the USSR and PDPA/Watan Party) played the leading role in policy making. The members of the politburos of the two parties could therefore also be held accountable for the decisions and policies during this period.<sup>69</sup> Some key figures in the Afghan government at the time were:

Babrak Karmal, head of PDPA, Politburo member and prime minister 1980-1986

Nur Ahmad Nur, vice-president and Politburo member

Dr. Najibullah, head of KhAD, 1980-1986; head of PDPA and prime minister (president after 1987), 1986-1992<sup>70</sup>

Ghulam Faruq Ya'qubi Deputy head of KhAD 1980-1986, Head of KhAD 1986-1992 (the agency was renamed WAD in 1986) .

Shahnawaz Tanai, Nazar Muhammad, Abdul Qadir and Muhammad Rafi, Ministers of Defense (the ministry changed hands frequently between Parcham and Khalq)

Baba Jan (deceased) and Asif Dilawar, chiefs of staff

Sayyid Muhammad Gulabzoi, minister of the interior 1980–1988 (ambassador to Moscow after 1988)

Aslam Watanjar, minister of the interior 1988-1992?

Manokai Mangal, political director and confidant of Dr. Najibullah.

The box below lists Soviet Politburo members during the same period.

<b>Soviet Authorities with Responsibilities Relating to Afghanistan, 1979–1991</b>	
<b>General Secretaries of the Central Committee</b>	
Leonid Ilyich Brezhnev	April 8, 1966–November 10, 1982
Yuriy Vladimirovich Andropov	November 12, 1982–February 9, 1984
Konstantin Ustinovich Chernenko	February 13, 1984–March 10, 1985
Mikhail Sergeyevich Gorbachev	March 11, 1985–August 24, 1991
<b>Ministers of Foreign Affairs</b>	
Andrey Andreyevich Gromyko	February 15, 1957–July 2, 1985
Eduard Amvrosiyevich Shevardnadze	July 2, 1985–January 15, 1991
Aleksandr Aleksandrovich Bessmertnykh	January 15, 1991–August 23, 1991
Boris Dmitriyevich Pankin	August 28, 1991–November 14, 1991
<b>Ministers of Defense</b>	
Dmitriy Fyodorovich Ustinov	April 29, 1976–December 20, 1984
Sergey Leonidovich Sokolov	December 22, 1984–May 30, 1987
Dmitriy Timofeyevich Yazov	May 30, 1987–August 22, 1991
Mikhail Akekseyevich Moiseyev	August 22, 1991–August 23, 1991 (acting)
Yevgeniy Ivanovich Shaposhnikov	August 23, 1991–December 26, 1991
<b>Director of Committee for State Security (KGB)</b>	
Yuriy Vladimirovich Andropov	May 18, 1967–May 26, 1982
Vitaliy Vasilyevich Fedorchuk	May 18, 1982–December 17, 1982
Viktor Mikhaylovich Chebrikov	December 17, 1982–October 1, 1988
Vladimir Aleksandrovich Kryuchkov	October 1, 1988–August 22, 1991
Leonid Nikolayevich Shebarshin	August 22, 1991–August 23, 1991 (acting)
Vadim Viktorovich Bakatin	August 23, 1991–October 22, 1991
<b>Ministry of Internal Affairs (MVD)</b>	
Nikolai Anisimovich Shcholokov	November 25, 1968–December 17, 1982
Vitaliy Vasilyevich Fedorchuk	December 17, 1982–January 24, 1986
Aleksandr Vladimirovic Vlasov	January 24, 1986–October 10, 1988



**Soviet Authorities with Responsibilities Relating to  
Afghanistan, 1979–1991, cont.**

Vadim Viktorovich Bakatin	October 20, 1988–December 1, 1990
Boris Karlovich Pugo	December 1, 1990–August 22, 1991
Vasiliy Petrovich Trushin	August 22, 1991–August 23, 1991 (acting)
Viktor Pavlovich Barannikov	August 23, 1991–December 26, 1991

**Politburo Members of the CPSU Central Committee—Full Members**

Mikhail Andreyevich Suslov (2nd time)	July 12, 1955–January 25, 1982
Leonid Ilyich Brezhnev	June 29, 1957–November 10, 1982
Aleksey Nikolayevich Kosygin (2nd time)	May 4, 1960–October 21, 1980
Andrey Pavlovich Kirilenko	April 25, 1962–November 22, 1982
Arvid Yanovich Pelshe	April 8, 1966–May 27, 1983
Viktor Vasilyevich Grishin	April 9, 1971–February 18, 1986
Dinmukhamed Akhmedovich Kunayev	April 9, 1971–January 28, 1987
Vladimir Vasilyevich Shcherbitskiy	April 9, 1971–September 20, 1989
Yuriy Vladimirovich Andropov	April 27, 1973–February 9, 1984
Andrey Andreyevich Gromyko	April 27, 1973–September 30, 1988
Grigoriy Vasilyevich Romanov	March 4, 1976–July 1, 1985
Dmitriy Fyodorovich Ustinov	March 4, 1976–December 20, 1984
Nikolay Aleksandrovich Tikhonov	November 27, 1978–October 15, 1985
Konstantin Ustinovich Chernenko	November 27, 1978–March 10, 1985
Mikhail Sergeyeovich Gorbachev	October 21, 1980–August 24, 1991
Heydar Ali Rzaogly Aliev	November 22, 1982–October 21, 1987
Mikhail Sergeyeovich Solomentsev	December 26, 1983–September 30, 1988
Vitaliy Ivanovich Vorotnikov	December 26, 1983–July 14, 1990
Viktor Mikhaylovich Chebrikov	April 23, 1985–September 20, 1989
Yegor Kuzmich Ligachev	April 23, 1985–July 14, 1990
Nikolay Ivanovich Ryzhkov	April 23, 1985–July 14, 1990
Eduard Amvrosiyevich Shevardnadze	July 1, 1985–July 14, 1990
Lev Nikolayevich Zaykov	March 6, 1986–July 14, 1990
Viktor Petrovich Nikonov	July 26, 1987–September 20, 1989
Nikolay Nikitovich Slyunkov	July 26, 1987–July 14, 1990
Aleksandr Sergeyeovich Yakovlev	July 26, 1987–July 14, 1990
Vadim Andreyevich Medvedev	September 30, 1988–July 14, 1990

**Soviet Authorities with Responsibilities Relating to Afghanistan, 1979–1991, cont.**

Vladimir Aleksandrovich Kryuchkov	September 30, 1989–July 14, 1990
Yuriy Dmitriyevich Maslyukov	September 20, 1989–July 14, 1990
Vladimir Antonovich Ivashko	December 9, 1989–August 24, 1991

The Soviet occupation brought about a shift in tactics in the war. Aware of the need to build support for the party, the Soviets ended the mass slaughter of intellectuals, religious leaders and others and instead adopted more systematic means of intelligence gathering and more selective targets of repression in their efforts to crush the resistance. In the countryside, they engaged in massive bombing of villages, infrastructure and roads, killing countless civilians.

Shortly after Karmal was installed, more than 2,000 prisoners were released from Pul-i Charkhi, and on January 13, the new government declared an official “martyrs’ day” to commemorate the victims of the Taraki-Amin years. Amin’s secret police, KAM, was abolished and some of its officers executed.<sup>71</sup> However, in its place the Soviets created a new and much more efficient intelligence agency. The Khidamat-i Ittila’at-i Dawlati (State Information Services), or KhAD, was modeled on the Soviet KGB.<sup>72</sup> Over the next eight years, it engaged in widespread detention and torture of suspected mujahidin supporters, and the summary execution of an unknown number after “trials” before Special Revolutionary Courts.

Demonstrations of opposition to the Soviet occupation were put down with force. In one of the more notorious incidents from this period, schoolgirls were shot during a protest march in Kabul. In April 1980, on the second anniversary of the coup, hundreds of high school girls and other students organized demonstrations. According to Human Rights Watch, throughout April and May, troops fired on these demonstrators and arrested participants by the thousands. About fifty students were killed, more than half of them schoolgirls. Again in September 1981, students, primarily high school girls, organized protests. At Pul-i Bagh-i Umumi in central Kabul, they were stopped by a line of Soviet and Afghan tanks and ordered to halt. A former official, described the scene:

It was coming from inside a tank like a tape through loudspeakers, announcing, ‘Stop the demonstration, don’t go ahead, go back to your classes, otherwise you’ll be shot.’ There was a small speech like ‘You are the property of the country, and you young girls don’t know that this is the hand of imperialism, and imperialism is never happy for you to have a happy life, and you shouldn’t be fooled to listen to imperialism, and Russians are here to help us, and Russians are here to support revolution,’ and stuff like this. The girls continued shouting, ‘We know you Russians! We know you, sons of Lenin! We know you are murderers, and we don’t want to go back! We’d rather prefer to be killed than to go back to our classes. We want you Russians to get out of Afghanistan.’ That’s what they were shouting. Then there was firing from the Russian tanks. Six girls were killed. The six bodies, I saw that they were not able to move. Their hands and legs stopped moving, and they put them in a Russian jeep.<sup>73</sup>

## 4.2 Detentions and Torture

In his first report, UN Special Rapporteur Felix Ermacora, stated that “concordant testimony” showed that “the special police [KhAD] and the members of the armed forces regularly practiced torture.” A former KhAD officer whom he interviewed named four professional torturers: Muhammad Rahim, Samad Azhar, Abdul Ghani, and Faruq Miakhail.<sup>74</sup>

According to the Special Rapporteur, torture took place in “the Ministry of the Interior, the Kabul prisons and all the Khâd detention centres.” Among the latter, he specifically mentioned the “headquarters of Khâd, eight detention centres in Kabul controlled by the Khâd; [and] some 200 individual houses in the region of Kabul used as detention centres and controlled by the Khâd.”<sup>75</sup> The largest KhAD detention center in the country, the headquarters mentioned by the Special Rapporteur, was in the Sedarat compound in Kabul.<sup>76</sup> Sedarat contained the central interrogation office. Another major KhAD interrogation center was in the Sheshdarak District. The ministry of the interior had its own security force, the Sarandoy.<sup>77</sup>

Witness A. was an officer in the intelligence service at the time of Babrak Kamal, from 1980 until 1985, in the Second Information department in Kabul. He told the Afghanistan Justice Project about the treatment of detainees he witnessed in KhAD:

In 1364, there was an explosion in the Kabul airport terminal. After that, ten people were arrested and accused of being involved in the explosion. Some of their names I remember, others not. These are the ones I remember:

Ibrahim, from Qalai Qazi, Charadi, Kabul  
Idris from Shast Village in Rokha, Panjshir  
Suraj ul-Haq, brother of Idris. They were Sayids  
Shoib and Wahid, also brothers, from Bakhsh Hil, a village in Rokha district, Panjshir  
W. “Chucha” from Panjshir from Rokha district, Shast village

All ten were sentenced to death, but because “Chucha” was young – 17 years old - he couldn’t be executed, he was sentenced to 18 years in prison. They were openly put on trial in Shasdarak, at the Riasat 7<sup>th</sup> department of the intelligence service. The prosecutor was Saranwal Hashmat Qaini. He was a prosecutor of the Special Revolutionary Court. The judge was Raisi Shadon and the other judge was Qazi Sekundar Banwal. When the ten people were being interrogated, the person in charge of interrogating was Hamid al-Shomal. The other interrogators were:

Halim from Paktia. He was universally known as Bekhudar – the one who is without God – because he was so cruel;  
Arif from Herat, believed to be in Moscow;  
Inayat Jush, believed to be in Germany;  
Ghafur from Herat. [current whereabouts unknown]

The house of Pir Gilani<sup>78</sup> which had been captured by the government was the interrogation place. It’s in Baghi Naqib, next to the Indian embassy. It was the military intelligence center. Hamid al-Shomal carried out the torture. [The head of military intelligence] Hesamuddin and [his deputy] Habibullah were both present.

They tortured people by beating them with a special piece of wood on the legs and feet and they took out their finger nails with pliers, and by putting bottles into the anus. They kept the prisoners awake. The “105” administration—technical section—was brought in. It was from outside the military intelligence. They had special torture instruments from Russia, for example, caps which gave electric shocks to the head and something similar which gave shocks to the fingers and genitals. The head of this unit was Seffatullah from Parwan. He’s now in Germany. He was head of 105 administration. The technical deputy was Nasir Ahmad. He prepared and made ready the instruments. His address is in Munich in Germany, but I don’t know exactly where he is. They were both present. One was interrogating and torturing in order to make the accused talk and confess.

Hessamuddin and Habibullah were there. Sometimes they insulted the prisoners. Sometimes they hit and kicked them. The main people who interrogated were Hamid Shomal, Innayat Jush and Halim. They were the most intelligent cadre of interrogators, the ones who were really cruel.

I was a member of staff. From the beginning when they prepared to arrest these people, we were ready in our intelligence office. It was our job to secure the prisoners and make sure they didn’t escape. I witnessed all the incidents. The three were carrying out the interrogation. Up to the time they were put on trial and sent to prison, I was there. Up till then, I was an eye-witness. After that, I don’t know what happened. They were in the care of the Russians. I was outside, but I could see through the window. When the torturing was done and the prisoner was screaming, we came to look and see what was going on. We were doing duties outside, making sure the prisoners were not attacking the guards. In military terms, when there is the first number *israhat* – immediate situation [emergency; red alert], everyone - soldiers, officers - should be ready, even the chief should be ready. During the interrogations, we were taking care.

A drew a plan of the building and pointed out the main building where Habibullah was staying, the prisoners’ rooms next door to it, and the interrogation rooms with windows.

The prisoners were under interrogation for 37 days and they were interrogated and tortured maybe 5-10 times during any one session. It could be during the night or day, there wasn’t a specific time. There was one interrogator and then a few prisoners in different rooms. They’d ask, for example, “What time did you carry the mine there?” Then they asked the same question from the second prisoner who was in a different room. For example, if you’re a prisoner and I was asking me a question, if you didn’t answer, they’d torture you. If you didn’t, they’d beat or kick you. Then on to the second prisoner, asking the same question – did he carry the mine, where did he carry it? If he denied, he was also tortured. Therefore, it could happen 5-10 times in any session. They were tortured every day. All of them were fat men at first. But at the end, they were really thin.

There was a journal and documents that showed which people received medals for doing this job. Hessemuddin himself gave them medals. It’s difficult to find now. Most of the documents have been burned. Maybe there is one document left. There was a photo of them all, the soldiers and officers who received medals. One is in Kabul.

During the torture, Habibullah and Hessemuddin would come into each room to watch. There were three main people who did the arresting, who were commanding, Hessemuddin, Habibullah and the most cruel, Abdullah Fakirzadar. ... Why haven’t they arrested him? He did more killings than either Hissam or Habibullah. Hissam was the chief of intelligence

division 17 in Herat and was a military man. Then he went into intelligence. Abdullah Fakirzadar was there from before.

Hessam was the chief of military intelligence and was doing the administration work and giving commands. Abdullah Fakirzadar was the operative deputy and was carrying out the orders and actually conducted the programme for arresting and torturing them. He was so cruel, he was known as cobra snake – *marikapter*. After this job, he became governor of Kunduz.

There were there two groups – the normal torturers and 105, the specialists. They'd learned from Russia. During the general torture, if the prisoners weren't confessing, they brought the second ones in. There were people, who confessed on the first day. Others did not confess up to the last day, but they were sentenced because of what the others said.

On June 14, 1985, (24 Jawza 1364), A. himself was accused of having relations with “anti-revolutionaries” (the mujahidin), was arrested, tortured and imprisoned until September 1988 (Mizan 1367). He told the Afghanistan Justice Project:

Hesamuddin and Habibullah arrested me and handed me over to the main office, the general department of intelligence arrest. I was under interrogation for 6 months and 7 days. They even broke one of my teeth. I didn't confess, so they released me. It was very shameful because they couldn't make me confess.<sup>79</sup>

Witness L., a former helicopter pilot of Afghanistan air forces, told the Afghanistan Justice Project about his experience after he was arrested my military intelligence in 1989.

On 22/12/1367 (March 13, 1989) during the Najibullah government, the intelligence services of air forces, which was part of military intelligence, arrested me. I was an active pilot, working as commander of a battalion in brigade 377 (helicopter). A person whose name was Asif who was a KhAD employee of Kabul airport came to see me. He told me that someone wanted to see me in the base of air forces. I got in to a car with him and after a few minutes we arrived at the airport intelligence headquarters. Asif took me to his central network, and there he introduced me to the general head of air force intelligence whose name was Wahid. He took me to the people in charge. They imprisoned me in a dark room, and I did not know what my crime was. They began to investigate me and they were continuously asking me to say what faction of mujahiddin (whom they called Ashrar at that time) I was related to. So I was imprisoned there for 45 days. During the investigation they did not respect human dignity. They tortured me in different ways such as beating, giving electric shocks and keeping me awake. The atmosphere of the prison is a type of atmosphere that human can't tolerate it. We had a very bad situation in the prison. First, our room was without any heater in that cold weather of Kabul winter. Second, they only let us see and stay under the sun for 30 minutes in 24 hours. Next, in order to disturb us, they turned off the light while we were eating dinner. They wanted us not to be able to see what little food they gave us. In Pul-i Charkhi the investigators were such people that we cannot call them human for they did not have any sympathy for their fellow creature. There were different torturing instruments such as wood, by which they were beating people and beat me too, electric tools by which they gave us electric shocks. They also told us bad things that it is shameful for humans to say. I saw all of them and felt all with my whole body.

They only wanted to know the answer of one question; what party of the opposition I was related to. After 45 days and completing the preliminary investigation process, they took

me directly to Pul-i Charkhi prison. I was imprisoned in block 2<sup>nd</sup> room number 75 there. I was imprisoned for four months there and it was very bad there. Then, I was released and sent to my related military unit in Kabul airport, but the chief of military KhAD written a letter to air force KhAD not to allow me fly the helicopters.

I was arrested for the second time in Qaous 15, 1369 (December 6, 1990) again. The criminals above arrested me. I was imprisoned in air force intelligence for three days. Then, they took me to investigation department in the *sedarat*. There I was imprisoned in room number 12 in the north side on the second floor. I was imprisoned for forty five days. There were the same questions and torture as the first time. There was only one change. Yaqobi was the general chief of intelligence, but Hesamuddin Hesam was the head of military intelligence again. After forty-five days torture and investigation, I was released. But they did not let me work in government for they accused me of having relations with mujahidin.<sup>80</sup>

M, 50, was originally from Sharmakhi village, Haskamina District of Nangarhar province. When he was 18 he began military studies. After further military study in Egypt, he returned in 1977 and became a second lieutenant in the defense ministry, with a specialization in rocket engineering. At that time M. stated, there was increased competition from officers who had done their higher education in Soviet Union, and “there were also Russian advisors who often gave professional lessons once a week.” In 1978, following the Saur coup, his unit, the sixth military unit, was deployed at Kart-i Nau hill behind Maranjan Hill. M. stated that many of the other officers were suspicious of the officers trained in Egypt, calling them “Sadaat’s sons.”

I was not member of the PDPA. At this time they invited to me to become a member, but I delayed it several times so that they would not consider me, but it was useless. I didn’t have any religious problems with them as I was not extremist, and I was not involved with any political faction. But I did not like their behavior inside our unit, and I did not like the Russians. One day one of the engineers warned me. He said I should have “a developed ideology,” and said he was concerned about me. He wanted me to join PDPA. He said that the Saur revolution “cannot collapse.” But I did not join PDPA.

Then my job became more difficult. On one side, I faced the direct interference of the Russians in our military and educational affairs, and on the other, serious rivalry between Khalq and Parcham factions. For example, sometimes I received radio orders to accuse some Parchami officer of having ties to the mujahidin. Also KhAD interfered in our unit and made my job harder.

On the night of 10/10/1360 (December 31, 1981), I was on duty with a team of our unit. At 2:00 during that night three officers who were then known as officers of KhAD came to the guardroom and wanted to meet me. I informed them that I could not meet them at that time, but to come at 8:30. They waited in some areas out close to the guard. I later learned that they had surrounded my house at 8:00 that night, and entered the house and searched the rooms and my family members. But as they found nothing, they came to the unit. Again at 6:00 that morning the soldier on duty telephoned me and said that the men had introduced themselves as defense ministry officers and wanted to have meeting with me for a few minutes. Then, they would leave. I met them and found they were KhAD. I thought maybe they came because a few days before, in front of all the officers, I had told the head of KhAD of our unit not to motivate the officers against each other and not to interfere in the education affairs of our unit.

They told me that all the chiefs of staff of the military units had a meeting in the former palace of defense ministry. They asked me to get in the car. Although I knew the matter was really about something else, I agreed. They were respectful. As we arrived in the guard of the prime ministry, their behavior changed. When I got out of the car, they searched me carefully. Then they took my military hat off my head, and that I will never forget—it was the worst time in my life.

At this time a person who was wearing a Russian sweater and pants asked the KhAD officers if they had brought me. In reply they said yes sir. Then, from the small window outside he peeped and looked at me from head to foot. He was Dr. Najibullah, head of KhAD at that time. I was taken to a room. On the other side of the room there was a desk on which there was a white cloth and it had small drops of blood. There were also pliers, a telescope and some small and big nails. Then the night came and my main investigator who was a young man and called Lala came. After greeting me, he gave me a form to complete. It was my detailed identity. Then, he asked me if I was member of PDPA. I told him yes. Then he asked how many other places I pay for membership. I told him that only PDPA. Then, from other side of the desk someone struck me very hard. It was so hard that my eyes got dark. Then he started to beat me and insult me. Another man came and said I should be shot in the head and thrown away like a dog. I had never heard such words. Hearing such words was harder than a bullet.

Then they took me to another room that was absolutely dark. It was very wet. It was difficult to know whether it was day or night. Then I heard the door being unlocked. I went back to the investigation room. This time the investigator began in a friendly way and talked about the greatness of the PDPA and the evil plan of Ashrars (Mujahidin). He asked me to cooperate. He explained that based on the statements of an accused I was member of one of the factions. One of the soldiers began to beat me. Then, he showed me a photo and demanded that I identify who was in it. But I had never seen the person in the photo. So then they made me stand bare, only with underwear or a pajama for several hours outside in the cold weather. Because the weather was too cold, I lost the feeling of touching. When I moved my feet, I thought they were not mine. Then, I fell on the ground. A soldier made me stand up by force. Then he let go and I fell again. I fainted and they kept me warm so I recovered.

The investigations mostly took place after the midnight. When they brought me to the room while my eyes were closed, they ordered the guard not to let me sleep during the day. One night when I was really tired and sleepy and they were asking me about someone whom I did not know, they took me to the investigation room. They pointed at me to sit on a chair, which was newly set there. Once again they showed the photo to me and told me, “only say that you know this person.” They promised that if I did they would not punish me anymore and they would release me. They said they only wanted that person. But I could not do that for I was never used to lying.

Sometimes the investigator did not know what to ask. There were other people in the room behind. They gave him the questions. Then he made me lie on the face and had the guard sit near my head. While I was shouting, one of those soldiers hit me on the back with the chair until I was unable to shout anymore. The result and signs of their torture are still in my body.

For 35 days I was there in the *sedarat*. Then, they took me to Pul-i Charkhi. They took me to the fourth storey and second block and kept me in a single room that had no carpet or bed. For three days they did not give me food. The room was dark. I was crying, shouting, but there was no one to answer me. On the fourth night they gave me a military blanket and they ordered the guard to give me bread once a day in the evening and one jug of water. I was allowed to spend five minutes in the toilet once a day, not more. I spent fifteen days in this way.

In their case against me they accused me of being anti-Soviet Union and helping the people opposed to the Saur Revolution. I wrote my own defense. The following day I went to the court. The court where I was put on trial was called office B (Dewan B), the head of which was called Qazi Abdul Awwal Hujjat. (During the Najibullah regime became the minister of Haj and Awqaf).

Without reading my defense, he asked my name. Then, he looked at the dossier and asked where I was from. I told him I was from Shinwar. He told me that I should not have done such things. I told him that I had done nothing. I also told him I was not involved in political issues. He told me to go out and then he would call me. So I went out. After one hour, his clerk was calling each accused. Then the accused people put their fingers on the ink and thumbed the paper. He called my name and I went there, but I refused to thumb the paper. He asked me why and said everybody did so. I told him that first I should know what they wrote on the paper and then I would thumb it. We were quarreling about this when the clerk read the paper to me as follow: "You, Mr. M., are sentenced to seven-year prison term from the beginning of your custody for helping the people who are anti revolution." I told him I would not accept it. I began to quarrel with the clerk. Then the court door opened and we both went inside and the judge asked me what the matter was. I told him that I was innocent and that he had not read my defense. Then he told me "My son! If I sentence you less than this, they would cut my hands off." I did not ask anymore.

I spent five years and eight months in Pul-i Charkhi prison. But for one year and half nobody could come from my family to visit me. They had canceled the permission. When I was first arrested, my child was four-month old. When for the first time they came to visit me, I did not distinguish my small brother and my child who were both the same age. After the first one year and half, my family came to visit me once in three months. Every time my family came to see me, I felt pain. They were allowed to meet me for fifteen minutes while there was one or two KhAD employees or soldiers between my family and me. After imprisoning me, they fired my father, who was a mechanic, telling him "your son is an Ashrar." So my family was suffering financially, and that made me feel I was going mad. It all resulted from my being imprisoned. Therefore, I was in two prisons.

The situation in the prison was like what took place after the Russians left Afghanistan and Najibullah regime collapsed—house-to-house fighting, warlordism. For example, inside the prison in one room they called for the prayers and said Azan at one time and those from the same religion (Sunni) had four congregations: In one side of the room Hizb-i Islami forces were praying in congregation. In another part of the room or after them Jamiat-i Islami began to pray in another congregation. In another part of the room Salfion (Punj Pera) was praying. Finally, in another part of the room another group that was not related to any of the



above was praying. Bloodshed, fighting, conspiracies happened. They did so in accusing each other as being unbeliever, being dissembler, spy etc. only for their own benefit.

Finally, after spending five years and eight months I was released from the prison based on the amnesty of Dr. Najibullah. I came to Jalalabad and began my personal job in my workshop that I inherited from my father. I still work there.<sup>81</sup>

### **4.3 Overview of Indiscriminate Bombing in the Countryside**

When the Soviet army began its occupation of Afghanistan in early 1980, many parts of the countryside were in revolt, and its goal was to secure selected areas of that territory essential to maintain the urban centers and lines of supply and communication.<sup>82</sup> Thus, areas heavily bombed included those near main highways; farmland, irrigations systems, orchards and other rural resources that could be used by the mujahidin; border areas suspected of sheltering mujahidin crossing from Pakistan and Iran; villages adjoining areas in which Soviet or government forces had come under attack; and other villages targeted as a warning to its residents and neighbors: “Bombing conveyed to a village and its neighbors *as collectivities* the message that supporting the resistance had a cost.”<sup>83</sup>

The mass bombing of the Afghan countryside has been described in human rights reports and reports by journalists through the 1980s. In the countryside, the bombing was routine and indiscriminate, killing countless civilians; in the early 1980s most refugees arriving in Pakistan reported they had fled because of the bombing. The indiscriminate bombing constituted a grave breach of international humanitarian law.<sup>84</sup>

In his 1985 report to the UN General Assembly, Special Rapporteur Ermacora observed:

“Concordant depositions indicate that four types of action have been directed against the civilian population:

- “(i) Acts of brutality committed by armed forces;
- “(ii) Bombardment and massacre following reprisals;
- “(iii) Use of anti-personnel mines and booby-trap toys;
- “(iv) Other consequences resulting from bombardments.”<sup>85</sup>

Ermacora noted that “witnesses stressed that foreign [i.e. Soviet] troops were responsible for the brutality, which is widespread in military activities in different provinces.”<sup>86</sup>

In his 1986 report, Ermacora recounted the testimonies of refugees he had interviewed: “High-altitude bombardments were recorded. People spoke about bombs containing 40 individual rockets which explode 24 hours after deployment. Other weapons are reported to have been used during shelling. BM 54s with 87 barrels have been fired against villages. BM 41s and BM 31s are still in use.”<sup>87</sup> In 1985, Professor Ermacora reported that SCUD-B missiles, which, according to Human Rights Watch, “carry warheads of 1,000 kilograms and are highly inaccurate,”<sup>88</sup> were used in “continuous bombing” of Laghman, Nangarhar, Paktia, and Zabul

provinces, and along the Pakistan border and the infiltration routes toward Kabul. In 1985, Professor Ermacora stated that the witnesses considered the bombings to “constitute a deliberate policy designed to drive out the populations.”<sup>89</sup> The following year he noted:

The way in which the bombardments were carried out indicates a strategy that reflects an intention to clear up the provinces bordering on Pakistan and the Islamic Republic of Iran and to establish a cordon along the frontiers.<sup>90</sup>

On 12 April 1986, between 800 and 1,000 civilians were killed by soldiers in the Andkhvoy District of Faryab Province during a bombing raid. . . . There have also been reports in the same province of 100 civilians killed during encounters on 5 June 1986 between Afghan troops and opposition fighters.<sup>91</sup>

Human Rights Watch reported on the bombings that took place in Hazarajat on October 3, 1984. A witness stated:

I came from Jalrez about ten days ago. When I was there, many air attacks were taking place. Every day the airplanes were flying in the area. When they failed to hit the military points, they bombed the bazaars and homes and the places where there was agricultural production. There were two bombardments in our village. They wanted to bomb the mujahidin, but couldn't, so they bombed the populated areas like houses and the bazaar, which caused some casualties. This was in Rasana and Jaghori, and also the valley of Tangi, about twenty days ago. Also in the center of Jaghori—every day there are helicopters flying in the area. In Behsud there was a recent offensive which caused about five hundred casualties, mostly women and children, about one and a half months ago. Ground forces came too, but most were killed by cannons.<sup>92</sup>

In the last weeks before the Soviet withdrawal, Soviet forces provided cover for the retreating troops by heavy bombardments. The U.N. Special Rapporteur reported:

The Soviet troop withdrawal has been hindered by repeated attacks by the opposition forces, resulting in much loss of civilian life and damage to property. One of the most striking incidents reported to have occurred towards the end of January 1989, which inflicted severe civilian losses, consisted in prolonged artillery attacks in the area around the Salang tunnel, north of Kabul, which allegedly claimed 600 civilian victims. According to Soviet sources, such military action on the part of Soviet troops was an act of self-defence on the part of the withdrawing forces and had no other purpose. Similar bombings resulting in heavy civilian losses have taken place in other areas, such as Kunar, Panjshir Valley, Parwan, Bamyan, Wardak, Nangarhar, and Maydan [part of Wardak].<sup>93</sup>

According to reports by Human Rights Watch and the U.N. Special Rapporteur, on some occasions, Soviet forces used phosphorus bombs and other incendiary bombs against civilians.<sup>94</sup>

The U.N. Special Rapporteur also reported on the use of “poison gases.” In a 1985 report, he stated:

- a) The Special Rapporteur found evidence of this in the camps and refugee hospitals at Quetta and Peshawar where he had direct talks with wounded persons who alleged that they had been the victims of poison gases.

- b) Several concordant reports alleged the poisoning of the water, cereals and livestock, the use of chemical agents, and the explosion of bombs producing gases of various colours with an incendiary effect.<sup>95</sup>

A later report noted that witnesses had described the use of some kind of gas “against members of opposition forces hiding in underground passages or *karez*. The substance reportedly caused serious injuries. The use of chemical weapons has been reported in four instances in Konduz, Paktia, Kabul and Vardak Provinces.”<sup>96</sup>

The Afghanistan Justice Project interviewed a witness who described the use of gas against villagers hiding in a cave. G.R., from Achin district Spin Khola, told the Afghanistan Justice Project about an incident in 1985 in which Soviet forces used some kind of gas against people who had taken shelter in a cave. From the testimony below, it appears that the Soviet forces had come under attack by mujahidin, and then surrounded the village. Some 100 persons, mostly civilian residents of the village and other nearby villages, went into the cave.

On March 18, 1985, (1363-12-27) Soviet airplanes and tanks with other fighting vehicles attacked Spin Khola village, Achin district, Nangarhar province. First they dropped their commando soldiers from the helicopters around the Spina village of Achin district and then their land forces entered the village. At this time a group of mujahidin from Hizb-i-Islami of Hikmatyar under the command of Engineer Siyal Faqir stood against the Soviet forces. Then they had to escape because of the air attack by the Soviet forces. [Though the witness does not say so explicitly, it appears the Hizb-i-Islami fighters also went into the cave, though the numbers of civilians was far greater]. So the residents of the village, including men, women and children, went into a cave called Haji Gul Rahman cave to protect themselves. This cave is 70 meters long. Some of the people from Mohmand, Nazian and Bandar villages who were crossing this place also entered into this cave so that they could protect themselves. In the morning the Russians brought a kind of gas down from the helicopters by some balloons and spread it into the Gul Rahman cave, where the residents of the village hid. According to the statements of the people who remained from the incident, the gas didn't have such an effect just the tears came from their eyes and their eyes ached.

At 5:00 pm the Soviet forces brought a big metal balloon down. Then they put that near the mouth of cave and by shooting from a weapon they spread the gas into the cave. In this time, a very strong explosion occurred in the mouth of the cave and some fig bushes which grew near the mouth of the cave were burned. After an hour some people, women and children got out of cave and they were in bad shape. They were complaining from breathlessness, pain in the eyes and ears and vomiting. When they came out some Russian soldiers were waiting for them and they threw a packet of tablets into the bucket of water and gave it to the people. People who drank this water recovered but those who didn't get out the cave all died. Totally there were 100 people in the cave. 52 people died and 48 people who drank the water were alive. My three brothers, Engineer Siyal, Nasir, Sayed Faqir, Ghulam Faqir together with some women and children died. There is a partial list of people from Achin district who died in the cave.

1. Malang, son of Mir Akbar resident of Spina village Achin district Shinwar Nangarhar.
2. Arafat, son of Malang resident of Spina village Achin district Shinwar Nangarhar.

3. Ehsanullah, son of Arafat resident of Spina village Achin district Shinwar Nangarhar.
4. Noqrah, daughter of Sediqullah Malang's wife.
5. Bazar
6. Engineer Siyal Rahman, son of Gul Rahman.
7. Sayid Faqir, son of Gul Rahman.
8. Gul Faqir, son of Gul Rahman.
9. Fanous, son of Qalandar Shah.
10. Ozai Gul, son of Haji Sharif.
11. Mewa Gul, son of Haji Sharif.
12. Naz Wali, son of Amir khan.
13. Nazia, daughter of Ab.Qadir.
14. The young daughter of Gul Faqeer.
15. Sajana, daughter of Amir Jan.
16. Hussain Pari, daughter of Haji Yaghi.
17. Sayed Kabir, son of M.Kabir.
18. Niaz Mir, son of Gul Beran.
19. Pesar Moh'd, son of Zarbab.
20. Jan Pary, daughter of Mulla Malag.
21. Nazar Khana Aziz Khan's wife.
22. Yar Jan, son of Sayid Amin the original resident of Spina village
23. Papush, son of Sha Zo.
24. Didar, son of Alim jan.
25. Sultan Mohammad, son of Din Moh'd.
26. Abi Gul, daughter of Paposh.
27. Ekhteyara, daughter of Wazir.
28. Allah Nazar, son of Abdul khaliq.
29. The small son of Ekhteyara daughter of Wazir.
30. Asrar, son of Taj Mohammad Khan.
31. Haji Meram, son of Shirin Khan.
32. Fel Mohammad, son of Rahman.

Other people who also passed away were from other areas. Their bodies were taken to their own villages by their relatives. In addition to the above, some other people from Spina village who came out of the cave drank the water and became well. Their names are as follows:

1. Shad Bibi, daughter of Khatak the original resident of Spina village
2. Alhaj Spozhmai, daughter of Mirza Moh'd.
3. Haji Rahmanullah, son of Malang.
4. Sarka, daughter of Bagh.
5. Mamor, daughter of S. Rahman.
6. Taj Mina, daughter of Hussain gul.
7. Khatol, daughter of Malang.
8. Zitwar, daughter of Malang.
9. The small daughter of Malang.
10. Benazira, daughter of Sour.

The ten people mentioned above were inside the cave from the beginning to the end, but when their condition worsened, they got out and saw all the events. The other 38 people

who got out alive from the cave were either from other places or have since died. There were six armed men with commander Siyal Faqir and they said that after the Russians used the gas, our guns got completely useless. But at that time there was no laboratory or anybody who has experience to determine which kind of gas it was. In addition to human losses mentioned above there were lots of property losses. Almost 300 cows, sheep, goats etc. were killed. They burned all of our houses and nothing is left. After the Russians left the area, the residents of Achin Ghani Khail, Nazyam and Dorbab districts got together and buried the bodies. I took dead bodies out of the cave. People who were from other areas went to their own regions and took their death bodies too. Then we dug the ground and buried the animals too.

We sent our elder jirga to the government authority of that time and stated our report to mujahidin offices in Pakistan too. If a competent mission comes to the area and asks men and women, children and youth about the incident they will tell the same and there will be no mistake. I hope a competent mission comes to the area and checks. If they see all those crimes with their own eyes, it will be alright. After that incident I took my family to Pakistan.<sup>97</sup>

#### **4.4 Operation in Kas-Aziz Khan – Laghman Province 1984**

Laghman province experienced repeated bombings and reprisals against civilians during the Soviet occupation. Soviet forces moving along the Kabul-Jalalabad highway were repeatedly ambushed, In 1984-85, mujahidin forces were carrying out guerrilla operations from Darotah up to Pul-i Charkhi. The Karmal government and Soviet forces retaliated with counter-offensives along the main highway linking the areas.

According to witnesses interviewed by the Afghanistan Justice Project, the head of Nangarhar intelligence, Dr. Zamir Mahanpor, together with Dr. Khoday Dad Basharmal, the head of eastern zone, with the support of some Soviet forces, carried out a mopping-up operation in Kas village of Aziz Khan of Laghman province in late 1984 or early 1985. Abdul Malik, the head department 5 of the intelligence service, was also involved in the operation.<sup>98</sup> According to witnesses, security forces surrounded Kas village, searching for mujahidin. Not finding any (the mujahidin forces had retreated from the area), they ordered residents of the village out of their houses and shot them and their livestock. Approximately 72 men, women and children were killed. After the incident, all the villagers of Kas-i-Aziz Khan left this village and moved to Pakistan and other parts of Afghanistan.

G, a former resident of Kas Aziz Khan, now living in Jalalabad, told the Afghanistan Justice Project that on the night of 24/11/1362 (December or January 1984/5, Soviet forces together with the Nangarhar security force surrounded the village and early in the morning they started searching houses.

Abdul Malik head of department 5 of intelligence service was among them. Dr. Zamir Maihan, head of Nangarhar intelligence service and Dr. Khoday dad Basharmal head of east zone were responsible for this incident. The villagers had seen Abdul Malik head of department 5 of Nangarhar intelligence service, and also Dr. Basharmal head of east zone and Dr. Khodaydad Maihanpoor head of Nangarhar intelligence service groups.

They took about 72 people out from their houses during the search activity, and when they

couldn't find any weapon or things like that, they shot dead these 72 people. They were civilian and farmers, and there was not any mujahid commander among them. They were taken out from the houses and then they shot them on the way among the farmlands. My son Asif Khan was among them. They shot him dead in a stream in front of our house. When I found my son then I buried him in Kas-Azizkhan graveyard. After they left the area the elders of the villagers buried the corpses. This village is located on the highway between Kabul and Jalalabad, 10 kilometers west of Darotah. The mujahidin were coming in the village during the night and then immediately leaving the village due to fear of governmental troops.<sup>99</sup>

AK., a former resident of Kas Azizkhan village, told similar story:

We lived in of Laghman in 1984 and one night USSR troops surrounded our village and early by that morning they start house searching and they took my father who was a farm laborer out and after a few minutes we heard the sound of shooting. Immediately my mother and I came out of the house and saw the dead body of my father fallen on the ground. About 72 people including my father were killed. So we buried him in Kas Azizkhan graveyard and then we moved to Pakistan. If we had been informed that the Russians were coming, we would have left the village and my father would never have been killed.<sup>100</sup>

MS., a resident of Kas village, Laghman, stated:

I was 4 years old when the Russian troops and their combat tanks entered the village at midnight and surrounded it and their helicopters were patrolling around over the villages. My mother told me that early by morning they began searching the houses in Kas village and they were asking for mujahid and armed person from every house. But as soon as the mujahidin were aware of the military operation and they had not come to the village that night. When the Russian forces could not find any mujahid and gunman in the village, they killed the villagers. They shot my father inside our house. My father was named Mokhtar. He was a farmer. After we buried his dead body we left the area and come and live with my maternal uncle Abdul Hadi in Jalalabad city. I just remembered that he was fallen in the room; the villagers came and buried him along with others in public graveyard. In addition to my father there were 71 people killed from Kas-Aziz Khan village in that one day incident. My mother said that most of them were farmers and cattle keepers and more over even they killed women too. This graveyard is located on the high way of Kabul-Jalal Abad as you can see it, and more over you can ask from the elders of Kas-Aziz Khan too.<sup>101</sup>

T., a resident of Kas Aziz Khan, stated:

USSR troops surrounded Kas-Aziz Khan village of Laghman Province, which is located on the Kabul-Jalalabad highway, and searched for mujahidin troops and opposition groups. But the mujahidin were not in the village, so the Russian force took the majority of residential people out from their houses. An Afghan man named Abdul Malik, the head of department 5 of intelligence service in Nangarhar was along with them. USSR troops shot about 72 people including women, children, and elders. My two brothers named Mohammad Alam and Mohammad Nabi were shot. After the USSR troops left, the other villagers buried these 72 dead bodies. My brothers had been busy with their farmland when the troops came and they hadn't had any gun or armed activities. So the USSR troops and [Afghan government official] in charge were responsible for their killing. Immediately on that day when I heard about their killing and after the Russian force left the villagers buried the dead bodies in Kas Azizkhan graveyard.<sup>102</sup>

Soviet forces massacred civilians in the same area a few months later.<sup>103</sup> Professor Ermacora reported on the massacres : "From 11 to 18 March 1985, approximately 1,000 civilians were

allegedly killed by army elements assigned to carry out reprisal operations against 12 villages in Laghman province, Qarghai district. In the course of these operations, livestock was decimated, houses plundered and set on fire, women raped and some of them summarily executed, and several children locked up in a house were burnt to death".<sup>104</sup>

The names of some of those killed are as follows:

#	Name	F/name	Origin add	Present residence
1	Gul Rahman		Kas-Aziz khan -	Kacha Galay Pakistan
2	Mohammad Nabi	Abdul Salam	Kas Aziz Khan-	Kacha Galay Pakistan
3	Mohammad Alam	Abdul Salam	Kas Aziz Khan-	Kacha Galay Pakistan
4	Gulalay	Hafizullah	Kas Aziz Khan	Karti-Naw-Kabul
5	Gul Jibah	Ghulam Dastgir	Kas Aziz Khan-	Pakistan
6	Zanabah	Ghulam Dasrgir	Kas-Aziz khan -	Pakistan
7	Mulla Abdul wahab		Kas-Aziz khan -	Haripor –Pakistan
8	Bibi Khadijah	Mulla Abdul Wahab	Kas-Aziz khan -	Haripor- Pakistan
9	Wais Khan	Mohammad Amin	Kas-Aziz khan -	Pakistan
10	Ashraf	Mohammad Amin	Kas-Aziz khan -	Pakistan
11	Kowsar	Mohammad Amin	Kas-Aziz khan -	Pakistan
12	Rahim Jan	Ghulam Mohammad	Kas-Aziz khan -	Kas-Aziz khan - Laghman
13	Kamaluddin		Kas-Aziz khan -	Kacha Galay – Pakistan
14	Hamish	Khayista gul	Kas-Aziz khan -	Kach Galay –Pakistan
15	Abdul Manan	Shir Mohammad	Kas-Aziz khan -	Peshawar –Pakistaan
16	Mokhtar	Abdul Qudoos	Kas-Aziz khan -	Angur Bagh-Jalal Abad
17	Amin		Kas-Aziz khan -	Majbor Abad –Jalal Abad
18	Salahuddin	Haji Lawang	Kas-Aziz khan -	Majbor Abad –Jalal Abad
19	Hirat Khan	Shinwary	Kas-Aziz khan -	Majbor Abad –Jalal Abad
20	Zar Gul	Rahman	Kas-Aziz khan -	Kas-Aziz khan - Laghman
21	Roydar		Kas-Aziz khan -	Kas-Aziz khan - Laghman
22	Omra Khan		Kas-Aziz khan -	Pakistan
23	Mohammad Anwar		Kas-Aziz khan -	Pakistan

## **5 The Soviet Withdrawal and Aftermath**

### ***5.1 Changes in political context after the withdrawal***

In February 1986 the Soviet Union, under President Gorbachev, reached a decision to withdraw its forces by the end of 1988. In May 1986, the head of KhAD, Najibullah, was “elected” general secretary of the PDPA. In November, he replaced Karmal as president of the Revolutionary Council, and Karmal went into exile in the Soviet Union.<sup>105</sup>

In January 1987, following a meeting in Moscow where senior PDPA leaders were informed of the withdrawal plans, president Najibullah announced the government’s new policy of “national reconciliation,” which was to include a power-sharing agreement among political parties, amnesty for some political prisoners and a cease-fire. Najibullah became president of the newly named Republic of Afghanistan. The Geneva Accords, outlining the provisions of the Soviet withdrawal, were signed on April 14, 1988, by Afghanistan, Pakistan, the U.S. and the USSR. Military and economic aid from the US and USSR continued to their respective clients.<sup>106</sup> In June 1990, Najibullah renamed the PDPA the Watan (Homeland) Party, and formally renounced socialism.<sup>107</sup>

### ***5.2 Militias and the abandonment of the rule of law***

Without the Soviet army, the government increasingly relied for its defense on regional militias, paying for their loyalty with Soviet-provided cash and weapons. These militias had functioned as an informal part of the military during the Soviet occupation, and even earlier: Before an Afghan national army had existed, the state relied on similar irregular forces to suppress revolts.<sup>108</sup>

By the late 1980s the expansion of the militias had made recruitment into the regular armed forces difficult as many potential recruits opted to join Regional Defence forces instead. Najibullah saw the expansion of the militias as an integral part of the reconciliation policy, as it “offered an honourable and convenient way of giving up opposition to the regime.”<sup>109</sup> Many militias were made up of former mujahidin. The Ministry of State Security signed protocols with the militias, giving them control over their areas of operation in addition to cash and weapons in exchange for a cease-fire.<sup>110</sup> However, the militias operated outside ordinary chain of command within the military; they were largely autonomous within their areas of control.<sup>111</sup> The government largely abandoned any effort to assume administrative control over the groups, and the army had no real capacity to prevent abuses, though it was instructed to do so.<sup>112</sup> Nevertheless, under international law, members of these militia were combatants for whose conduct the Afghan government and armed forces were ultimately responsible.<sup>113</sup>

Indeed, lack of discipline plagued the militias. The militia forces enjoyed considerable autonomy in the areas under their control, and earned a reputation for lawlessness in some cases. Militia forces were responsible for waylaying travelers to rob them, including returning refugees, extorting money from traders, looting property, forcibly taking land, and planting mines without mapping or marking them. Militia groups also fought each other. In September 1990, Najibullah ordered all militia forces out of Kabul in September 1990 because of internecine street battles and “unruliness.”<sup>114</sup>



One of the best-organized and powerful of the militia groups operated under the command of Abdul Rashid Dostum in the area around Shiberghan in Jauzjan province, northern Afghanistan. Dostum had been in the army at the time of the 1978 coup, and was a member of the Parcham faction of the PDPA. He left the army after the purge of Parchamis, and returned after the Soviet occupation began, commanding a militia battalion that became a regiment and ultimately was incorporated into the defense forces as the 53<sup>rd</sup> Infantry Division, but reporting directly to Najibullah (bypassing the ministry of defense).<sup>115</sup> The Jauzjani militia, as it became known, was one of the few militia forces to be used outside of its region. They were deployed in Qandahar in 1988 when Soviet forces withdrew. They were the principle militia force in Kabul ousted by Najibullah in 1990 after episodes of kidnapping, looting and fighting.

### **5.2.1 Background to the Jauzjan Militia and other Militia Forces up to 1992**

The foundations of the political and military movement later called Junbish were in large part laid during the Karmal and Najibullah eras in the development of military formations with distinct local and regional identities. While there were parallel political developments among the mujahidin—i.e., the development of deliberately ethno-regionally focused parties, as well as the organic emergence of others with ethno-regional biases—and, while some of these both supported and were a part of Junbish in the early part of its existence, the core of Junbish as it emerged in 1992 was dominated by units which were formerly part of the Najibullah era military. The story of Dostum and the predominantly Uzbek units which coalesced around him is central to this story and, while he was by no means the only commander fulfilling this role in the 1980s, he has become the most well-known.

A plethora of armed structures parallel to the regular army and the paramilitary police were established by the communist government throughout the country in the years following the Saur Revolution in 1978. Some of these were affiliated to the communist party, while others were defensive and linked to industrial installations or specific localities, particular tribes or feudal personalities. As the years passed, the number increased, as did their level of organization and the complex nature of their identity and inter-relationship. From being in the main local defense forces many had metamorphosed to being combat units deployed outside their areas or origin, displaying—by virtue of their recruitment pattern—considerable group solidarity and military coherence.

When some mujahidin groups joined the government, many were “re-badged” as militia units and retained their original structure and area and sphere of activity, while others became active supporters of the government and participated in combat in other areas. In the north, much of the gravitation towards the government was propelled by an increasing alienation from the Pashtun dominated mujahidin parties based in Peshawar, who were perceived to be anti-minority. The minorities were also drawn in by political and economic overtures from the government’s side.

By the close of the Najibullah era the spectrum of units in northern Afghanistan included those linked directly to the President, others to the Ministry of Defense, the Ministry of National Security (formerly KhAD, renamed WAD), the Ministry of Interior (with the Police), and leftist political parties. As many had become the political bases of their commanders and as many had different national level affiliations, rivalries did exist among them. Motivations varied, from party politics and economics, self-preservation and local political issues to ethnic security and, for many, economic and political self-aggrandizement. At the lower level, in the early years defense

against mujahidin attacks were a key factor in enlistment, though employment had become key by late in the war.

While termed “militias,” many of these were much more regular than is generally taken to be the case, and—in terms of internal structure, staffing, equipment—many compared favorably with the regular army. Many behaved and fought more like trained military units than the traditionally conceived image of an irregular militia might suggest. Many were also full time and, in the case of Dostum’s and Sayyid Jaffer Nadiri’s formations, were formally regular army divisions by the end of the Najibullah era, serving throughout the country. Others, conversely, maintained the character of local self-defense units, essentially part-time, un-uniformed and whose role was restricted to that of local security.

Dostum and the history of his unit is a classic example of development of a regular unit, though he does not have a personal mujahidin dimension as others do. Dostum completed his national service, and had trained as a paratrooper in the 1970s, as was required by law. Following his demobilization he found employment in the oil fields around Shiberghan where he was working at the time of the Saur coup. As the government started to arm the staff of the oil and gas refineries—creating “groups for the defense of the revolution” i.e. local self-defense units—he was, on the basis of his military training, encouraged to enlist. His group, in response to increasing conflict, was deployed in the rural areas around Shiberghan, under the auspices of the Ministry of National Security. By the mid 1980s his platoon had grown in stature, reaching a company level by at least 1987 and a regimental level, Regiment 734, by 1988. While the unit recruited throughout Jauzjan and had a relatively broad base, many of its early troops and commanders came from Dostum’s home village, Khoja Dukoh, and these represented the core of the unit at that juncture and again when it was reconstituted after 2001. Dostum, his subordinate commanders and the size of their units grew in tandem, and many developed a strong personal loyalty to Dostum himself.

Abdul Chirik (an Arab from Sayyidabad, north of Sar-i Pul town) is a prime example. Working in the Shiberghan gas fields, he also enlisted in a local self-defense group, and rose from a platoon to company to battalion commander, then to being the reconnaissance battalion commander of the 53rd Division once it was elevated to divisional level. After 1992 he moved to command his own independent unit, the 564th Regiment (though he returned to the 53rd division in 1996-1997), and remained a Dostum loyalist until his death in 1999.

By the late 1980s a number of senior mujahidin commanders and their units had joined him directly, including Rasul Pahlawan (Uzbek) from Faryab and Ghaffar Pahlawan (Uzbek) from Sar-i Pul, both major commanders, plus others such as Ghulam Haidar (Arab Uzbek) from Jauzjan, and Seraj Khan Sayadi (Uzbek) from Sar-i Pul. Motivations varied, and were often mixed with opportunism and self-enrichment, though strategic political thinking and ethnic politics were important factors among many of the politicized Uzbek commanders such as Sayadi in steering their realignment.<sup>116</sup>

As units from the north were starting to be deployed nationally and, importantly, as he was able to attract recruits, Dostum was able to lobby for increased central support and, over time, the promotion of his units. Unit promotion was, however, not automatic, and lobbying from his and his community’s side clearly played an active role in the elevation of the status of his unit. Numerous delegations from Jauzjan petitioned Najibullah personally about the creation about the 53rd Division.

In 1989, shortly after the withdrawal of Soviet forces, his regiment was promoted to a division – the 53rd -, which reported directly to Najibullah, by-passing the Ministry of Defense. This development reflected an increased reliance on units from the north for combat operations, and, over time, the 53rd Division and Dostum himself were to be honored by the Najibullah government for their role in the defense of the State. It is worth noting that the 53rd and the 80th Divisions are jointly unique in that they both started as local militias with the Ministry of National Security and ended up as regular army divisions, something which no other unit among the plethora of militias nationwide experienced. An additional area of influence and support emerged among those rising in the Ministry of National Security during this period. Many Uzbeks, and smaller numbers of Arabs and Tajiks, working within the intelligence service in the north also developed enduring links with Dostum, and they very much became an integral part of his coterie.

Around Mazar-i Sharif, as elsewhere in the country, militias were also developed along somewhat similar lines (though none reached the scale, nor followed the same trajectory - from National Security units to a regular army one - as Dostum's). By the late 1980s there were eight companies linked to the Ministry of National Security, each with sectoral responsibilities for the security of the city's perimeters. These were under commanders of varying backgrounds, and included ex-mujahidin, feudals (including Wakil Abdul Wahab), genuine PDPA supporters (including Qari Anwar and Rahmat Pahlawan, the latter with whom Shir Arab served), and professional officers (Qadir-i Kargar). These were ethnically primarily Tajik and Arab, with one Baloch and one Hazara commander.

These included Mawmur Amanullah "Gilim Jam", a Baloch teacher from Amrakh in the south of Balkh province whose family was killed in inter-mujahidin fighting and who was displaced to Mazar along with many villagers. Although seemingly an ex-Jamiat mujahid and whose displacement was the result of inter-mujahidin fighting, Amanullah Gilim Jam was in due course recruited by the Ministry of National Security and established, over the following years, a unit centered on his displaced fellow villagers (including local feudals Nabi Bey and Wakil Ismatullah Khan). This unit subsequently grew and became infamous, with its name - Gilim Jam – becoming a common externally applied term for the militia units from the north and acquiring an almost ethnic connotation. It also became a byword for violence and human rights abuses in the south and east of the country where it was widely deployed. The name, as well as - often interchangeably - Jauzjani, is used extensively in mujahidin literature for government units from the north. The origin of the Gilim Jam name is of some significance. Gilim Jam literally means to gather up a gilim – in the passive usage, when it was first used about Amanullah Gilim Jam himself after all his family members had been shot (it was remarked to him at the time gilim-it jam shuda"), it meant that his gilim had been gathered-up i.e. that he was finished. Exactly how this happened is unclear, but it subsequently became used in the active sense to describe how, literally, militia forces would behave towards others, i.e. that they would loot everything, and the name became associated in due course with militias from the north (not, however, that militias from other parts of the country behaved significantly differently). Gilim Jam's unit expanded from its original narrow qawn base and eventually recruited widely in Balkh province, among all ethnic groups. Interestingly, it even received requests to join from local Pashtuns, though these were declined.<sup>117</sup>

### **5.2.2 The Mazar Militias**

Conscious strategic motivations, stemming from the national-level ethnic polarization mentioned above, played a part in the decisions of certain mujahidin commanders to defect to the government and enlist as militias. In the late Najibullah era a conscious political attempt to

forestall the seizure – or retention – of political power by elements of the Pashtun administration motivated many groups to defect from the mujahidin. Such strategic thinking was evident at the time in the case of Bacha-i Khalifa Rajab from El Morab in Mazar, a Hazara commander who was linked to Sayyid Assad, the Harakat-i Islami commander in Charkent south of Mazar, who joined the government and the Mazar Ministry of National Security in 1989.

In Baghlan and Samangan provinces a parallel process to the establishment of the 53rd Division also occurred during the war. In this area the base was the Ismaili community, an ethno-sectarian minority group widely discriminated against and economically impoverished. Inhabiting the areas along or adjacent to the main road leading north from the Salang Tunnel, their cooperation became indispensable to the regime so as to guarantee the security of convoys moving southwards to Kabul.

Following an intra-family split over the leadership of the community, the position was assumed by Sayyid Mansur Nadiri, from Kayan, in south-west Baghlan, who aligned with and was supported by the government. Initially units were established under the auspices of the Ministry of Security among the Ismaili population, with Sayyid Mansur's son Sayyid Jaffer being appointed commander. The ethnic base of this unit, and its size, expanded over the years to, at its height, include local mujahidin groups and militias from among the Tajik, Hazaras, Baghlan Uzbek and Baghlan Pashtun communities. Many mujahidin who were displaced from their home areas moved to Pul-i Khumri, the provincial center and a vibrant industrial center, and enlisted. Significantly, Sayyid Jaffer pragmatically established non-confrontation agreements with other mujahidin groups – and financially supported many – thereby assuring a measure of security to the route to-from Kabul.

By the late 1980s the core units had been restructured into the 80th Division based at Killagai, south of Pul-i Khumri, to which the 54th Division (a former regular division) that had been moved from Kunduz to Samangan, and the 20th Nahrain Division (also a former regular division), which had been relocated to near Pul-i Khumri, were linked. Many family members were given command positions within these units – though the 80th remained the strongest – and links were established to militias in the north-east

With the withdrawal of Soviet forces an increased reliance on militia forces outside the framework of the Ministry of Defense emerged. Their need was foreseen and militia establishment, in the north at least, was accelerated as the Soviet withdrawal neared. Attempts were made by Soviet officials to establish an additional, parallel militia system in parts of the north, though this was resisted by in Jauzjan.

It is in terms of their activities outside their areas of recruitment that the militias from the north are best known, or most infamous. While lauded by the state for their military contributions, many became justifiably associated with excessive violence, human rights abuses and generalized theft. By the late 1980s reports were widespread of tensions between militia units and regular forces, and of the inability of the government to control. Many from the north, as well as local militias – Ismat Muslim Achikzai from Qandahar itself being a prime example - and those from other parts of the country, were deployed around Qandahar in the late 1980s. In 1366/1987 the companies commanded by Dostum (K734) and Qadir-i Kargar (K733) saw their first deployment in Qandahar – for two back-to-back two month tours – followed by that of Amanullah Gilim Jam (K732). These, and their sub-units, all saw subsequent service in the Qandahar area, seeing heavy combat and incurring heavy losses.

Over the following years militia units - including those that became the 53rd and 80th Divisions as well as independent units- saw service throughout the country. Jauzjani and Sar-i Puli units

were deployed perhaps more widely than the 80th Division, as the latter was active against the mujahidin in its home areas (whereas forces from Jauzjan, where the mujahidin were weaker, were not needed for this purpose). The 80th Division did, however, see service in Logar and Paghman, as well as on both sides of the Salang. Many units saw extensive service in the east, particularly around Khost, including Rahmat Pahlawan (Arab from Balkh), Amanullah Gilim Jam and many from the 53rd Division - huge losses were incurred, particularly by the 53rd Division during the unsuccessful final defense of Khost. Abdul Chirik's units saw service in Qandahar, Logar, Ghazni, Gardez, Koh-i Safi and around Kabul. Jauzjani forces were also deployed on the outskirts of Kabul, in Takhar, Badakhshan and Herat. At times the government did actually criticize militias for their behavior, including after an infamous incident when Jauzjani forces kidnapped sex workers from a Kabul brothel in 1990. This, along with widespread complaints about the behavior of militia members from all parts of the country, as well as in Kabul, resulted in their redeployment out of the city.

The Najibullah government was, however, as noted, dependent upon these units for its political survival and continued to sanction – and need – their deployment against the opposition. The development of militias occurred nationwide and the process in the north paralleled exactly that elsewhere, among all ethnic groups, and it was not an ethnically slanted process – it was, however, ethnically significant in that it often pitched units from one region or ethnic group against mujahidin from another ethnic group, particularly units from the north against Pashtun mujahidin. In the north the development of militias did, however, have different political implications and outcomes from the rest of the country in that this militarized and thus empowered formerly politically weak and disaffected minorities. Critically it, and other processes, facilitated the development of a Jauzjani center of gravity. It also facilitated the development of horizontal links between militia commanders of similar backgrounds that, ultimately, were extended cross-line to co-ethnic mujahidin.<sup>118</sup> Links between members of the government and regional militias also contributed to renewed conflict between Khalq and Parcham political forces, as ethnic and tribal bonds replaced ideological loyalties, and directly contributed to Najibullah's downfall in 1992.<sup>119</sup>

### **5.3 Violations by Afghan Armed Forces and Militia forces 1989-92**

In 1989, the Najibullah government conducted mopping up operations through Paghman, Maidan Shar and Logar. According to witness statements, the principal target appeared to be a Hizb-i Islami base. However, the testimony indicates that government forces, operating with the Jauzjani militia, adopted scorched-earth tactics, bombing indiscriminately and burning down villages. Writing in 1990, Special Rapporteur Ermacora commented that the missiles used by Afghan forces at that time were “mainly concentrated on military targets, but inaccuracy of aim often appears to lead to destruction of civilian targets, causing much fear among the population.”<sup>120</sup>

On the twelfth day of the operation, government forces encountered resistance in the Zargar valley of Paghman District. The main government unit on the ground was the Drara Pashayee Paghman ghund (battalion) 26 of division 10. According to military officers interviewed by AJP, the ground forces arrested six mujahidin fighters from Maidan province and executed them. One of the men was named Mehrabuddin and another was named Daud.

Witness W., a resident of the area, stated:

In [September-October 1990] we were at home when they started to shoot at our area. At first we thought they were shooting heavy weapons like BM21, DC artillery and Urugan rockets, but then we saw that these weapons were different from the others. I told my brother to get out and find out where they were shooting from and why. My brother went to the mosque where most of the people came there whenever there was heavy shooting as the basement of the mosque was a good place for them to stay. He came back a little bit late. When he came, he told me that people were saying that the government was attacking Mohammed Agha district, Logar province. We were sure that the government could not come to Mohammed Agha district very soon, as the mujahiddin were in position against them in Mamor Salam Hotel and Kotob Khil areas and had dug trenches in these places. But every day the fighting was getting serious and hard from both sides. We stayed for one month in our village during the fighting. It was impossible to stay there anymore. We moved from our village to Porak village Pul-i Alam district, Logar province. It was the last place to go. When we went to Porak, my brother came back to Mohammed Agha district to transfer our property and equipment, but unfortunately he was killed as a result of shooting heavy weapons by Dostum's forces and other forces.

This happened in 1369(1990) in the month of Mizan. This fighting continued till the month of Sawr. They burned the entire district of Mohammed Agha and nothing was left for this district and the people. In the fighting that happened in Mohammed Agha district, the mujahiddin and people were on one side and the government forces under Nabi Azimi, Dostum, Azim Zurmati, and their subordinates were on other side. From the Defense ministry there was Nabi Azimi, from interior ministry Azim Zurmati, and from tribal groups Abdul Rashid Dostum, Hamayon Fawzi, Asad Markhor, Jura Beg, Abdul Chirik, and others like Sayid Mansur Nadiri, Amnullah Glimjam were involved in fighting. Mohammed Agha district contain 125-127 big villages. All these villages were bombarded with heavy weapons very seriously till the people were to move to other places of country. I lost my brother named Bismillah in this fighting. They looted my entire property. The government forces and Dostumi forces did it. They destroyed our house and changed it to a hill of dust. I saw all these incidents with my own eyes.<sup>121</sup>

Witness F. also described rocket attacks by Najibullah government forces on Logar. “

We had to emigrate from our district Mohammed Agha to Pul-i Alam district Logar province due to the rocket attacks and bombardments of the government on our houses. We went to Kunjak village Pul-i Alam district. In December 1990 a rocket came across from the house where we lived. As a result of that my two sons with seven other children who were busy in playing were killed. After a few days people moved to Zarghon Shahr, Mohammed Agha district in Logar. No house and no garden were left for these people. People lost their entire property as a result of the fighting. Thousands of people were killed or disabled because of the fighting. They cut trees and burned mosques and schools, and destroyed four water reserves that were for seven villages. In Mohammed Agha district there was a Sapper Battalion of Hizb-i Islami Hikmatyar named Lashkar-i Esar. The government burned this entire district till they reached their enemy.

The main officers in charge were General Nabi Azimi, General Dostum, and Azim Zurmati. The other special units such as Sayid Nadir Nadiri, Colonel Mohammed Gul in charge of Unit 100 of Qahraman, Amanullah Glim Jam and others were associated with them too. During the operation the exact population of this district was about 13, 000 people. This

district has 125 big villages that is divided into several small villages. In the fighting that took place in 1990 and continued till 1992 the entire district was burned. Since we emigrated from Mohammed Agha district to Pul-i Alam and were living in Kunjak village, the government's operation reached Pul-i Alam district slowly. In December 1990 the government units started launching heavy weapons on Kunjak district and a rocket came across from our house. As a result of that my two sons named Bashir Ahmad, 7 and Mohammed Jawad, 9 were killed and my entire property was lost. I saw the incident with my own eyes. When my two sons were killed, four people were injured and 9 people were killed. Four of them were from our village and the other injured and killed people were from Kunjak village.<sup>122</sup>

According to witness A., who was living with his family in the village of Borjak, Paghman district Kabul province, in early 1990, the Afghan government deployed its military units from Kabul city and Chintala way in Qargha, Mahtab Qala, and Bagh Daud Chawk Arghandi. During the night, all of these military units launched a major offensive on Paghman. During this attack all the villages in Paghman from Khaja Mosafir up to the highest point of Paghman mountain were affected. According to A., "mujahidin from every party and group were in the district." A. stated:

All the people either stayed underground or [in low houses] in that cold winter weather. The following morning the people from all the villages and houses started to move to Kabul city. Several elders were told to get permission from the commanders first, so they went to the Mahtab Qala Division. When they found Nabi Azimi and Dostum, they got permission from them to go to Kabul city. Many people including old men, women, and children were waiting everywhere to get permission to go. At 1:00 they received the permission, but soldiers in these military units disturbed the people a lot Dostum's soldiers took money, watches, shoes and jumpers of the people and then let them go. Then when Dostum and Nabi Azimi attacked our district, they looted property and sold it in Kabul at cheap prices, including the wood and timbers of the houses.

Another witness, At. , described the bombing of his village on 1369-7-10.

At 4:00 a.m. the airplanes of the enemies started bombing our villages. As soon as the firing of heavy weapons started from the air, land military units from the area of the Nabi Sharafgan battalion started their attacks with Urgan rockets and BM21s. As a result, 34 civilians were killed and others were injured. The operation continued for a month. People carried their injured patients to Pakistan and also people began to move from Logar. My sister's son Mohammed Patang was killed in our home in October 1990. In this district there are 194 villages all of which received heavy damages from this military operation. I lost my sister's son Patang in this incident and I had to move to Peshawar. They looted my garden and house of entire equipment. I saw these incidents with my own eyes.<sup>123</sup>

Witness B. stated that the attack was directed at a military unit of Hizb-i Islami Hikmatyar based in Tangi Wakhjan.

The government attacked in order to push a way a group of Hizb-i Islami named Lashkar Esar from the Kabul- Gardiz route. Najib government started its attack from Mohammed Agha district. They either killed our people or made them emigrate from the district and we were among those who emigrated from the area. On December 2, 1990, after the government captured the [non-mountainous] places in Mohammed Agha district, they launched rockets and dropped bombs on high locations, on the mountains that which separate Mohammed Agha from Pul-i Alam district. At that time a rocket came in front of

the house where we were living. As a result of that 9 children were killed. Two of them were my sons named Emal Jan, 7 and Ajmal Jan, 12. Also from one close friends of Headmaster Faqir Khan two sons named Mohammed Bashir and Mohammed Jawad Jan were killed. Five other children from the same village were killed, but I do not remember their names. After this incident we emigrated to Zarghon Shahr village and we were there till the end of winter. After that, because of the heaviness of war we went to Peshawar, Pakistan.<sup>124</sup>

Witness M. stated:

When the government started to attack on our district, people were busy in their own lives. Suddenly, in [December 1990] they attacked our houses from the air and land. They fired artillery and bombarded our houses. My brother went to buy wheat for the winter and we did not know where he went. At 4:00 PM the situation got a little bit better. The shooting of heavy weapons stopped and people got out from the holes where they stayed to protect them. At 4:30 they informed me of my brother's death. They told me he was killed in the area of Qala-i Nazir as a result of heavy weapons fire . I went and took his dead body and buried him in Zarghon Shahr cemetery because in our area there was more government pressure. There are about 200 villages in Mohammed Agha district. All of them were burned to the ground. They closed water canals, bombarded bridges, exploded agriculture, cut down trees and took them to Kabul, shot the sheep of people and they had butchers who took the skin of the sheep off and sold to people in Kabul. They also pulled out timbers from the houses with cables on the back of tanks and then sold these timber woods in Kabul.<sup>125</sup>

## **5.4 Violations by Resistance Forces 1989-1992**

### **5.4.1 Pattern of abuse by mujahidin forces**

In the years between the withdrawal of the Soviet forces and the collapse of the Najibullah government, a number of mujahidin groups also committed war crimes. Many of those based in Pakistan who had the support of Pakistani military and intelligence agencies operated with impunity and had considerable control over the Afghan refugee population. One of the most powerful of these was Hizb-i Islami, headed by Gulbuddin Hikmatyar. Hizb-i Islami was favored by the Pakistani Inter-Services Intelligence (ISI), the military intelligence agency that was responsible for, among other things, funneling CIA-provided arms to mujahidin factions. These mujahidin maintained secret detention facilities in Pakistan; persons detained there included Afghan refugees who opposed the mujahidin leaders, or who worked for foreign NGOs. Mujahidin forces inside Afghanistan also maintained detention facilities where torture was used systematically. In this report we have documented abuses at one facility that operated in the northeast, under the control of Shura-i Nazar. We also reference other investigations into facilities run by rival factions.

### **5.4.2 Torture in Mujahidin prisons**

During the period of resistance against the Soviet occupation, many mujahidin commanders kept prisoners. In some cases those detained were captured combatants, including members of rival mujahidin factions who were held for interrogation as well as for their possible exchange value. A number of mujahidin groups also detained non-combatants. Mujahidin factions based in Pakistan maintained prisons where they held, tortured and in some cases executed Afghan refugees suspected of opposition to the policies or practices of the Pakistan-



based groups. Hizb-i Islami (Hikmatyar) and Hizb-i Islami (Khalis) both maintained prisons near Peshawar. Human Rights Watch has described some of these prisons. One of the best known was Shamshatoo, which was used by Hikmatyar to detain men and women. According to Human Rights Watch, “Torture [was] reported to be routine, including severe beatings and the use of electric shock.” The intelligence agencies of these factions also carried out abductions of Afghan refugees. Human Rights Watch also reported that the Pakistani Inter-Services Intelligence (ISI) also interrogated, and sometimes tortured Afghan refugees considered to be a “security threat,” in some cases because they did not support one of the Peshawar-based mujahidin parties recognized by Pakistan. In some cases these detainees would be handed over from the ISI to Hikmatyar.<sup>126</sup>

Some of the prisons that were operated by mujahidin factions based in Pakistan included: Shamshatoo, a facility under the control of Hizb-i Islami (Hikmatyar), in the Shamshatoo refugee camp. According to Human Rights Watch, torture there was reported to be routine, and included electric shock.<sup>127</sup> Other detention centers under Hizb-i Islami (Hikmatyar) included Warsak Micini, north of Peshawar, Mohammad Gard in Kunar Province, Afghanistan (also used by Sayyaf); and Bagzai 1 in Kurram Agency, Pakistan (also used by Sayyaf), and Khund Bachlor in the Kurram Agency. Sadda Shasu in the Kurram Agency was used by Sayyaf. Shamshatoo 2, in Pakistan, was used by Hizb-i Islami (Khalis).<sup>128</sup>

Torture was also widespread among the different factions and commanders based inside Afghanistan. According to witnesses interviewed about detention practices by mujahidin during the 1980s, the Shura-i Nazar faction operated a detention facility in Lejdey, Farkhar district, Takhar Province. Credible testimony indicates that the authorities in Lejdey systematically used torture as a tool in their interrogation of political and security prisoners in the jail. The facility was active in the period 1983 – 1992, but the allegations contained in the dossier cover the period 1989-92.

### **5.4.3 Torture, cruel and degrading treatment of prisoners and summary executions in Lejdey Prison 1989 – 1992**

The testimony of witnesses interviewed by the Afghanistan Justice Project, several of whom were themselves detained at Lejdey, indicates that command and control responsibility for abuses at the facility rests squarely with the Shura-i Nazar faction’s top leadership. Several of the torture techniques depended upon the use of equipment and fixed facilities, which had been installed specifically for the purpose of torturing prisoners, and which were clearly visible to anyone at the site. Torture was routinely conducted in specialized rooms, accessed by the prison authorities. Anyone associated with running or supervising Lejdey Prison, or who visited it during its period of operation as a jail, would have been aware of its function as a torture center.

What is significant about Lejdey, and which sets it apart from torture at other mujahidin prisons, was that it was practiced within a proto-governmental structure. Shura-i Nazar had a far more highly developed administration than of any other mujahidin faction. That organizational structure was subsequently absorbed within the Islamic State of Afghanistan, after the Najibullah government fell in 1992. A distinctive feature of Shura-i Nazar, compared to the local mujahidin commanders whom it had superseded as it consolidated control over most of the northeast, was its sophisticated institutional structure. There were functionally specialized units, clear chains of command and good communications. The movement developed as a government in waiting, and deliberately built up the instruments of state power, in anticipation of the time when it could deploy these in Kabul (as ultimately happened in 1992). Thus three quasi-government organizations were involved in Lejdey, an intelligence department, a public prosecutor and a

prison. The Lejdey facility was established in the initial stages of Shura-i Nazar's institutional development (1983-4), at a stage when the movement anticipated the need to deal with prisoners of war. It was used for incarceration of a range of categories of prisoner, including enemy combatants, rival commanders and troops, common criminals and political prisoners. In addition, witnesses allege that, as Massoud increasingly asserted hegemony over the region, the facility became a holding center for the political and military rivals of Massoud's allies.

Torture methods practiced by the Lejdey-based personnel of the general prosecutor's office included: 1. suspending a prisoner by the hands from a pair of iron rings mounted in the ceiling; 2. beating, often with wooden truncheons; 3. electric shock; 4. sleep and food deprivation; 5. confinement in a cage; 6. sexual abuse; and 7. psychological torture: as the main torture sessions took place during the night, inmates had to listen to the sounds of torture. In addition to the systematic practice of torture, the authorities in Lejdey also undertook summary executions of selected prisoners, sometimes after no judicial procedure, sometimes after an inadequate judicial procedure.

Charges of torture in Lejdey focus on a unit designated the "general prosecutor's department" (saranwal umumi). This was a unit of the Shura-i Nazar faction's National Security Department. Personnel of the general prosecutor's department were regular Shura Nazar personnel. The unit had overall responsibility for the custody of the prisoners held in Lejdey and exclusively managed the interrogation and torture. A camp commander, with a force of about twenty-five men, was responsible for prison security and supervising prison labor. The security detail was formed of local villagers, levied on a rapid rotation.

Witnesses have not accused them of involvement in torture. Testimony from former inmates of the Lejdey jail indicates that the top leadership of the Shura-i Nazar was aware of the practice of torture in the facility. The general prosecutor's department took direct instructions from the headquarters of the national security department and frequently consulted with them. Mohammad Qasim Fahim, former defense minister under President Hamid Karzai, was director of the Shura-i Nazar's national security department—the parent department for the Lejdey-based saranwali. The provincial national security department in Takhar was responsible for arresting most of the people who ended up in Lejdey. It would conduct preliminary interrogation in a holding center in Taloqan and then transfer prisoners, along with a formal dossier, to Lejdey. There was thus a high degree of functional cooperation between the teams in Lejdey and Taloqan, and witnesses have named some of the personnel of the Takhar national security department who had access to the interrogation facility in Lejdey. Testimony indicates that all members of the ten-man general prosecutor's department participated in interrogation sessions involving torture.

All the saranwals who served at Lejdey as team leaders were directly implicated in torture, as they directly conducted numerous interrogation sessions in which they themselves and personnel acting under their orders subjected prisoners to torture. Of all Lejdey-based personnel, the saranwals bear the greatest share of responsibility because they exercised discretion in managing the interrogation and detention of prisoners in the facility, and ultimately their decisions determined whether prisoners were subjected to torture or not.

#### 5.4.4 Assassinations and Enforced Disappearances of Afghans in Pakistan

During the late 1980s and early 1990s, there were a number of attacks on nongovernmental organizations working with Afghans in Peshawar, Pakistan, notably those who employed Afghan women. There were also a number of attacks on Afghan intellectuals and political figures who opposed the policies of some of the mujahidin groups.<sup>129</sup> According to human rights reports, those who supported the politics of the old regime were threatened, as were tribal elders who opposed the domination of Islamist commanders, Afghans associated with western organizations such as relief groups, and women whose professional roles violated the strictures that the Islamists wanted to impose.

A number of leaders and members of secular or leftist parties received death threats in Pakistan; some were assassinated or abducted and “disappeared.” Those targeted included: Afghan Millat (a Pashtun nationalist party), the Revolutionary Association of Women of Afghanistan, and Maoist parties Shu’la-yi Javid (eternal flame) and SAMA (Sazman-i Azadbakhsh-i Mardum-i Afghanistan, Liberation Organization of the People of Afghanistan).<sup>130</sup>

Some women working for international humanitarian organizations were also targeted. Fatwas issued by unknown organizations threatened any woman who wore “close-fitting” or improper clothes, who wore perfume or cosmetics, who went out “without her husband’s permission,” who talked “with men who are not her close relatives,” were “walking with pride,” or “walking in the middle of the street.” This document specifically threatened a number of schools for girls and women in Peshawar.<sup>131</sup>

One incident, the assassination of the prominent poet and editor Sayd Bahauddin Majrooh in February 1988, is included as a case study in this report. Hikmatyar’s Hizb-I Islami was responsible for many of the attacks that took place in Pakistan, and his forces received the protection of the Pakistani military intelligence. As Steve Coll has noted, during this time

Gulbuddin Hekmatyar—backed by officers in ISI’s Afghan bureau, operatives from the Muslim Brotherhood’s Jamaat-e-islami [a Pakistani Islamist party], officers from Saudi intelligence, and Arab volunteers from a dozen countries—was moving systematically to wipe out his rivals in the Afghan resistance. . . . Hekmatyar and his kingpin commanders were serially kidnapping and murdering mujahedin royalists, intellectuals, rival party commanders—anyone who threatened strong alternative leadership.<sup>132</sup>

#### 5.4.5 Hizb-i Islami: The Assassination of Sayd Bahauddin Majrooh

Sayd Bahauddin Majrooh was the publisher of the respected *Afghan Information Centre Monthly Bulletin*, which published information about the war. Some months before the assassination, the *Bulletin* published the results of a survey that showed that 70 percent of Afghan refugees supported former king Zahir Shah over any of the mujahidin leaders.<sup>133</sup>

According to witnesses interviewed by the Afghanistan Justice Project, after the results of the survey were published, Gulbuddin Hikmatyar, the head of Hizb-i Islami held a meeting with a number of his commanders, including his cousin, Dost Mohammad Khan; Rahmatullah Zubair, of Paktia; Ghulam Nabi Khan of Paktia; and Mijur [presumably a corruption of “major”] of Paktia. One commander was assigned to study Majrooh and his routine. Mijur was an official of the Hizb Islami intelligence wing, specifically tasked with assassinations, and Hikmatyar assigned Mijur the task of assassinating Majrooh.

Mijur had a Toyota Landcruiser and a permit from the Pakistani authorities to carry weapons, which included kalashnikovs. According to witnesses interviewed in Pakistan, the Landcruiser's number plates were known to the Peshawar police and they were under orders not to stop it. Majrooh was shot at his home on February 11, 1988. According to witnesses in Pakistan, Mijur continues to move about freely in Pakistan. The Pakistan authorities never carried out a credible investigation of Majrooh's assassination, or other such killings of Afghans.

## **6 Violations of International Human Rights and Humanitarian Law during the period of the Islamic State of Afghanistan (ISA), 1992-1996 and by the United Front, 1996-98<sup>134</sup>**

### **6.1 Background to the civil war period of 1992-1996**

During this period, forces allied with all of the major factions in Kabul committed war crimes. While some of these may have represented the actions of individual commanders acting on their own, the Afghanistan Justice Project knows of no case where those responsible for abuses against civilians and other non-combatants were held accountable and appropriately punished by faction leaders. In many cases documented by the Afghanistan Justice Project, the atrocities were carried out on the orders or with the direct knowledge of senior commanders and party leaders.

At the same time, it is clear from the narrative of the conflict that senior faction leaders and commanders did not always have full control over their subordinates. Intense rivalries defined battles for control of territory and resources in Afghanistan; senior commanders secured the loyalty of their subordinates at a cost, and operated with the knowledge that any effort to weaken the power of the commanders under them might lead them to switch sides, taking their troops with them. While this fact does not absolve the leaders of responsibility for the actions of their forces, it is critical in understanding command and control within the armed factions. A summary of the fighting of this period, which, unlike later years has not been well documented, follows.

Within a few months of the collapse of the government of President Najibullah, Kabul was engulfed in civil war. During this conflict, the multiple factions that had participated in the struggle against the PDPA regime and the Soviet occupation, along with the militias, fought for control of territory within and around the capital, as well as elsewhere in the country. Despite intermittent efforts by the U.N. and some of the neighboring countries to mediate, it proved impossible to win sufficient support for any political agreements on power-sharing to achieve stability.<sup>135</sup>

Following negotiations with some of the commanders formerly allied with Najibullah, the forces of Ahmad Shah Massoud entered Kabul. Other mujahidin forces also entered the city and claimed control of institutions and neighborhoods. A number of units from Najibullah's government joined Massoud's forces; others joined other factions or simply fled.<sup>136</sup>

Fighting began almost immediately, principally between Massoud's forces and the Hizb-i Islami forces of Gulbuddin Hikmatyar. Massoud's forces together with Dostum's Junbish commanders launched rockets and artillery at Hizb-i Islami strongholds while Hizb-i Islami rocketed the airport, Microraiion and areas around the palace, defense ministry, and the Kabul garrison. The rocket fire by Hizb-i Islami in this attack alone killed hundreds of civilians.<sup>137</sup> An analysis of indiscriminate rocketing and bombardment by various parties to the conflict is

included in this report. While this fighting was going on, various armed groups in the city executed some suspected members of the former government and engaged in looting.

On April 26, leaders in Pakistan signed the Peshawar Accords, which established a transitional government and a timetable for elections. Massoud became defense minister. However, the power of the new Islamic State of Afghanistan (ISA) was limited: by the time most of the mujahidin parties had agreed to the Accords (the Iran-backed Shia parties were excluded, setting the stage for some of the conflict that followed), rival factions had already established a hold on different parts of the capital and its environs. Outside Kabul the divisions replicated themselves, as commanders seized territories, established checkpoints and operated as a law unto themselves. In some urban areas, notably Herat and Mazar-i Sharif, a functioning administration was maintained, but these were the exception.

Massoud's objective during the tenure of the ISA was to defeat the forces fighting against him (these began with Hikmatyar's Hizb-i Islami, then later included the Shia party Hizb-i Wahdat and Gen. Dostum's Junbish-i Milli forces), and expand and consolidate the ISA's control of territory within and around Kabul. In the first year, his principal foe was Hizb-i Islami, whose rocket attacks killed thousands of civilians between 1992 and 1995, according to humanitarian agencies working in the city. However, Hikmatyar was not the only leader ordering such attacks: every major armed faction in Kabul had an arsenal of heavy weaponry that they used in battles that raged in the streets of Kabul during this period. Those with planes, including Massoud's forces and Junbish, bombarded particularly the south and west of Kabul during different periods of the war. Hizb-i Wahdat also used heavy artillery in its battles with Ittihad and Massoud. All of these attacks, the vast majority of which were indiscriminate and resulted in tens of thousands of civilian casualties, represented grave breaches of the laws of war because they were undertaken "to spread terror among the civilian population," or because they caused "loss of civilian life, injury to civilians, damage to civilian objects ... excessive in relation to the concrete and direct military advantage anticipated."<sup>138</sup>

In June 1992, conflict broke out between Sayyaf's Ittihad-i Islami, headquartered in Paghman, west of Kabul, and Hizb-i Wahdat. In the course of the fighting, Ittihad and Hizb-i Wahdat forces abducted combatants and civilians, executing many and "disappearing" others who were also apparently executed, perhaps after first being detained for their potential exchange value. All of these abuses constitute grave war crimes.<sup>139</sup> Some of the abuses are discussed in the case studies, below. Responsibility for the abuses rests with the senior leadership of both parties who were aware of the hostage taking and disappearances: Sayyaf and his top commanders, and Mazari (who died in 1995 (see below), and his deputy, Karim Khalili, along with other senior Wahdat commanders. The Afghanistan Justice Project has documented some of these incidents, below.

Both Ittihad and Wahdat targeted civilians in house-to-house raids: in the first major use of rape as a weapon, Ittihad forces raped an unknown number of Hazara Shia women, and Wahdat forces raped Pashtuns. Under international criminal law, crimes of sexual violence are considered war crimes.<sup>140</sup> In Afghanistan, rape was not used systematically as a weapon of war during the communist era, although there are some reports of incidents of rape by Soviet and Afghan PDPA forces then. Some mujahidin forces committed rape or abducted women during offensives on government-held territory, but the practice was not widespread. The civil war that raged in Kabul between 1992 and 1995 changed that. Every mujahidin group fighting inside Kabul committed rape with the specific purpose of punishing entire communities for their perceived support for rival militias. Thus, rape, as well as other targeted attacks on civilians, was

ethnically based. In many cases, it was used as a means of ethnic cleansing. The Afghanistan Justice Project has documented some of these incidents, below

In December 1992, then president Rabbani, whose term had already been extended beyond the original four months, postponed convening a *shura* (assembly) to elect the next president. Rabbani's apparent effort to hang on to power sparked new fighting between Massoud's forces against those of Dostum as well as Wahdat. Finally, at the end of December, Rabbani convened a shura that was dominated by his own party, Jamiat-i Islami. It elected him president on December 29, but also agreed to establish a parliament with representatives from across the country, a move that helped Rabbani temporarily regain the support of several members of the alliance, including Dostum.<sup>141</sup>

At the end of 1992, Hizb-i Wahdat withdrew from the government and opened secret negotiations with Hizb-i Islami. At this point, Massoud made a strategic decision to counter the new threat posed by Hizb-i Islami (whose forces remained outside Kabul proper, though well within rocket range) and Hizb-i Wahdat, and launch a major operation in west Kabul to expel Hizb-i Wahdat. Ittihad forces played a major role in the assault, working directly under Sayyaf and receiving pay from him. The Ittihad forces were not fully absorbed into the ministry of defense, but were operating in coordination with it. By February 1993, Massoud had conducted negotiations with dissident Wahdat commanders who signed secret protocols with Massoud promising to cooperate during the conflict and to capture Mazari and his cabinet.<sup>142</sup> The Afghanistan Justice Project has documented both the conduct of the operation and the specific abuses, which included indiscriminate and disproportionate shelling of civilian areas, summary executions and rape. A detailed analysis of the Afshar operation and the abuses is provided in the case study below.

In January 1994, Dostum had struck an alliance of convenience with Hikmatyar and attacked Massoud's forces.<sup>143</sup> Some of the most intense fighting since the fall of the Najibullah government took place in early 1994, as an estimated 25,000 people were killed in the city between January and June.<sup>144</sup> But by the end of the month, Massoud had ousted Dostum from his strongholds, capturing hundreds of prisoners. The fighting between Dostum's forces and Massoud's was fierce, and included targeted attacks on civilian areas.

In 1994, the sudden success of the Taliban, whose forces had taken Qandahar and were attracting considerable Pakistani support in the form of both weaponry and recruits, changed the dynamic in Kabul. By late 1994, the Taliban were making advances north toward Kabul, taking Uruzgan and Zabol provinces. On February 14, 1995, Hikmatyar abandoned his stronghold at Charasiab, from where he had pounded Kabul with rockets for three years, leaving behind weaponry that the Taliban swiftly acquired.<sup>145</sup>

Hikmatyar's flight left Massoud in a position to take control of the city. In March, Massoud launched an offensive against Wahdat, bombarding Wahdat positions in west Kabul. Mazari allied with the Taliban, allowing Taliban forces to enter Kabul, but that decision split Wahdat as some of the forces joined Massoud. The battle included disproportionate shelling and bombardment of residential areas of west Kabul by Massoud's forces as they succeeded in driving Wahdat fighters from the city. Massoud's forces also executed and raped civilians during this offensive.<sup>146</sup> As the Taliban were forced to retreat, they took Mazari with them; he died under unclear circumstances on a Taliban helicopter en route to Qandahar.

## **6.2 The Battles for the North**

Compared to Kabul, Mazar-i Sharif was spared any serious fighting in the early years of the ISA. The negotiated surrender of the city in March 1992, and the overwhelming superiority of Dostum's forces in the area, led to a relatively stable division of power among the major factions: Junbish, Wahdat and Jamiat. However, the region was ethnically mixed and long before the communist revolution political leaders had made use of ethnic communities in the area to secure territory and enhance their power. In the post 1992 period, commanders enjoyed virtually autonomy while being allied with one of the major factions, mainly those of Dostum and Wahdat, under the leadership of Ayatollah Muhaqiq. Local commanders abducted civilians for the purposes of extortion, looted and assaulted villagers, and assassinated political rivals.

The stability in Mazar-i Sharif was broken in 1994 when Dostum allied with Hizb-i Islami in the battle for Kabul. Fighting in Mazar-i Sharif at that time between Dostum's forces and those allied with Massoud left hundreds dead. Both sides engaged in the summary executions of prisoners. In early May 1997, the Taliban advanced toward Mazar-i Sharif, driving Dostum's forces from Sar-i Pul, Faryab and Baghlan. By the end of May they entered Mazar-i Sharif after entering into an agreement with Gen. Dostum's deputy, Gen. Malik Pahlawan. After Hazara fighters ambushed Taliban troops in the streets of Mazar-i Sharif, Malik turned against the Taliban and the Junbish forces allied with him captured thousands of Taliban soldiers. At least 3,000 were executed over the following weeks.

After Dostum returned to Mazar-i Sharif in September 1997, fighting erupted among the major contenders for power in Mazar, with widespread looting and assaults on civilians by Junbish and Hizb-i Wahdat. In August 1998, the Taliban finally took control of Mazar, and over the next three years took control of most of the central and northern parts of the country, leaving only the far northeast in the hands of the United Front. (See the chapter on the Taliban, below).

## **6.3 Indiscriminate rocketing and bombardment of Kabul and excessive use of force in the factional conflict in Kabul 1992-1995**

### **6.3.1 The context of the bombardment of Kabul**

The bombardment of Kabul during the factional conflict of 1992-96 is frequently cited as one of the most serious human rights violations of the Afghan war. It was the major cause of the deaths of tens of thousands of civilians, devastated much of the capital and left a generation of residents traumatized. While Hizb-i Islami is frequently named as foremost among the factions responsible for the deaths and destruction in the bombardment of Kabul, it was not the only perpetrator of these violations. All of the major armed factions who were contending for control of the city were responsible for the indiscriminate use of a full range of heavy weapons, causing destruction and casualties in civilian areas.

This analysis considers whether the way in which some of the factions conducted their bombardment of Kabul constituted use of indiscriminate or excessive force. It also examines the deployment of heavy weapons in Kabul and the chain of command within these factions.



Shura-i Nazar/Jamiat-i Islami officials have attempted to justify the bombing of Kabul carried out by their forces from 1992 onwards by saying that their troops represented the forces of the legitimate government and acted to defend that government Kabul from anti-government attacks.<sup>147</sup> There is no question that almost immediately following its establishment in April 1992, the government of the Islamic State of Afghanistan—a coalition government of various mujahidin and militia faction—was under attack: first from Gulbuddin Hikmatyar’s Hizb-i Islami, which rejected the government, and later from other factions who rejected the legitimacy of the Rabbani administration.

However, regardless of any claim to legitimacy by any party to the conflict—or indeed any claim that another party attacked first—under international humanitarian law (the laws of war), indiscriminate attacks are prohibited. Indiscriminate attacks are defined as those that are not directed at a specific military objective, or that employ a method or means of combat which cannot be directed at a specific military objective. Indiscriminate attacks include bombardment by any means which treat as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a concentration of civilians or civilian objects; and attacks “which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated.” This last is known as the rule of proportionality.<sup>148</sup> All of the factions involved in the conflict in Kabul engaged in indiscriminate attacks.

The U.N. Special Rapporteur reported on these attacks in all of his reports from this period. For example in one report, he described “massive indiscriminate killing in Kabul caused by rocket attacks and air attacks in which cluster bombs were used. . . . The city has been subjected to indiscriminate rocketing and shelling by heavy artillery. A new and very disquieting feature of the current conflict has been the use of aerial bombardment of residential areas of Kabul, with highways reportedly being used as runways for the fighter jets.”<sup>149</sup>

### **6.3.2 Shura-i Nazar / Jamiat-i Islami: Command and Control of Military Operations**

Shura-i Nazar were a particularly deadly fighting force and a significant proportion of the destruction of the Afghan capital was caused by its rockets and artillery. The faction controlled the strategic heights within Kabul and, with Junbish, the remains of former President Najibullah’s air force. Its ability to wage war was further increased by the large number of defecting government generals who joined and brought their expertise, armaments and many fighting men with them. Witnesses from within Shura-i Nazar testify to a particularly strong chain of command, in terms of deciding where to attack and giving direct orders. Massoud is named repeatedly as directing operations, whether they were involved short-range artillery, long-range rockets or giving orders to fighter pilots. Mohammad Qasim Fahim, then in charge of intelligence, is also named many times as a crucial link in advising where to target.

A former Shura-i Nazar battalion commander testified to the organizational capacity of Shura-i Nazar. He provided detailed testimony to the Afghanistan Justice Project. Allied factions he said, entered Kabul, “in a disorganized way,” but not Shura-i Nazar. “Dr. Abdul Rahman went to negotiate with Nabi Azimi, General Baba Jan and the rest of the army and generals; they came to an agreement and then Jamiat-i Islami and Shura-i Nazar entered the city from Salang, Panjshir, Bagram and Kabul Airport. Hizb-i Islami troops were also arriving at the gates of Kabul.”

Shura-i Nazar forces were directly under Massoud's command, the commander said, with Dr Abdul Rahman co-ordinating them and General Panah Panjshiri in charge of military affairs. "I entered Kabul with the new army that Massoud had just organized, which had Sayid Yahya Khan in command and, after he was killed, Bismillah Khan. The battalion commander said he was deployed first to the palace and defence ministry and then to the frontlines which were newly being carved into the city. Initially, he was sent to the Customs post on the Jalalabad road and the military university where he encountered large fighting units from Panjshir, under Gul Haider and Baba Jalandar and others who had defected from the Najibullah government. "On the first days, we didn't have specific places. We were sent where the fighting was serious and hard."

For a few days, he said, the fighting was quite disorganized, but the command center was the Kabul garrison where Nabi Azimi and Baba Jan, Dr. Abdul Rahman, Commander Panah, and other generals were in charge of the fighting. "They gave us weapons and depots and we used them." He said that the Shura-i Nazar leader, Ahmad Shah Massoud, initially stayed outside the capital in Jabul Saraj. "He got continuous reports," said "and then asked forces from the provinces to come to Kabul. Most of the forces from Panjshir and Shamali came quickly and most of the Panjshiri people in Kabul joined the front and got themselves armed. From Badakhshan, Takhar and Baghlan, forces also came."

The commander also described the then allied forces of Wahdat and Junbish arriving by air and by land and the deserting government soldiers going home, many of them to join the mujahadin group that originated from their home province. Ittihad-i Islami troops arrived from Paghman and Maidan Shah, he said, "They wore long turbans and had long hair and wore their trousers pulled up to their knees," he said, "They had white flags and some hung the photo of Ustad Sayyaf in their cars. Shura-i Nazar troops wore Russian combat trousers, Chatrali hats and scarves round their necks: some of them carried Massoud's photo in their cars."

At first, he said, there was time for a joint council of the factions of the Northern Alliance, "but after the fighting got serious with Hizb-i Islami, there was hardly any council meeting." Shura-i Nazar forces benefited from heavy weapons left by fleeing or defecting government forces, so that, according to the battalion commander, they did not have to bring their own heavy weapons immediately into the city, "We used the artillery and tanks that were in the trenches in and around Kabul."<sup>150</sup> Those trenches, which had belonged to the government were now full of friends, he said.

Artillery exchanges began across Kabul. "We steadily launched rockets and artilleries against Hood Khil, Qala-e-Zaman Khan, and around Pul-i Charkhi prison. The opposition, Hizb-i Islami, launched rockets in response to ours on the Customs post, the airport, Microrian, and the areas around the palace, the defense ministry and the Kabul garrison." As alliances shifted during the conflict, areas held by Hizb-i Wahdat in west Kabul were targeted from late 1992, as were Junbish positions from January 1994: both factions also attacked Shura-i Nazar positions as well.

Asked whether their forces knew if there were civilians in the areas where they were bombing, the commander said that when Shura-i Nazar and Hizb-i Islami began fighting each other in the early days of the war, "there were no empty houses, civilians were all still living in their homes, but as the fighting continued, people gradually left the frontline areas, going to the city center or to the provinces or Jalalabad or Pakistan." He said Shura-i Nazar forces searched some Pashtuns leaving Hizb-i Islami-controlled areas, but they were not harassed. As to the exact damage which they were inflicting, he said they could not go to areas where they were rocketing,

but sometimes, “if we captured the enemy’s area, we saw the deep craters caused by the bombing. We knew the bombs had made those craters – whether in the middle of houses or military bases.”

Shura-i Nazar’s control of Asmaee Mountain (Television Mountain) with its radio post and Radar Mountain also meant the leadership had direct sight of where many of its rockets and bombs dropped from airplanes were landing. According to the battalion commander, the post was generally manned in three-month rotations by Panjshiri units under Gul Haider and sometimes Baba Jalandar. He said the radio stations on Television Mountain (known as Palang 1) and on Radar Mountain (Palang 2) were crucial for operations; they were in direct contact with the defense ministry and commanders in the trenches. Radio operators were posted from the defense ministry, with three specific groups who were given one month rotations because of the tiring nature of the work. “From there, they could see the opposition artillery forces and their launching sites through binoculars,” said the commander, “and then radio our forces.”<sup>151</sup>

A former intelligence officer has given details of the command structure and the way three different types of rocket were used by the Shura-i Nazar forces. Long-range rockets, he said, were held at Tapa Sorkh and then deployed to the forked road of Bagram airport, “The location of the target based on a military sketch was gave to the artillery commander who fired the rocket. “Most targeted Hizb-i Islami and Hizb-i Wahdat controlled areas, military locations and places where divisions were settled. “In particular, we targeted the third regiment areas in Darulaman area where the artillery group and commander of Wahdat Corps were based and the Russian Embassy where the commander of Division 096 of Wahdat was based. We also targeted Charasyab where the artillery force of Hizb-i Islami was based, Shiwaki where his intelligence department was deployed and Rishkor division where the depots and the division of Hizb-i Islami were located. We also launched rockets at Dasht-i Saqawa airport in Logar that was built by Hizb-i Islami.” The intelligence officer said the long-range rockets were launched by professional military men from the Najibullah government, “with General Baba Jan directing them and Massoud giving the order and commanding them.”

He said the second type of rocket was middle-range, able to target locations from 15 to 20 kilometres away. He said orders to fire these were given by division commanders, for example, Ahmadi, commander of Qargha Division, Panah Khan, commander of Jihadi army, Gada Mohammed Khan, commander of Tapa Sorkh Division and Bismillah Khan. “They launched rockets at Hizb-i Islami bases, such as military zones, military centers like Bagrami, Shah Shahid, and Kart-i Nau, Chilsiton and Wahdat areas like Afshar, Social Science Institute, and Silo and indeed any area in west Kabul that was under the control of Hizb-i Wahdat.”

Shura-i Nazar also possessed mobile rockets and artillery and tanks which were moved to areas as was necessity and to help units which were deployed permanently to certain locations. “Most of them belonged to commanders of attacking companies and battalions like Gul Haider and Abdul Sabor, both from Panjshir, Commander Fazel from Samangan and Abdul Hai Khan and Moawin Aziz . The intelligence officer specifically said that these commanders did not personally authorize attacks, “Ahmad Shah Massoud gave them instructions for operations and then they acted.” The short-range rockets and artillery could target locations one or two kilometers away and were fired at opposition bases in Kart-i Sakhi, Kart-i Char, around the university, Debori, Kota-Sangi, Saray Ghazni, Kart-i Seh, Chindawal, Khoshal Khan, Qala-i Wahid, Char Qala, Mahtab Qala, Dasht-i Barchi, Chilsiton, Agha Ali Shams, Bini Hisar, Seya Beni, Sang-i Nawishta, Bagrami, Qala-e-Zaman Khan, and Arzan Qimat areas.<sup>152</sup>

The batallion commander also described Shura-i Nazar’s reserve forces, which served under Bismillah Khan and were not deployed in any one place but were used as was necessary.

“[The reserve force] was established and trained by Ahmad Shah Massoud,” he said, “It had suitable uniforms, weapons, paid salary and subsistence and it had extraordinary logistic supplies. It had tanks, BM1 rockets on their Jeeps, and Russian ZO anti air weapons on their cars. It participated in operations against Hizb-i Islami in Bala Hisar, Asmayee Mountain, Chilsiton, and later against Wahdat in west Kabul. It also helped in several failed attempts to conquer Rishkhor.”<sup>153</sup>

Shura-i Nazar and Junbish fighter planes were under separate chains of command. According to a former Shura-i Nazar artillery commander, Massoud himself gave the orders for all bombing raids, via Bismillah Khan. Until the Shura-i Hamahangi pact of January 1994, when Junbish planes became an enemy force, Massoud largely controlled the skies over Kabul. He also held the strategic heights within the city, Asmaee Mountain. These two factors meant Shura-i Nazar had the capability to target many places in Kabul. One civilian witness said he believed this control was crucial to the destruction of the capital, particularly the west and the east. “In each clash, however minor,” said the civilian, “they would use heavy artillery and air power. I am a witness to that.”<sup>154</sup>

A former army officer, A., has described in detail the deployments that Shura-i Nazar/Jamiat had on the west Kabul front in its fight against Wahdat:<sup>155</sup>

- 1) Samiullah Qatra, Jamiat-i Islami commander from Darwaz district, Badakhshan, commander of Defa-e-Inqilab brigade. Headquarters: De Mazang prison, post in Kabul Zoo, De Mazang Square to Baricot cinema and De Mazang lanes.

Weapons:

- Fifty RPG7 rockets
- One hundred twenty Russian PK guns
- Ten 82 mm mid range mortars
- Ten 82mm artilleries
- Ten Chinese 76 field artilleries
- Three Russian Gharanai mortars
- Two Huge tanks (having artilleries)
- Three Russian T62 tanks
- Two Russian 60PP tanks

- 2) Rahimullah, deputy commander of brigade, under Baba Jalandar Panjshiri. Controlled the areas behind the Ministry of Agriculture and Ali Abad Hospital.

- 3) Habiburahman Parandi, battalion commander of Baba Jan’s regiment. Controlled the areas above Kart-i-Sakhi hill up to a part of Ministry of Agriculture.

- 4) Gul Haider, from Panjshir, controlled Gardana Kart-e-Sakhi.

Another witness, K., who lived in the area listed Gul Haider’s weapons as follows:

- 40 RPG7 Rockets
- 10 Mid-range 82mm mortars
- 10 82 mm artilleries
- 40 Russian PK guns

Although the configuration of Islamic State artillery changed over time during the conflict, AJP analysis has identified the following twelve important artillery and rocket positions used by the

ISA during the Shura Hamahangi campaign, and illustrated in the attached map of the bombardment :

**Artillery battery 1.** Posta Sharki (Eastern Post), east of Kabul Airport

Tanks X 2  
BM-21 X 2  
D-30 artillery pieces X 4

Targeted at opposition forces in southern and eastern Kabul

**Artillery battery 2.** Khwaja Baghera, to the west of Kabul Airport

Urgun rocket launcher X 1  
BM-21 X 2  
D-30 artillery piece X 4

Targeted at opposition forces in southern and eastern Kabul

**Artillery battery 3.** Television Hill

BM-21 X 1  
Tanks X 2  
ZO-23 X 2  
Stinger & Blowpipe anti-aircraft missiles  
Straila-10 anti-aircraft missile, 1 battery

A key strategic position, able to target most positions around the city. Was also used throughout the conflict, by Ahmad Shah Masood and other Shura Nizar commanders, to conduct reconnaissance and observe the battles.

**Artillery battery 4.** Hazara Baghal, in the north west of Khair Khana

Urgun rocket launcher X 1  
BM-21 X 2

Targeted on opposition positions in west and south Kabul

**Artillery battery 5.** 315 Division, located in the west of Khair Khanna.

Urgun rocket launchers  
BM-21  
Artillery pieces, various  
Tanks

A principal Shura Nizar artillery position, also used as a logistics depot. All main opposition positions around Kabul were targeted from here.

**Artillery battery 6.** Dasht Chimtala

Luna rocket launcher  
BM-21  
Urgun rocket launcher

Targeted Hizb Islami and Joonbish positions in Char Asiab (Luna). Also targeted Hizb Wahadat and Hizb Islami positions in west and south Kabul.

**Artillery battery 7.** Rocket Battallion (Lewa Rocket)

Tanks X 4  
Artillery pieces X 6  
Various sizes of Sukkur and BM rocket

Commanded by Mullah Taj Mohammad. Used for targeting Hizb Wahadat in West Kabul

**Artillery battery 8. Karghah**

Tank X 1

Artillery piece X 1

BM-21 X 3

Under the command of Sher Alam. Used for targeting Hizb Wahadat in West Kabul. In particular this unit was used for shelling Koti Sangi, Karte Char, Deh Buri, Alauddin, Darulaman, Deg Qazi and Chilsatoon.

**Artillery battery 9. Bagh-e Daoud**

A wide variety of equipment deployed here.

Under the command of Sher Alam. Principal base available to Ittehad.

**Artillery battery 10. Company**

A wide variety of artillery including tanks and artillery pieces deployed here.

Commanded by Zulmai Toofan. Used for targeting Hizb Wahadat in West Kabul.

**Positions controlled by Harakat-I Islami**

**Artillery battery 11. & 12. Taimani**

Two bases controlled by Harakat Islami. Had relatively little heavy weaponry. But they did deploy whatever they had, in joint operations with Shura Nizar against Hizb Wahadat.

### **6.3.3 Hizb-i Islami's role in the bombardment of Kabul**

Hizb-i Islami used heavy weapons in Kabul for a full three years, from the earliest phase of the factional conflict to the time of the faction's expulsion from its headquarters in Charasiab, south of Kabul. The shifting pattern of political-military alliances meant that the targets for Hizb-i Islami's bombardments changed over time. However, there were some constants, in that Hizb-i Islami remained in conflict with Shura-i Nazar throughout, and thus continued to target military positions and prominent government buildings controlled by Jamiat/Shura-i Nazar until the end.

There were four main phases to the Hizb-i Islami role in the Kabul factional conflict:

***Phase One : The direct contest for power, April 1992***

The rapid collapse of the PDPA regime, which pre-empted United Nations attempts to secure a negotiated transition, pitted Hizb-i Islami against Shura-i Nazar's northern alliance in a race to take Kabul. Hizb-i Islami did succeed in getting its forces into the very center of Kabul, and even into the presidential palace. It also infiltrated some forces into Mircoraion, the military hospital and Kabul stadium. However, Shura-i Nazar was able to use its alliance with former Parcham forces, in particular Dostum's Jauzjan militia, to deploy much larger forces in Kabul and expel Hizb-i Islami fighters from the palace and city center. Hizb-i Islami's very first bombardment of Kabul, on May 5-6, 1992, was in response to the party's forced evacuation from central Kabul.

***Phase Two : The period of consolidation in the south, May 1992 – November 1992***

During the second phase, it had become clear that Hizb-i Islami had failed to secure the upper hand in Kabul. The party ostensibly was part of the political process, and had even been awarded the prime ministry in the portfolio carve-up in an attempt to restrain its opposition to the new

arrangement. However, Hizb-i Islami continued to act as an opposition force, with no major ally. It accused the Rabbani government of surrendering excessive power to the ex-communist militias, making expulsion of these militia forces one of its main demands and used their presence to justify his attacks on the city. (However, it should be noted that Hikmatyar had long courted former Khalqis and allied with them in an abortive coup against Najibullah in 1990, so the demand was a bluff). In this phase Hizb-i Islami consolidated its hold over southern Kabul and northern Logar, ranging from Bini Hissar to Chilsatoon. The carve up of the city started to feature de facto front lines, and Hizb-i Islami was in conflict with Shura-i Nazar and Junbish-i Milli for control of frontline neighborhoods, such as in the east of the city around Pul-i Charki and Kart-i Nau.

#### ***The alliance with Hizb-i Wahdat, December 1992 – December 1993***

During this phase, Hizb-i Islami established a protocol with the main Shia party, Hizb-i Wahdat, taking the conflict into a new dynamic stage. As conflict with Shura-i Nazar escalated, Hizb-i Islami undertook bombardments to support its new ally. In addition, Hizb-i Islami and Hizb-i Wahdat launched new offensives, such as the one to secure Darulaman, as they integrated their zones of control in the city and fought for new supply routes.

#### ***The Shura Hamahangi campaign, January 1994 – February 1995***

From January 1994, Hizb-i Islami's new alliance with Junbish-i Milli, in addition to Hizb-i Wahdat led to a further escalation of conflict in Kabul, improved access to heavy weapons for Hizb-i Islami, and led to new rounds of bombardment. Junbish added a capacity for aerial bombardment, and Hizb-i Islami was able to develop an airstrip in Logar for landing of supply planes. Hizb-i Islami launched an intense rocket and artillery bombardment on central Kabul at the opening of the Shura Hamahangi campaign in January 1994. The conflict was particularly intense for the first six months of 1994, while Hizb-i Islami and Junbish jointly held positions in central Kabul. Hizb-i Islami artillery continued to use bombardments in support of their military operations in the city until February 1995 when the Taliban managed to expel Hizb from its Charasiab headquarters. (Subsequently, the Taliban relaunched the bombardment of Kabul, as they started to lay siege to the capital).

#### ***Deployment of heavy weapons in Kabul***

A key factor leading to the massive civilian losses in the factional conflict was the way in which the competing factions were able to seize and divide the entire arsenal of the previously Soviet-backed regime. The large reserves of heavy weapons that had been stationed in Kabul for defense of the capital and for deployment to outlying areas were suddenly available to the factions. Heavy weaponry available included tanks, field guns, multiple barreled rocket launchers, and even Urugun and Scud missiles. The factions rapidly put this arsenal to use for attacking Kabul rather than defending it, and concentrated massive firepower on relatively limited contested neighborhoods. The use of the heavy weapons followed the evolution of the factional conflict, as the artillery and rocket launchers of each faction were targeted against the successive factional rivals. In particular, the Joombish artillery was initially deployed against Hizb-I Islami, but in the 1994-95 Shura Hamahangi campaign was deployed in support of Hizb-I Islami, against the Islamic State forces.

As the PDPA regime was in the process of collapsing, Hizb-i Islami had already established its headquarters in Charasiab, in the north of Logar Province and on the southern outskirts of Kabul. The faction placed its artillery and rockets around the headquarters and in neighborhoods that it controlled on the south and east of Kabul. The main heavy weapons deployed by Hizb-i Islami and its allies in Joonbish, in and around Kabul, during 1992-95 included:<sup>156</sup>

### **Artillery battery 1, located in the fortress of Bala Hissar**

Heavy weapons available included : tanks X 4, armoured cars X 2, D-30 artillery pieces X 5, BM-21 multiple barreled rocket launchers X 1, plus various rockets & mortars. In terms of the command structure, the operational commander was Faqeer, brother of Haider Jowzjan. The officers, based in the Joombish Operations Centre, with authority to issue order to fire were Humayun Fawzi, currently Director Cadre and Personnel, Ministry of Defence and Majeed Rowzi, Deputy to General Dostam.

**Artillery battery 1** : located inside Commandant Zardad's military base, in the Lycee Shorwaki. The artillery here belonged to Junbish and so became operational with the Shura Hamahangi campaign. Weapons included three D-30 cannons and one BM-21 multiple barrel rocket launcher. The commander of the unit was Jaglan Omar, one of Dostum's officers. He was killed there during the course of the conflict.

**Artillery battery 2** : One BM-21 and two D-30 cannons were also located in the Lycee Shorwaki), and were directly controlled by Commandant Zardad. They undertook bombardments on his direct instructions in support of operations undertaken by Zardad's troops. The commanders in charge of Zardad's artillery battery were commanders Sherif and Commander Hidayat, from among Zardad's deputies. Sherif was later killed in the Board area of Peshawar. Hidayat is alive, though his whereabouts are not known. During the Shura Hamahangi campaign, a Joonbish artillery battery, commanded by Jagran Omar, operated from here.

**Artillery battery 3 : Karte Nau.** Heavy weapons available included BM-12 X 1, Sukkur rocket launchers and BM rocket launchers. This was assigned to bombard Shura Nizar front line positions. A battery was located near the village Shahak on the southeast of Kabul. This battery included three D-30 cannons and one BM-21. This was directly controlled by the Sama division. The battery commander was Nur Rahman Panshiri, brother of Islamuddin Panshiri. He was one of Hikmatyar's close associates. Nur Rahman later switched his affiliation to Massoud and currently lives in Kabul.

**Artillery battery 4 : Hindaki.** Part of the Lashkar Issar, one of Hizb's centralized military units. This unit had four D-30 cannons and one BM-21 multiple barreled rocket launcher. The unit was commanded by Engineer Zulmai and was located on the Kotal Hindki pass, to the south of Chilsatoon, Kabul (close to the Rishkor military base). Toran Amanullah, the commander of the Sama Division, was stationed in Rishkor.

**Artillery battery 5 : Rishkhor Division.** Heavy weapons available included tanks X 4, various artillery pieces X 5 and sukkur rocket launchers. The battery was assigned to the Lashkar Isar. However, during the conflict various Hizb forces operated from the Rishkhor military complex. Commander Zardad has acknowledged deploying his artillery in this base for use in bombardment of Islamic State controlled areas.

**Artillery battery 6** : was located in the Rocket Brigade in the Sang-i Nevishta area of Logar. This unit included one Urugun rocket launcher and several BM-21 units. The battery commander was General Wali Shah, commander of Air Defense under the Najibullah. He had been arrested during the 1990 Tanai coup and then freed after 1992. He then joined Hizb-i Islami.

**Artillery battery 7** : in the oil depot, on the south of Charasiab. Weapons there included two Urugun rocket launchers, two BM-21 multiple barreled rocket launchers. This battery was directly controlled by Commander Khalil.

In addition, tanks were deployed in all main Hizb-i Islami positions in the city and were frequently used as artillery, for bombardment.

### **Command and control**

Hizb-i Islami throughout the conflict had maintained a reputation as highly organized and centralized faction. It had a complex leadership structure, with successive tiers in its decision-making body, and a powerful party leader. Gulbuddin Hikmatyar and his faction further refined



the faction's structure to cope with the rigors of the struggle for control of the capital. Their reorganization sought to enhance central decision-making and the capacity of centrally controlled military units. Thus, Hikmatyar operated a military council (*shura nizami*) meeting in Charasiab to advise him on military affairs throughout the conflict. Likewise, he established the central military units Firqa Sama and Lashkar Issar. Hikmatyar directly appointed and financed the commanders of these units while much of the rest of the Hizb-i Islami force consisted of de facto militias who were personally loyal to their local leader. Authority was particularly centralized in the use of heavy weapons, as the shura nizami and Hikmatyar would approve all major offensives and even discuss targets. It is therefore possible to identify a hierarchy of commanders and officials within Hizb-i Islami who, because of their active participation in planning and launching bombardments, share in the responsibility for the resulting war crimes.

*Level 1.* The field commanders of units where artillery and rockets were deployed and who sought the use of artillery in areas for which they were responsible. The Afghanistan Justice Project has obtained testimony on the identity of these commanders, which will be included in the full report.

*Level 2.* The battery commanders who directly supervised the feeding of coordinates and launching of bombardments. Names of key battery commanders are included above.

*Level 3.* The director of artillery who supervised the whole operation and applied his technical expertise to enable Hizb-i Islami to sustain the bombardments. This position was held from late 1992 by artillery officer Toran Khalil.

*Level 4.* The shura nizami (military council) who discussed major operations and strategies in advance and had a potential to order effective safeguards limiting civilian losses. The council had 10 to 12 members, and included top Hizb-i Islami commanders and military figures from around Kabul, including two figures designated as star generals, Faiz Mohammad and Kashmir Khan.

*Level 5.* The Hizb-i Islami chief of staff, who oversaw military operations in Kabul and had opportunities to identify and address the need for safeguards. The position was held initially by Sabaown, and subsequently by commander Kashmir Khan.

*Level 6.* The party leader had ultimate responsibility for the military strategy, was closely informed of the progress and consequences of the rocketing and was the most influential figure on the military council. Gulbuddin Hikmatyar served as leader throughout the conflict.

### **Casualties and Damage Incurred**

Although the rocketing of Kabul by Hizb-i Islami was generally indiscriminate, there were three main categories of targets against which the Hizb-i Islami commanders directed their bombardment. Most of these targets were located in or surrounded by civilian areas. In particular, as the factional conflict continued, ISA troops were deployed in greater numbers around the capital, leaving a majority of ISA troops based within civilian areas. In these cases, the bombardments were often disproportionate; that is, causing excessive civilian casualties in proportion to the military objective. As noted in the US State Department report covering 1993, the Hizb-i Islami faction fired numerous rockets at the capital, frequently demolishing residential or commercial districts of no discernible military value.<sup>157</sup> The targets were:

Symbols of state authority, occupied by Shura-i Nazar forces, including in particular the presidential palace (Arg), the prime ministry (sadarat) and foreign office, other key ministerial buildings.

“Permanent” military and quasi-military targets, including military bases occupied by Shura-i Nazar, and even Massoud's guest house in Wazir Akbar Khan.

Tactical military targets, including positions along the front line and any target relevant to a particular ongoing operation.

However, the sheer magnitude of civilian casualties and wanton destruction resulting from bombardment during 1992-95, provides strong grounds for asserting there was excessive force. The continuity in the pattern of casualties throughout the campaign, with no evidence of any serious Hizb-i Islami attempt to alter its tactics to focus more effectively on military targets, indicates that Hizb-i Islami failed to take adequate measures to avoid civilian damage. Some of the episodes of bombardment occurred without any accompanying land offensive, or obvious urgency in possible military targets. This applies most particularly to the massive August 1992 bombardment, during which front lines remained static and it seemed that the bombardment was merely a reassertion of opposition. According to the International Committee of the Red Cross, one to two thousand people were killed by rockets in three weeks in August, and eight to nine thousand wounded.<sup>158</sup> During that period, Hikmatyar's forces fired most of the rockets that struck civilian areas of Kabul. Inflicting severe damage on civilian areas, as happened in August 1992 and in the absence of immediate military objectives, is the clearest case of indiscriminate use of heavy weapons.

### **6.3.4 Hizb-i Wahdat: Command and Control of Military Operations**

Hizb-i Wahdat did less well in the carve up of army weapons and former military personnel. Some fighters came over from the Hazara militias of the Najibullah era, but Hazaras had tended to be in the lower ranks of the army and there were few senior officers to defect. Exceptions were the commander of the 095 Division, Commander Zabet Akbar Qasemi, the commander of 097 Division, General Abuzar, and General Khudaidad Hazara, who at the beginning of the war acted as a military advisor to Mazari. "But," said one interviewee who knows Wahdat well, "Wahdat had ... local men who were good at street to street fighting, where light weapons were more useful than heavy weapons."<sup>159</sup>

According to a former battalion commander living in west Kabul, Junbish co-operated with Muhaqiq in Mazar-i Sharif to bring the senior Wahdat commander, General Abuzar and his men from the 097 Division from the north.

The former battalion commander stated that Wahdat's tanks were mainly deployed at their central military base, the Social Sciences Institute, while the artilleries and mortars were deployed in De Mazang and the Tap-i Salaam trenches. They were used to target Ittihad-i Islami forces in Deburi, Kot-i Sangi, Khoshal Mina, Qala-i Wahed and Rahman Baba and, after capturing these areas, the weapons were turned on Bagh-i Bala, Kart-i Mamourin, TV Mountain, De Mazang, Tap-i Toop and Bagh-i Baboor, "targeting military posts and the areas around them." The commander himself visited Rahman Baba, Deburi and Takhnik after they were captured and saw that tank shells had hit "most of the houses." He stated that those injured in the fighting were killed by Wahdat forces.

According to the battalion commander, the following deployments were made by Wahdat on the west Kabul frontlines.

097 Division, General Abuzar, from Mazar-i Sharif. Headquarters opposite Russian Embassy in Parvarishgah-i Watan. Controlled Polish embassy, Russian Cultural House, Kart-i Se, Kart-i Sakhi, Tap-i Salaam, and guarded the Hizb-i Wahdat leader Mazari in the Social Sciences Institute. After the collapse of Afshar, his central base was in Pul-i Sokhta.

2) Engineer Latif

Weapons:

1 Russian BMP tank in Aftantoo, Kart-i Charhar

2 mortars in Kart-i Sakhi  
2 Chinese 82mm artilleries  
Targeted TV mountain, Tap-i Silo, the areas behind the Red Cross Hospital and Kabul Medical Institute. Also Ittihad-i Islami bases in Khoshal Khan, Spin Kalai, De Morad Khan, behind the Russian Embassy and the Intelligence department, number 5.

3) 095 Division, Commander Ali Akbar Qasemi, from Nahoor district of Ghazni province. Originally based in Polytechnic, moved because of bombing from Television Mountain to a private house which had belonged to Pashtuns in the residential area opposite the Polytechnic. His headquarters was in two houses opposite Kart-i Char Jami mosque. 095 acted as a reserve force when the fighting became serious, and was responsible for targeting Pul-i Artan, Kabul zoo, De Mazang Fazil Beg, Niyaz Big, Silo and vicinity.

Weapons:

2 T62 tanks  
1 BMP  
2 ZU air defence  
1 BM1  
2 Gharanai mortars  
3 mid-range mortars  
8 82mm artillery used in general operation or when they were under attack.

Deputy of 095 Division, Commander Qais. He was based near Silo and behind the university; his headquarters was in De Bori.

Weapons:

2 BMP tanks  
1 huge Russian T.52  
1 Chinese BM1  
2 mid-range mortars  
1 82mm artillery  
2 ZK01  
1 ZU

096 Division Haji Amini, from Torkaman valley, Parwan province. The posts of this division joined with the other posts of Hizb Wahdat located in the front line of the fighting.

Weapons:

1 BM40  
2 BM16  
2 T55 and T62 tanks in Dasht-i Barchi

Independent Brigade 2, Shafi Diwana

Weapons:

2 BMP tanks  
1 60 PP tank  
1 huge T62 tanks  
3 Ghoranai mortars  
6 mid-range mortars  
12 artilleries

The posts of Shafi Diwana were in most of the front lines in west Kabul from Darulaman to Kot-i Sangi and from Kot-i Sangi up to Kart-i Seh. "He launched at every place that he wanted without the central command."<sup>160</sup>

After the collapse of Gen Momin in Daruluman, during fighting between Hizb-i Wahdat and Harakat-i Islami, Wahdat's weapons increased three-fold, for example, Shafi Diwana obtained more tanks, artillery and other heavy weaponry, as did Hami Amini. The former battalion commander stated that these were used to target Badam Bagh, Kart-i Parwan and the center of Kabul.

According to the intelligence officer, Wahdat's command structures were less formal than other factions, and attacks were not always coordinated by the senior leadership, although Mazari approved major attacks. Sayid Yazdan Shinas Hashim from Shashpul, Bamyan was head of Wahdat's military department. The commander in charge of heavy weapons was General Sakhi Khan, from Shinbol village of Bamyan; all heavy weapons were under his order and instructions. Heavy weapons in Russian Embassy were under the command of General Abuzar.<sup>161</sup>

The map of heavy weapons for the Shura Hamahangi 1994-95 campaign illustrates the following artillery positions controlled by Hizb Wahadat :

Artillery battery 8. Soviet Embassy (southern corner)

Artillery battery 9. Dar ul Aman, located in the Personnel Directorate of the Ministry of Defence

Artillery battery 10. Mahtab Qala/Qala Shahda, west of the military school

Artillery battery 11. Qala Qazi, adjoining brick kiln

### **6.3.5 Victims of Indiscriminate Shelling, Rocketing and Bombardment by All Factions**

Not all survivors of the factional fighting in Kabul are able to identify accurately the positions from which artillery and tank fire or rockets were fired. Afghanistan Justice Project researchers have interviewed a number of witnesses who were able to do so. Their testimonies reflect that nature of casualties and material losses suffered by civilians in Kabul from the bombardment of their city. The following represents only a few cases among the thousands of such incidents that occurred.

A., a resident of Pul-i Artan, described the killing of his son in a rocket attack. At about 2:00 in the afternoon on December 30, 1992, twelve-year-old Baqi was playing with other children in the street near their residence. Without warning, a rocket landed in the street and exploded. Shrapnel hit Baqi in the neck and killed him on the spot. The neighbors identified the rocket fragments belonging to a BM21 rocket. A. was aware that the area of Pul-i Artan was under bombardment from Hizb-i Islami forces stationed in the Rishkor army base.<sup>162</sup>

Z. stated that in 1994, her sister was living in Tahia Maskan area with her four children. One of her sons was 17 and one her daughters was 10; she also had two other children. A rocket fired from an area controlled by Hikmatyar struck her house, killing Z.'s sister, the 17-year-old and the 10-year-old, all of whom were in the house. The other two children were outside. Z. told the Afghanistan Justice Project:

The bodies could not be recognized. Their feet and hands were thrown everywhere. Then, we buried them. The two other children now live with their father. Also two other women

and one boy were killed in the block near them. First, they were seriously injured and then died. At that day including my sister and her children six people were killed and buried.<sup>163</sup>

N. described an attack on Kart-i Nau in August-September 1993:

We were living in Sarak-i Nau of Kart-i Nau All the areas of Kart-i Nau were destroyed by indiscriminate rockets of Gulbuddin. One of these rockets hit our house. Thank God no body was injured, but my daughter became disabled because of the terrible sound of the rocket. She could speak fluently, but you see that she cannot speak now and she cannot walk too. It is as if she is 5 or 6 years less than her real age. We used lots of medical treatment, but it didn't help. This is the result of these hostile fighting that hurt our life seriously.<sup>164</sup>

Md. told AJP about an attack in 1993:

In 1372 (1993) when the mujahidin parties came to Kabul, the indiscriminate rockets of Gulbuddin killed and injured so many people and some became disabled. We were living in Afshar Darulman at that time. It was about 4 o'clock in the afternoon when a rocket hit our house near the door of the yard. My brother and eight or nine youth were standing in the lane and these eight or nine people except two of them got killed in a very bad way that you could not recognize them. My brother was injured seriously in his stomach and the fraction of the rocket is still in his body. People collected the bodies with shovels and made a shrine there. Those who were killed due to launching this rocket were Daoud, the university student in third class of engineering faculty, Fawad, a young 18-years old boy, and I don't know the others who were killed by this rocket.<sup>165</sup>

The assault on west Kabul launched in February 1993 represents an example of indiscriminate bombardment by Shura-i Nazar and Jamiat forces. The Afshar area was subjected to heavy bombardment during the first day of the operation. Although there were significant military targets in the area, including the Social Science Institute being used as headquarters by Hizb-i Wahdat, a disproportionate number of rockets, tank shells and mortars fell in civilian residential areas. The command centers of Jamiat / Shura-i Nazar forces were within sight of Afshar, the intent of the attack appeared to be to drive out the civilian population from Afshar. The number killed by the bombardment is not known, but the Afghanistan Justice Project interviewed many survivors, all of whom described seeing bodies in the area. They also stated that the shelling and mortar fire was so intense, many residents hid on the first day, and did not try to leave.

From the Shura-i Nazar side of the frontlines, a resident of Tap-i Salaam, K., whose area was under the control of Gul Haider, described an episode of fighting between Shura-i Nazar and Hizb-i Wahdat. In Hut, 1371 (February-March 1993), he said, "I was watching the fighting from my uncle's house. The armed men of Gul Haider Panjshiri were launching mortars from Tap-i Salaam at the men of Ali Akbar Qasemi in the university area. It was almost afternoon when the father of our neighbor came to see my uncle because his leg had been wounded. My uncle was an army officer and always had a first aid kit at home. While he was treating the leg, he sent me outside to fetch some water because he needed to wash the wound. The other members of the family were in the hall watching him treat our neighbor."

While K. was outside, his uncle's house was hit by a Wahdat shell. "The yard went dark and dusty," he said. "A lot of bricks and earth had fallen on me, but thank God, I wasn't hurt, just

confused and shocked. But when the air cleared a bit, I cleaned my eyes and opened them, I saw that both floors of the house were destroyed. I could hear low cries and I tried to lift the bricks and the soil, but I couldn't."

K. went to fetch a cousin who helped him dig out the bodies under darkness and bury them in the yard: the fighting was too heavy for them to take the bodies elsewhere. Nine people had been killed:

- 1 His uncle, Captain Mohammad Azim
- 2 Uncle's wife (unnamed)
- 3 Zalmai, 16 years old
- 4 Zelgai, 14 years old
- 5 Delgai, 12 years old
- 6 Zemary, 10 years old
- 7 Shakila, 8 years old
- 8 Feriba, 6 years old
- 9 The father of their neighbour, Nazar Mohammed

From the ruins of his uncle's house, K. found a fragment of the shell. It had been launched, he said, from the university/Polytechnic area which was held by the Wahdat commander, Ali Akbar Qasemi. A separate witness, a former battalion commander, who was living in west Kabul, testified that Ali Akbar Qasemi did possess a BM1. K. stated that cleric of the local mosque told him he had prayed over 38 bodies that day, all people from Tap-i Salaam who had been killed in the Wahdat shelling and rocketing. After that time, said K., most local people from Jamal Mina, Tap-i Salaam and Kart-i Sakhi left for other parts of the city or Pakistan. Most left without goods, he said, and came back to find everything looted, including windows and roof timbers.<sup>166</sup>

Two men from west Kabul both describe losing children in rocketing attacks launched by Ittihad-i forces. Q., a carpenter, was living in Qala Shada on Saratan 27, 1371 (August 18, 1992) when an Ittihad rocket hit his home, "All the rooms were destroyed and one of my sons, Mohammad Ismael, who was 8 years old, was killed in a very nasty way – his body was left full of holes. Other members of my family who were in other rooms were injured so badly that it took a long, long time for them to heal."<sup>167</sup>

Another victim of Ittihad rocketing, I., who was living in west Kabul in 1371 (1992) when, as he described it, the factions were fighting for power. "One day, a rocket hit my home and killed my son, Mohammad Hassan, who was 28 years old and my daughter, Zahra, who was 24. It was fired from Company or Diwan Bigi where the armed men of Ittihad-i Islami were deployed."<sup>168</sup>

Another civilian witness, M., testified that Shura-i Nazar was able to cause considerable destruction in west Kabul because of its control of strategic heights. M. remembers Shura-i Nazar launching, "heavy weapons and light weapons from the mountains above the people, against the residential areas." In 1372/1992, he said, there was serious fighting between Shura-i Nazar and its ally, Ittihad-i Islami on the one hand and Hizb-i Wahdat that had gone on, "for days and for nights." His father had a hand cart and continued to go out to work despite the fighting, "One day," said M., "while the fighting was going on, Shura-i Nazar launched a rocket at the De Buri area.. Shrapnel from the rocket hit my father and killed him. Then, people gathered and

carried the body to Sar-i Kariz Mosque and then buried him in Sang-i Zughal cemetery in Qala Shada.”

### 6.3.6 Summary of all bombardments 1992-94

The following list of civilian losses from bombardments launched by all of the armed factions is partial; however, even this limited survey indicates the magnitude of the damage done: as a result of the following seventeen incidents, nearly 1,000 people were killed. There were hundreds of such incidents between 1992 and 1995. The numbers given are from a compilation of press reports, generally citing hospital figures.

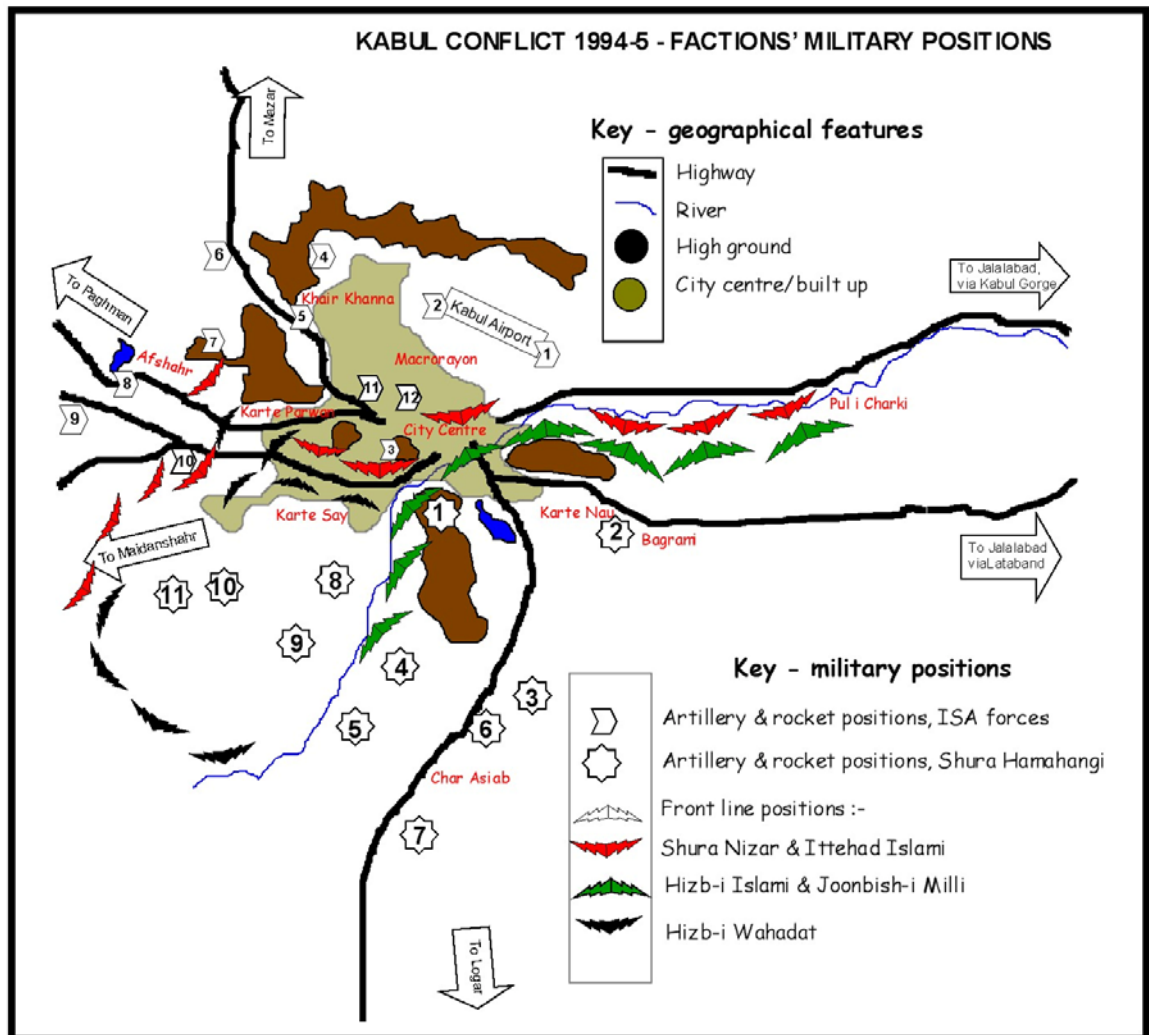
While the armed factions responsible may have had military targets in mind, those targets were based or were moving in primarily civilian areas. While they were still legitimate military targets, the scale of the bombardments and kinds of weapons used represented disproportionate use of force, prohibited by the Geneva Conventions. As this list makes clear, all of the factions participated in rocketing and artillery attacks; those with aircraft also carried out aerial bombardments

1. On May 5-6, 1992, **Hizb-i Islami** subjected Kabul to a heavy artillery bombardment, killing and injuring an unknown number of civilians.
2. On May 23, 1992, despite a cease-fire, the forces of **Junbish-i Milli** bombarded Hizb-i Islami positions in Bini Hissar, Kalacha and Kart-iNau.
3. On the May 30, 1992, during fighting between the forces of **Junbish-i Milli** and **Hizb-i Islami** in the southeast of Kabul, both sides used artillery and rockets killing and injuring an unknown number of civilians.
4. On the June 3, 1992, heavy fighting between forces of **Ittihad-i Islami** and **Hizb-i Wahdat** in west Kabul. Both sides used rockets, killing and injuring civilians.
5. On June 5, 1992, further conflict between forces of **Ittihad** and **Hizb-i Wahdat** in west Kabul. Both sides used heavy artillery, destroying houses and other civilian structures. The bombardment killed and injured an unknown number of civilians.
6. In the conflict of June/July 1992, **Shura-i Nazar** bombarded Hizb-i Wahdat positions in Kart-iSakhi, Khushhal Khan Mina, Darulaman, Kart-e Seh, and Kart-iChar, causing heavy casualties and destruction of houses.
7. On August 10, 1992, Kabul city experienced the heaviest rocket bombardment to date by **Hizb-i Islami**. The fighting began at 5:00 a.m. as Hizb-i Islami targeted government-held positions, firing from three locations, Chilsatoon, Darulaman and Tappa Miranjan. This attack and the ones that followed through the month of August from all sides in the fighting killed hundreds of civilians, according to press reports.
8. On August 13, 1992, a rocket attack on Deh Afghanan, using cluster bombs, killed more than 80 and injured more than 150, according to press reports. President Rabbani blamed **Hikmatyar** for the attack. In response the **Shura-i Nazar** forces bombarded Kart-iNau, Shah Shaheed and Chilsatoon with a heavy aerial bombardment and from the ground. As a result of this counter-attack more than 100 people were killed and on 120 wounded, most of them civilians. A large number of houses were destroyed.
9. On January 23, 1993, hundreds were killed and wounded and houses destroyed in rocketing in fighting between **Hizb-i Islami** and **Jamiat-i Islami/Shura-i Nazar**.
10. On the February 26, 1993, **Shura-i Nazar** and **Hizb-i Islami** bombarded each other's positions with rockets, causing heavy civilian casualties.
11. On March 9, 1993, heavy rocketing in Kabul left tens of victims dead and wounded. The **Ministry of Defense** blamed **Hizb-i Wahdat** for the attack and in response

- launched a heavy weapons bombardment of residential areas controlled by Hizb-i Wahdat, causing heavy casualties and destruction of buildings.
12. On May 13, 1993, heavy artillery bombardment and aerial bombardment in fighting between **Shura-i Nazar** and **Hizb-i Wahdat** left 30 people dead and hundreds severely wounded, according to press reports.
  13. On May 23, 1993, **Shura-i Nazar** planes bombed Hizb-i Islami positions inside the city at Chilsatoon. This left 10 people killed and 14 wounded, most of them civilians..
  14. On the November 17, 1993, four aircraft controlled by **Shura-i Nazar** bombed the bazaar of Sarobi (a town in the east of Kabul Province). This attack killed and wounded many of the shopkeepers of Sarobi and destroyed one mosque.
  15. On January 1, 1994, a new round of fighting began between government forces and the newly allied forces of Dostum and Hikmatyar in Kabul, accompanied by intensive rocketing and shelling of predominantly civilian areas by both sides. A journalist described the fighting as the worst since the fall of the Najibullah government and characterized the battles around the government-controlled areas of Microraion as particularly bloody.<sup>169</sup>
  16. On October 23, 1994, 31 civilians were killed in a **Hizb-i Islami** rocket attack on Kabul city.
  17. On October 23, 1994, hundreds of people were killed or wounded. in rocketing and bombardment by **Shura-i Nazar** in support of Harakat-i Islami (Mohseni) forces against Hikmatyar and Junbish. This figure was confirmed by the ICRC, which estimated that in the previous three months of fighting 2000 Kabul residents had been killed.



Bombardment of Kabul 1994-95 : map of artillery deployed during the Shura Hamahangi campaign



## **6.4 Massacre and Mass Rape in Afshar**

### **The Context of the Operation**

The Afshar operation of February 1993 represented the largest and most integrated use of military power undertaken by the ISA up to that time. There were two tactical objectives to the operation. First, Massoud intended, through the operation to capture the political and military headquarters of Hizb-i Wahdat, (which was located in the Social Science Institute, adjoining Afshar, the neighborhood below the Afshar mountain in west Kabul), and to capture Abdul Ali Mazari, the leader of Hizb-i Wahdat. Second, the ISA intended to consolidate the areas of the capital directly controlled by Islamic State forces by linking up parts of west Kabul controlled by Ittihad-i Islami with parts of central Kabul controlled by Jamiat-i Islami. Given the political and military context of Kabul at the time, these two objectives (which were largely attained during the operation) provide a compelling explanation of why the Islamic State forces attacked Afshar.

### **Responsibility for the abuses committed during the operation**

The forces that launched the offensive in west Kabul on February 10-11, 1993 all formally belonged to the ministry of defense of the ISA.

The minister of defense and de facto commander-in-chief of the ISA at the time of the Afshar operation was Ahmad Shah Massoud. He had overall responsibility for planning and command of military operations. He directly controlled the Jamiat-i Islami units and indirectly controlled the Ittihad-i Islami unit. Massoud secured the participation of the Ittihad-i Islami units through agreement with Abdul Rasul Sayyaf, the leader of the party. Although the Ittihad units had been given Afghan Army formation numbers, commanders in the field took their orders from senior Ittihad commanders and Sayyaf himself. Sayyaf acted as the de facto general commander of Ittihad forces during the operation and was directly in touch with senior commanders by radio. In this sense, Sayyaf shares equal command and control responsibility with the top Jamiat military leadership.

Given the pattern of violence and ethnic tension that had preceded the operation, the general commanders could and should have anticipated the pattern of abuse that would result when launching an offensive into a densely populated Hazara majority area. Furthermore, as fighting took place in an area barely two kilometers from the general command post, and field commanders were equipped with radio communications, the general commander must have known of the abuses taking place in Afshar as soon as they started. Both Massoud, together with his senior commanders, and Sayyaf failed to take effective measures to prevent abuses before the operation commenced, or to stop them once the operation was underway.

While it has not been possible to identify individual commanders responsible for specific instances of execution or rape, the Afghanistan Justice Project has been able to identify a number of the commanders who led troops in the operation. Testimony indicates that both Jamiat and Ittihad troops committed abuses. Although some of the commanders were only involved in legitimate military actions, capturing and securing a designated objective, commanders who took place in the operation on the ground have a case to answer to determine whether they restrained their troops from abuses, or whether they and their men actively participated in the summary executions, rape, arbitrary detentions and other abuses that occurred during the operation.

The Islamic State, through Defense Minister Ahmad Shah Massoud and leader of factional ally, Abdul Rasul Sayyaf, committed the following military forces to participate in the Afshar operation: <sup>170</sup>

### **Jamiat-i Islami commanders and units**

*Mohammad Qasim Fahim*, director of intelligence, with responsibility for special operations in support of the offensive and participating in planning of the operation.

*Anwar Dangar*, commander of a division level unit of mujahidin from Shakkar Darra, Shamali, named by numerous witnesses as leading troops in Afshar that carried out abuses on the first two days of the operation.

*Mullah Izzat*, commander of a division level unit of mujahidin, from Paghman, named by numerous eye witnesses as leading troops in Afshar that carried out abuses on the first two days of the operation.

*Mohammad Ishaq Panshiri*, commander of a brigade level unit of mujahidin (lewa) that, according to witnesses, participated in the assault

*Haji Bahlol Panshiri*, commander of a brigade level unit (lewa) that, according to witnesses participated in the assault

*Baba Jullunder Panshiri*, commander of a brigade level unit (lewa) that participated in the assault

*Khanjar Akhund, Panshiri*, commander of a battalion level unit (ghund) that participated in the assault

*Mushdoq Lalai*, battalion level, participated in the assault

*Baz Mohammad Ahmadi Badakhshani*, commander of a division level unit that participated in the assault, attacking from Qargha

### **Ittihad-i Islami commanders and units participating in the operation**

*Haji Shir Alam*, division commander affiliated to Sayyaf, from Paghman, named by numerous eye witnesses as leading troops in Afshar on the first two days when abuses were committed

*Zulmai Tufan*, commander of the Lewa 597 brigade, named by numerous eye witnesses as leading troops in Afshar on the first two days, when abuses were committed. (Lewa 597 existed before the fall of Dr. Najibullah's government when it was called Lewa Moradat-Tank). It was in based in the Company area of west Kabul.

*Dr. Abdullah*, commander of a battalion level unit (ghund) of the Lewa 597, named by several witnesses as leading troops in Afshar on day one and two, when abuses were committed

*Jaglan Naeem*, commander of a battalion level unit (ghund) of the Lewa 597, had stationed troops in Afshar by second day of the operation

*Mullah Taj Mohammad*, named as participating in planning of the operation

*Abdullah Shah*, named by several witnesses as leading troops in Afshar and responsible for arbitrary arrests, abductions and other abuses. <sup>171</sup>

*Khinjar*, who had stationed troops in Afshar by the second day of the operation

*Abdul Manan Diwana*, commander of a battalion level unit (ghund), named by witnesses as stationing troops in Afshar by the second day of the operation

*Amanullah Kochi*, commander of a battalion level unit (ghund), had stationed troops in Afshar by second day of the operation

*Shirin*, commander of a battalion level unit (ghund), had stationed troops in Afshar by the second day of the operation

*Mushtaq Lalai*, commander of a battalion level unit (ghund), had stationed troops in Afshar by the second day of the operation

*Mullah Kachkol*, had stationed troops in Afshar by second day of the operation

### ***Narrative of the operation***

All of the forces that ultimately participated in the fighting on February 10-11, 1993, were already deployed in and around Kabul before the start of the offensive. The main preparations made by the ISA were the conduct of special operations to weaken the Hizb-i Wahdat defenses and deployment of additional artillery for the bombardment. As director of intelligence, Mohammad Fahim had overall responsibility for special operations. His personnel contacted a number of the Shia commanders around Afshar and obtained their commitment to cooperate with the Islamic State offensive.<sup>172</sup>

The most significant new deployment of artillery before the operation was the position on Aliabad Hill. Massoud pre-positioned a ZO 23 gun there, with the detachment of 30 men, to target the area around the Central Silo, Afshar, Kart-iSeh, Kart-iChar and Kart-iSakhi.<sup>173</sup> The main significance of the massive firepower and the large number of positions from which artillery was used is that they demonstrate the scale and significance of the operation. This was not a raid or skirmish but a full scale battle, in which the Islamic State deployed the combined military resources from the old Soviet era army and the mujahidin against targets within the capital city, all of them located in areas that were primarily residential, with the civilian population intact.

Witnesses who were associated with the military at the time of the operation have provided accounts of the planning and military coordination that Massoud undertook prior to actually launching the operation on the ground. However, this represents only a partial view of the planning, as an operation of this scale must have involved intensive preparations. According to one witness, the top Jamiat commanders, along with selected senior Ittihad commanders (Shir Alam and Zulmai Tufan), and with the main Shia ally, Massoud Hussain Anwari, plus the ISA military advisors, met under the chairmanship of Massoud at Corps headquarters in Badambagh two days before the operation. Another meeting was held in an intelligence safe house in Kart-iParwan, near the Intercontinental hotel, on the night before the offensive. Massoud used the same house as an operations room for much of the day. There was also a meeting of the Ittihad commanders, under the chairmanship of Sayyaf, in Paghman, one day before the operation. The purpose of these meetings was to instruct key commanders on their role in the ground offensive.<sup>174</sup>

The ISA forces commenced a generalized bombardment of west Kabul on the night of February 10-11, 1993, with targets both around the Social Science Institute and Afshar and in the rest of the Shia areas of the city. Troop movement started around 05.00 on February 11, and this is generally remembered as the time of the full commencement of the operation. The first decisive troop movement was from Badambagh to the top of the Radar Hill, part of the Afshar ridge. ISA troops were immediately able to take over positions along the top of the ridge unopposed and the main Hizb-i Wahdat defense posts there were burned and the tanks stationed there immobilized.

A large contingent of both Ittihad and Jamiat forces advanced towards Afshar from the west. The closest point of the front line to the main target of the operation was the Kabul Polytechnic. A Jamiat force advanced along the main Afshar Road, from Kart-iParwan and the Intercontinental Hotel, towards the Social Science Institute, entering Afshar from the east. The ISA forces did not advance along other sections of the front line marking the west Kabul

enclave, although they maintained an intense bombardment and had ample forces deployed to maintain a threat of advance.

However, by 13.00 Hizb-i Wahdat's main defense line along the Afshar ridge was gone and their hold on the Social Science Institute untenable. Mazari and his top commanders fled the Institute on foot. By 14.00 the ISA forces were able to occupy the Social Science Institute, and the forces that had advanced from the east and the west, met up in Afshar, having taken effective control of the area. They deployed in Khushhal Mina and Afshar, but made no further advance. Troops started to secure the area, establishing posts and undertaking a search operation. It was this search operation that rapidly became a mass exercise in abuse and looting, as described in the civilian eyewitness testimony below.

Mazari was able to order the re-establishment of the defense line along the edge of Khushhal Mina, next to the Central Silo and Kart-iSakhi, thus retaining most of the rest of west Kabul. Some of the Afshar residents, basically those considering themselves most vulnerable, managed to flee with the departing Wahdat troops (this factor seems to account for the relatively low number of male youths mentioned in the casualties in the testimony). However, the majority of the Afshar civilian population was in place as the ISA forces took over. Because of the bombardment, active fighting and presence of potentially hostile troops, it seems that many civilians were unable to leave on the first day of the operation. However, a mass exodus took place on the night of the February 11-12. Women and children fled mainly towards Taimani, in north Kabul, and they found shelter in schools and mosques in the Ismaili quarter there. Some old men elected to stay and guard houses and possessions, but testimony indicates that the troops mainly targeted men for arbitrary detention and summary execution, i.e. male civilians were not free to leave the area. Most survivors who fled Afshar described seeing debris and corpses along the way, indicating that they fled after the main battle. By the end of the second day, the bulk of the civilian population had evacuated Afshar and it seems that this exodus was the development that most decisively ended abuses against civilians in the area.

On the second day of the operation, February 12, Massoud convened a meeting in the Hotel Intercontinental which, belatedly, discussed arrangements for security in the newly captured areas. This meeting was attended by top ISA military commanders and political figures, including Rabbani, Sayyaf, Hayatollah Mohsin, Ayatollah Fazl, and General Fahim. ISA did claim a Shia constituency and Hussain Anwari, as a senior ISA commander, was under pressure from Shia civilians to make some arrangements for their safety. The meeting ordered a halt to the massacre and looting and agreed on an exchange of envoys between the warring parties, for identification of prisoners. It also called for a withdrawal of the offensive troops, leaving a smaller force to garrison the new areas.<sup>175</sup> Given the scale of abuses that occurred on the first two days of the operation, before the meeting, it was clearly too late to prevent the main abuses. The meeting also seems to have been ineffective in halting the looting of the area, as the destruction of housing in Afshar happened largely after the meeting.

## **The War Crimes: Indiscriminate Attacks, Rapes, Abductions and Summary Executions**

### **Indiscriminate Shelling and bombardment of civilian areas**

The Afshar area was subjected to heavy bombardment during the first day of the operation. The principal military targets would have been the Social Science Institute and the other main Wahdat garrisons. However, the Social Science Institute was never hit. The majority

of the rockets, tank shells and mortars fell in civilian residential areas. As the command centers of both the Ittihad and Jamiat forces were within site of Afshar, it appears that the attack was intended to drive the civilian population from Afshar—which it succeeded in doing. The number killed in the assault (not including those summarily executed) is not known. Virtually every witness interviewed by the Afghanistan Justice Project described seeing bodies in the area. Indeed, the shelling and mortar fire was so intense, many residents hid on the first day, and did not try to leave. Although this may have reduced civilian casualties from the bombardment, it left these civilians vulnerable to the abuses that followed.

## **Summary Executions and Disappearances**

As noted above, the parties to the conflict were bound by Common Article 3 to the Geneva Conventions, which prohibits summary executions, torture and hostage taking. Witnesses interviewed by the Afghanistan Justice Project stated that a group of Hizb-i Wahdat soldiers was taken prisoner from Wahdat headquarters at the Social Science Institute by Ittihad-i Islami forces on February 11. In addition to these, a large number of civilian men and suspected Wahdat militants were arrested from the Afshar area after Ittihad captured it. The number taken is not known. One group of Hazara prisoners held by Ittihad-i Islami was subsequently used by the Ittihad commanders to undertake burial of the dead from the Afshar operation, after one week. This group of witnesses has reported that their relatives were among the civilian and military prisoners taken by Ittihad who subsequently disappeared and are believed to have been summarily executed by Ittihad forces. The Afghanistan Justice Project has been able to obtain only a few of the names of the victims. Some other men were taken from their homes.

Witness A told the Afghanistan Justice Project that he and his family had tried to escape, but the rocketing and shelling was too intense. “We ran to my mother-in-law’s house and hid there. Other people told us that people were being killed on the roads. Eventually a few other families joined us. We could hear the radios of some of the Sayyaf people and they were being warned not to start fighting over the loot. The armed men – who were from Sayyaf and from Jamiat – were looting all the houses. Sayyaf’s people spoke Pushto; Jamiat spoke Dari. I sent my family to another place and I stayed at the house. At about 11:00 a.m. a commander named Izatullah (from Ittihad) came to the house with about ten other armed men. I had left the door open hoping the militias would think the house empty. They came in and beat me and took me to Qargha river where I was put into a container with about 60-65 men. It was very crowded. Sometimes some men were taken out and made to do work, like chop wood.” After a week the prisoners were all told how much they would have to pay to be released. The witness was told he would have to pay \$5000. He told them he did not have that much money, but friends in Paghman came and paid for his release.

Witness B told the Afghanistan Justice Project that Ittihad-i Islami troops had beaten her and arrested her unarmed husband from their residence in Afshar, and that he was still accounted for.

Witness C told the Afghanistan Justice Project that the soldiers searched the houses looking for men. “I was taken to Paghman. At night I was kept in a container; during the day I and other 10-20 men were made to dig trenches. There were lots of containers. At night some men would be taken out and not come back. We could hear shots and we assumed the men had been killed. I think some were buried in the trenches. I finally escaped by hiding in the river under a bridge. I left and went to Quetta.”

Witness M. told the Afghanistan Justice Project that at 7:00 in the morning, when Ittihad-i Islami captured Afshar, a group of armed men entered her residential compound, and detained S., her husband. They released him after 45 days. He had been beaten so severely his hearing had been permanently damaged and he was deaf. According to his wife, he also had difficulty recognizing people. After he was detained, a second group of 10-15 Ittihad soldiers came to the house between 3:00 p.m. and 3:30 p.m. They claimed that they were looking for Wahdat forces, they grabbed M.'s son by the arm. "My son was about 11 years old. They held him and asked where his father was. They aimed their guns at him and I threw myself over him. I was shot in the hand and leg but he was shot five times. He died." The soldiers then took the family belongings and left.

Witness K, 75 years old, stated that troops affiliated to Sayyaf abducted him from Sar-i Jui, Afshar on the day of the Afshar operation, February 11. He was one of a group of seven men who were taken prisoner, and beaten severely and made to act as porters to help carry goods being looted from Afshar. The Ittihad troops then took him to Company (a Sayyaf-controlled area) on that day and held him there for two months. The commander who captured him was Ghulam Rasool, affiliated to Sayyaf. He stated that after that he spent two months in Shakar Darra as a prisoner of Anwar Dangar, and then three months in Farzah with Commandant Haneef. He witnessed the troops summarily executing one of his relatives, Qambar Zohar.

Witness G was briefly arrested and beaten unconscious by Ittihad troops on the first day of the operation. When he returned to the area later he removed two bodies from his well, and estimates that he saw 30-35 bodies himself while fleeing the area (including a decapitated head left in a window).

Abdullah Khan, of Ghazni Province, 67 years old, was arrested from Afshar by Commander Aziz Banjar, a Sayyaf commander. The rest of the family had fled to Taimani during the main military operation. Abdullah Khan had stayed on in Afshar to guard the household goods. However, all household goods were stolen during the operation and the house was destroyed. The family has have been unable to trace Abdullah Khan and so he remains missing.

Witness Sh. told the Afghanistan Justice Project that when Ittihad forces entered her house, they beat to death her father inside the compound. They then stole all household belongings.

### **Rape by Ittihad Forces**

During the Afshar operation, Sayyaf's Ittihad-i Islami forces used rape and other assaults on civilians to drive the civilian population from the area. The Afghanistan Justice Project interviewed many witnesses who described incidents of rape by Ittihad forces during the Afshar operation. Witness M. (see statement above) was injured in the hand and leg when Ittihad soldiers shot her son. She stated: "While I was still bleeding they raped me." She stated that three soldiers held her down while the fourth raped her in the basement of her own house. Several other women had also taken shelter in M.'s house: a neighbor, Z., and her two daughters, and another woman, R. The Ittihad troops raped Z.'s two daughters, ages 14 and 16, and the woman, R. The soldiers took them by turn down to the basement to carry out the rape. One of Z.'s daughters was injured by a bayonet when she attempted to resist.

Another witness, S., stated that armed men had burst into her house at Afshar-Silo on the second day of the Afshar operation. They beat and raped her and her sister in their house and looted the contents.

Witness Sh. stated that after capturing Afshar, Ittehad-i Islami troops forcibly entered her house at 7:00 a.m. They raped four girls in their residential compound, including Sh. her sister, age 14 years, and two others.

There were many other reports of rape; the numbers of women raped is not known. Residents of Afshar did not return until after 2001. As of mid-2005, the area remains largely flattened, although some former residents have returned to the ruins of their former homes.

## **6.5 Torture and summary executions and other abuses by Hizb-i Wahdat forces, principally in Kabul and Mazar-i Sharif 1992-1998**

### **Political context of abuses attributable to Hizb-i Wahdat**

Hizb-i Wahdat was formed in 1989 as a merger of eight of the Shia military-political factions that had operated during the resistance against the PDPA government and Soviet occupation in the 1980s. During 1989-1992, Hizb-i Wahdat was largely successful in extending political control over the Shia Hazara majority areas in the center of the country, the Hazarajat. In so doing, it managed to propel the region out of the state of inter-factional conflict and civil war that had prevailed in Hazarajat for much of the 1980's and prepare for the widely anticipated fall of the PDPA government. Hizb-i Wahdat cooperated with the emerging alliance of northern forces in 1991-1992 that led to the ousting of the PDPA administration in Mazar-i Sharif and led the way for the infiltration of northern militia forces into Kabul in the dying days of the PDPA regime to ensure that Jamiat, Junbish and Wahdat (and not Hizb-i Islami) had the upper hand in the capital. By 1992, it was the leading Shia party, over-shadowing the one major Shia party that stayed out of the merger, Harakat-i Islami, of Sheikh Asif Mohseni. Hizb-i Wahdat was thus in a position to bid for a share of power in the urban areas which were host to large Hazara migrant communities and had until 1992 been under government control. In the event, when the PDPA government collapsed in 1992, Hizb-i Wahdat grabbed control of significant parts of two major urban centers, Kabul and Mazari-i-Sharif. Hizb-i-Wahdat ran a de facto separate administration in west Kabul from 1992 until its expulsion in 1995. It continued as one of the leading factions in Mazar until August 1998, and was particularly powerful in the northern city after Malik fled (see background section, above, and discussion of the massacre of Taliban prisoners, below).

Hizb-i Wahdat was excluded from the early stages of negotiations for formation of the mujahidin administration in 1992. It was brought in at a later stage and nominated cabinet ministers to Burhanuddin Rabbani's government in 1993 (including Karim Khalili as minister of finance). Before the takeover of Kabul, Mazari had signed the Jabul Saraj Accord with his northern allies, committing them to decentralization to the regions and power-sharing at the center. However, political differences soon emerged between Hizb-i Wahdat and the Massoud-Rabbani administration, whom Mazari accused of seeking to monopolize power. Hizb-i Wahdat was engaged in sporadic conflict with the ISA forces during 1993, and then a permanent state of war, through 1994 and 1995.



At the time of the take over of Kabul in 1992, Hizb-i Wahdat was headed by Abdul Ali Mazari. The party leadership was organized into a eighty-two person central committee that included the leaders of numerous Shia factions. After a hard fought leadership election in the party congress of 1994, Mazari was confirmed in his position, but Ustad Akbari split off, to head a rival faction of Hizb-i Wahdat. Also serving on the Central Committee were Abdul Karim Khalili, who was selected to take over as leader after the Taliban killed Mazari in 1995, and Mohammad Muhaqiq, who emerged as the leader of Hizb-i Wahdat in northern Afghanistan, a position of key significance when Hizb-i Wahdat lost its control of west Kabul in 1995. Abdul Karim Khalili was elected to the position of Vice President of Afghanistan in October 2004, a position he held as of July 2005. Mohammad Muhaqiq served as a minister in the post-2001 Transitional and Interim Administrations and came third in the presidential elections in October 2004.

In Kabul, Hizb-i Wahdat initially established its headquarters at the Social Science Institute, and had garrisons in other parts of west Kabul. Though nominally part of the interim government, Wahdat leaders felt sidelined from the exercise of power and major ministerial appointments and mistrustful of Massoud and Sayyaf. In the early days of the mujahidin presence in Kabul, there was a degree of cooperation between Shia commanders from all factions and their forces were deployed side by side in west Kabul. But as the factional conflict intensified, commanders from the different factions fought each other as they contested for control of territory.

A distinctive feature of Hizb-i Wahdat in this period was that it styled itself as a party of the oppressed. It ostensibly empowered and defended the rights of Shias in general and more particularly the Hazara ethnic minority, in the face of a history of inferior social status and exclusion from power and influence within the Afghan state. However, as the civil war developed, the call to empower the oppressed occasioned a new round of abuses. Hizb-i Wahdat commanders, newly in positions of authority over urban populations, were subject to no meaningful accountability and neither expected nor required any from their troops. They have been accused of visiting a reign of terror on the civil population and rivals alike.

The Afghanistan Justice Project has reviewed testimony charging commanders affiliated to Hizb-i Wahdat with a range of violations of the laws of war that fall into the following patterns:

1. War crimes committed pursuant to the factional conflict, principally the summary execution of prisoners and political opponents, torture, indiscriminate attacks and deliberate targeting of civilians and non-combatants.
2. Gross abuses against civilians, which were incidental to the conflict itself. These were directed largely against civilians deemed to be non-Hazara and aligned to rival factions, although some of the abuses were also directed against the ethnic Hazara civilians of Hizb-i Wahdat controlled areas. This pattern of abuse has been documented in both Kabul 1992-95 and Mazar 1992-98. The abuses include abduction, arbitrary detention, inflicting cruel and degrading punishments, rape, summary executions, wanton destruction and looting.
3. Chronic abuse of power, particularly in Hazara majority rural areas, where local commanders and administrators used their de facto impunity to indulge in abuses such as rape and forced marriage.

4. Failure of leadership to take effective action against commanders who abused the authority and military power that they wielded by virtue of their position in Hizb-i Wahdat.

A key aspect of the pattern of abuse by Hizb-i Wahdat commanders, as documented by the Afghanistan Justice Project, is that from an early stage in the factional conflict it assumed a sectarian character. Prisoners from opposing factions were executed and civilians were under suspicion because they belonged to the same ethnicity or sect as the opposing faction. Civilians of other ethnicities were targeted in an attempt to gain leverage over, or revenge against, opposing factions. A cycle of revenge operated in Kabul 1992-95. Sectarian violence started later in Mazar-i Sharif, but lasted longer, through the period of the major massacres 1997-1998, and after. Hazara civilians were among the victims of this cycle of violence. But abusive Hizb-i Wahdat commanders clearly contributed to launching and sustaining the violence and abuse.

### **6.5.1 Examples of abuses against civilians and political opponents in Kabul conflict, 1992-95**

As mujahidin factions consolidated themselves in Kabul in 1992, a series of clashes took place among commanders who were pushing for exclusive control of localities and trying to expand their boundaries of influence. The city population was intact, as no major exodus had accompanied the handover of power, and there was widespread hope that, with the fall of the PDPA government, the conflict would end. The population was trying to accommodate itself to this new carve up of the capital by commanders. The Afghanistan Justice Project has received extensive testimony on the abuses that accompanied the earliest episodes of factional conflict in post-communist Kabul. Some examples of those episodes, which included Hizb-i Wahdat and other Shia commanders, are presented here.

As part of this process of early commander led struggles in Kabul, in May-June 1992, fighting broke out between Hizb-i Islami commanders Didar, Riza and Haidar Lang on the one hand and the Shia, Harakat -i Islami commander Qambar Lang in the Mahtab Qala and Unchi Baghbanan areas of west Kabul. A delegation of ten notables from Unchi Baghbanan met with Hizb-i Wahdat and Harakat-i Islami commanders to negotiate a ceasefire in the area. The contested area, Unchi Baghbanan, had an ethnically mixed population of Pashtuns, Tajiks and Hazaras, as a result of which, commanders from the different mujahidin parties had established posts there. The peace delegation included the mullah of the mosque of Unchi and his 12-year-old son; the mullah of the mosque of Baghbanan; Jaglan (Major) Wardad, an elder of Unchi; and six others, all civilian. The testimony that the Afghanistan Justice Project has received describes how the delegation proceeded to Kot-i Sangi and the area then controlled jointly by Hizb-i Wahdat and Harakat-i Islami. There, troops loyal to both factions, including those commanded by Abbas Payadar of Harakat and Tahir Diwana of Hizb-i Wahdat, detained and summarily executed all but one of the delegates. The killings represented an example of one of the earliest incidents with a strong ethnic dimension, as the delegation comprised Sunni Muslim Pashtuns and Tajiks who were seeking guarantees from the Shia leadership. In the wake of the killings, according to the testimony, some 500 Pashtun and Tajik families from Unchi fled the area.<sup>176</sup>

In June 1992, fighting also broke out between Sayyaf's Ittihad-i Islami forces and Wahdat. This conflict seems to have been triggered by frictions arising from the competitive deployment of the two factions in west Kabul. Hizb-i Wahdat felt threatened by the presence of Ittihad posts initially deployed in areas with a largely Hazara population, such as in the Rahman Baba High School. Wahdat forces contributed to the tensions by arresting senior Ittihad commander, Shir Alam (who served as Corps Commander, First Army Corps, Kabul, under the Karzai administrations until early 2005), in Pul-i Surkh of Kart-i Seh. They released him but shot

one of his bodyguards. The fighting spread, and both groups targeted civilians. Ittihad abducted and detained Hazaras in west Kabul, and Wahdat did the same to Pashtun civilians. Some testimony indicates that both sides committed rape; although adequate documentation to establish the extent of sexual violence has so far been impossible.

The June 1992 conflict triggered the first sequence of mass arbitrary detention of civilians and confinement in transport containers by the armed factions that the Afghanistan Justice Project has documented. Both forces detained hundreds of people, most of them civilians. Although the wave of detentions happened in the wake of an outbreak of factional fighting, it bore at best a tangential relation to that conflict and does not seem to have been undertaken to achieve any particular military advantage. An unknown number of those who were abducted were executed or “disappeared.” Many were detained for their potential exchange value, or for extortion. Senior officials of both parties were aware of the hostage-taking and disappearances.

After April 1992, Hizb-i Wahdat moved quickly to establish the semblance of a criminal justice system in the areas newly under its control, generally by retaining the pre-existing police stations and prosecutors offices. They both allowed former regime personnel to continue in their roles as police officers, interrogators or prosecutors and deployed Wahdat personnel at the captured institutions. However, the systematic use of torture and arbitrary detention apparent in the testimony indicate that these institutions offered no substantive justice, only a cover for factional sanctioned violence. Hizb-i Wahdat’s main prisons included the Social Sciences Institute, before the fall of Afshar. Afterwards, the faction used Kota Gonai and Zone 3 Police Station in Shura Road. A witness interviewed by the Afghanistan Justice Project with intimate knowledge of Wahdat stated that a large number of prisoners captured by Wahdat during different phases of the Kabul conflict were killed at in Kota Gonai. According to testimony received, the commander responsible for giving the orders to have detainees executed was Bahrami of Jaghori district in Ghazni province, then a Wahdat commander for internal security.<sup>177</sup> He has also been accused of extensive use of torture. Other Wahdat officials who are named in testimony received by the Afghanistan Justice Project as having been involved in the interrogation of prisoners included:

- Parwana from Shaidan district of Bamyan, Wahdat’s senior prosecutor. Worked in Kota Ganai and the Zone 3 Police Station. Accused of routinely torturing detainees. Now believed to be living in Quetta, Pakistan.
- Kargar, a former member of PDPA, originally from Jaghori, Ghazni. Accused of systematic torture. Believed to be now living in Quetta, Pakistan.
- Aziz, from Bamyan, worked in Kota Gonai. Worked for the KhAD in the 11<sup>th</sup> Department during the Najibullah era. Believed to be now living in Kabul.
- Khadim, from Sheikh Ali. Member of Parcham wing of the PDPA, worked as a prosecutor of the armed force in the Najibullah era. Now believed to be living in Quetta.
- Mujtaba, from Torkham Valley of Parwan Province. Worked in the Social Science Academy before being assassinated. Had worked in the High Prosecution Department during the Najibullah era.<sup>178</sup>

One lower-ranking Ittihad-i Islami commander, Nazeer,<sup>179</sup> who was captured by the Wahdat commander, Shafi Diwana, when Wahdat forces overran his post in Diwan Bigi, described being detained in a container set in the ground in Kota Gonai. “We had to piss inside the container and they would throw food in to us,” he said. “During the night, they’d take a couple of people out and pretend to release them, but we still don’t know what happened to

them.” Until he became too weak, Nazeer said, he was interrogated daily, “They hung me upside down by my feet and burned petrol below me. And from above, they threw water. They beat me with pieces of wood and fired pistols next to my head.” He says he was blindfolded and made to sit cross-legged on the ground with nails driven into the ground to prevent him moving. Then a dog was let loose on him. “It was touching me and tearing my clothes and scratching me.”

Nazeer was eventually freed after his commander exchanged Wahdat prisoners with Shafi Diwana. Nazeer’s commander said he bought prisoners from other Ittihad-i Islami commanders to exchange for his subordinate. But one of the Wahdat prisoners had lost a hand in the fighting – and for this, Nazeer would be punished. “When they saw his hand was lost,” said Nazeer, “they cut off my hand too, there, in that room. There was an axe and they cut off my right hand and put it into the other hand to carry. I don’t know who cut it off because he had his face hidden and had on white gloves like a doctor. He got out of a land cruiser and they blindfolded me and for a while I didn’t understand what he was going on. Then when they cut my hand off, I understood everything.” Nazeer’s commander said he was later offered Hazara prisoners by one of the senior Ittihad-i Islami commanders, Mumtaz, to kill in revenge for the loss of the hand.<sup>180</sup>

Two men accused by Wahdat of belonging to the rival Shia faction, Harakat-i Islami, have also described their detention in Kota Gonai and elsewhere. Sami says he was arrested on 23<sup>rd</sup> Sombola 1373 (September 1994) and taken first to Commander Qasim,<sup>181</sup> and then to the head of Internal Security, Bahrami, who took him to one of the faction’s main detention facilities, Zone 3 Police Station. “At 1.30 in the night, they started to interrogate me. But they didn’t hear what they wanted, so they said they would kill me – to prove to others that struggling against Mazari’s forces was no easy thing.” After nine days of detention, he said he was taken out for what he believed was his execution. “In order to get rid of their guest,” he said. “they took me to the frontline of the fighting. But they handed me over to someone who smoked a lot of hashish and was also drunk. It was during the night and using the darkness, I escaped.”<sup>182</sup>

Another man, Wali, was working with government intelligence when he was arrested by Hizb-i Wahdat in 1994. They accused him of working for Harakat-i Islami. He remembers being arrested and taken to the base of Dr Sadiq Mudabir<sup>183</sup> and then to the Detective Branch (*kashf*) in Kart-i Seh.<sup>184</sup> He said he was kept there for seven days locked in a toilet that was deliberately flooded with water. He was then transferred to Kota Ganai, where, he said, Parwana was, “in charge of interrogation and torture.” Wali himself said he was only subjected to mental torture, including threats to hang him and insults towards his wife and family. Wali estimated there were 250-300 prisoners detained in Kota Gonai at the time. They included prisoners of war, Shias accused of crimes against Hizb-i Wahdat and a number of high profile political prisoners.<sup>185</sup> He said they were segregated, Sunnis and Shias. Wali’s family managed to intervene with Mazari and get their son released by guaranteeing that he would not leave west Kabul or go back to his government job or to areas controlled by Shura-i Nazar.<sup>186</sup>

Although Wahdat had central detention facilities, most commanders also had their own private prisons. Most civilian hostages rounded up during and after the June 1992 clashes were retained in these detention centers, rather than being handed over to the main facilities. Shafi Diwana kept prisoners in De Mazang and Kota Sangi, the Commander of Division 097, Abuzar, who is from Mazar-i Sharif,<sup>187</sup> used the Afshar Orphanage Association and the Alawadin Orphanage Association. Haji Amini, head of Division 096 had a personal prison in his home area of Parwan Province. Zabit Akbar Qasimi, head of 095 Division had detention facilities in the Technical College (Takhnik Sanawi) and De Bori. One former Wahdat battalion commander, Safdar, said the prison of 095 was some

distance from the two main buildings of the Technical College dormitory. “There were many, many prisoners in there,” he said, “some who had been arrested in the fighting, others who were civilians had been taken from their houses. Some were seriously sick because of not having enough food. I personally saw three men tortured in that prison who died as a result of the torture. One was from Fazil Baig, another was from Paghman and the third was from Maidan Shah. They threw the body of the Maidan Shah man beside the wall of the Higher Education Ministry. But the following day, the weather was warm and the body smelt really bad, so we buried him next to the wall.”<sup>188</sup>

A civilian whose son was arrested, detained and murdered by Wahdat forces is Gul, who is Tajik. She described how her son, Mohammed Haroun, then in his last year of school, disappeared on 15 Dalwa 1371 (February 2, 1993). His cousin told the Afghanistan Justice Project that they were both arrested by Wahdat forces as they walked past Spin Kalai High School. The cousin managed to escape. Fifteen days later, said Gul, after spending a lot of money, they managed to locate her son’s body. It was in a dry well at the Watan Orphan Association in Afshar with, she says, many signs of torture on it. “They burned him and took his eyes out.” said his cousin. “It is impossible to say the reason why the commanders of Wahdat committed such crimes,” said his cousin, “Maybe it was because of religious and tribal prejudice.”<sup>189</sup>

As different factions came into conflict with Hizb-i Wahdat, civilians seen as aligned with other groups came under suspicion or were seen as justifiable targets of attack. When tensions with Shura-i Nazar and the ISA worsened, leading to Wahdat’s leaving the ISA government at the end of 1992, Tajiks - who were associated with Shura-i Nazar – became suspect. Fatima, who is from Shomali, says her husband was accused of spying and possessing weapons after Wahdat took over their area near the Russian Embassy in fighting with Shura-i Nazar. She described Commander Shafi Diwana, the head of the Second Brigade and another commander whom she said had, “a reddish face” coming to their home and beating her husband. (Commander Shafi, was one of several Wahdat commanders whose excessive abuses earned them the epithet *Diwana* – meaning mad.<sup>190</sup> He had been a student at the university when the mujahidin captured Kabul, but became one of Wahdat’s most notorious commanders and is frequently cited in witness testimony.) After searching the house thoroughly and spoiling rice, flour and other food stuffs, she said they found no weapons, but still wanted to arrest her husband. They left only when she cried and gave the men all their money and belongings. A few days later, she said, three or four men from Wahdat came asking for tea from their neighbors, who were also from Shomali, and raped the young daughter of the house, Jamila. Soon after that, Fatima said, she and her family left the area.<sup>191</sup>

One woman, Sh., said her husband was arrested by Commanders Shafi Diwana and Nabi Gao at De Mazang Post and accused of being a Sunni Muslim and a Pashtun. They beat him, she said, breaking a hand and dislocating an elbow, both so badly, he was left disabled. Another woman, Bibi, remembered there being fighting between Shura-i Nazar and Hizb-i Wahdat in Alaodeen and Kart-i Seh in Hut 1372 (February 1994). Wahdat men were taking civilians from their houses, including men to dig trenches. Her husband, she said, was arrested in their street as he was leaving for work and taken to dig trenches at Shafi Diwana’s post at De Mazang. “My husband told them that they mustn’t take him, he had a family to feed and they must let him work. But they took no notice and beat him up and took him away.” Later, she said, she was informed that her husband was terribly injured and had been taken to the Red Cross hospital.<sup>192</sup>

Other civilians living under areas controlled by Wahdat forces appear to have been targeted merely because commanders had the power to abuse them. For example, Kamal, a

laborer living in Qala Ali Mardan, describes his fifteen year old son getting into an argument in 1373 (1994) with the local commander of the nearby post whose name was Commander Hadi. The following day, Kamal said, Hadi ambushed his son, took him to one of the streets and shot him dead, “No-one had any power at that time. I went everywhere to complain,” said the father. But it resulted in nothing.”<sup>193</sup>

Another witness, Ferida, who is originally from Shamali, said she had gone to her father’s home in Qala Qazi as a guest. A wedding party from Shamali came to fetch a bride from the area and was stopped at the Wahdat post in the Sar-i Pul part of Dashti-i Barchi. They took the bride forcibly out of her car and into the military post, said Ferida, but the Paghman commanders, Izzat and Zalmai were informed and came and there was serious fighting. Some members of the wedding party were injured, she said, but the bride, even though her clothes were torn, was rescued.<sup>194</sup>

Listening to testimony from those living in Wahdat-controlled areas, there is a strong sense of daily and often arbitrary abuse, what one witness, R., described as, ‘oppression.’ She said locals had to prepare food for the military post located in what had once been one of the foremost girls’ schools in Kabul, Rabia Balkhi. It was Jaddi 1371 (December 1992 -January 1993) and according to another witness who knows Wahdat well the post was then held by Commander Sayid Ali Jan from Wahdat. There was heavy fighting between Jamiat and Wahdat. Because of the “oppression” from the troops, R., said, people were leaving the neighborhood, so their turn to prepare food came more and more frequently. One night, she said, soldiers came round asking for food for fifteen people. “My husband told them there was no work and we have no money to buy anything. ‘Search the whole house,’ he said, ‘and if you find a pound of rice or flour, then shoot me!’” The soldiers got angry, Riffat said, and told him to give them his bike or they would kill him. They went to get food from other places. The following day, she said, her husband and a neighbor were arrested in the mosque and taken to Soria High School. Soldiers stole everything from their pockets and beat them so badly that her husband became ill.

Another time, R. said, Wahdat forces came to the house, beat them and demanded money; when they said they had none, the soldiers beat her two sons and left with some of the family’s belongings. The following day her brother-in-law (husband’s brother) was targeted, she said. The troops demanded that he leave his two-storey home which they wanted to turn into a military post. “They told him he had no right to take any of his belongings with him.” He died of a heart attack, she said, because of the oppression of Wahdat troops. R. said that, as the troops became crueller by the day, killing people and looting their belongings, the family decided to leave. They rented a handcart to take what was left of their belongings, but even then, had to give some of them to the soldiers. Later, when they finally returned to the house, she said, they found the doors, window and power cables had all been stolen.<sup>195</sup>

Another witness, Z. has described living in the Char-Rahi Najari area in 1372 (1993). One afternoon, she said, gunmen belonging to Commander Shafi Diwana entered her home and immediately started to beat her husband. “They wanted to know which faction he was affiliated to. He said he wasn’t affiliated to any party, he was a laborer, with a machine shop. Finally, they beat him and took him with them. We were poor people. We didn’t have money or property or expensive belongings. But they also took the belonging we had. For four or five days they had my husband and we had no information about him. Finally, God was kind to me and one of our neighbors told Commander Shafi Diwana that my husband was illiterate and not related to any faction. He came back home. He’d been beaten a lot. We were so afraid, we just left the area. We didn’t even take our remaining belongings.”<sup>196</sup>

Research carried out by the Afghanistan Justice Project does not indicate that the Wahdat senior command and leadership ordered the abuses against civilians. Some testimony refers to the leadership, Mazari in particular, receiving complaints about the behavior of their commanders. For example, witness Sami reports “In my presence, Ustad Mazari warned and threatened them (sub-commanders Abu Sharif Mazari and Morteza) not to commit these crimes which had dishonored them.” However, the persistence of the pattern of systematic abuse of civilians, and Wahdat leaders’ failure to enforce effective action against its commanders to stop and prevent abuses amounts to a policy of tolerating the behavior. Indeed, even though they were unable to enforce discipline among their subordinates, Wahdat leaders continued to recognize them as legitimate commanders within the faction and even acknowledged that the commanders had engaged in these abductions and other abuses in retaliation for similar actions by other factions.<sup>197</sup> Thus, in some cases the Wahdat leadership condoned the abuses as part of the interfactional rivalry, in others their unwillingness to control their commanders represents a serious failing of command and leadership. In either instance, they share culpability for the abuses that occurred.

### **6.5.2 Examples of abuses against civilians in the north**

In Northern Afghanistan, commanders who were affiliated to Hizb-i Wahdat commanders used their control over territory and ability to operate without any effective constraint and terrorized the civilian population. These actions took place largely apart from any relation to factional conflict. The Afghanistan Justice Project has received detailed testimony about the mass murder of Pashtun civilians on three separate occasions by Hizb-i Wahdat forces. They followed the initial defeat of the Taliban in Mazar-i Sharif in 1997 and, as far as the complainants can ascertain, were carried out simply for revenge. All of those killed were Pashtun, the same ethnic group as the Taliban.

Members of several families from the Tasadi area of Balkh described the killing of nine men and boys in 1376/1996 by a Hizb-i Wahdat battalion commander called Ali Sarwar Gunx . (Gunx, meaning mad or drunk is another of the epithets adopted by Wahdat commanders who had a reputation for brutality). One civilian, Mohammad, said that Commander Sarwar, who had men deployed in the Tasadi, Ali Chopan and Kart-i Ariana areas of Balkh province, arrested all the Pashtuns working on a farm belonging to a local businessman called Rasul Barat. His father, Amir Gul and his thirteen year old brother, Gul Mir, and six other men and boys were arrested. Their hands were tied and they were taken to a nearby Shia mosque (*takhi khana*) in Ali Chopan village. Then, says Mohammad, they were beaten to death - with guns, pieces of wood, stones, knives and bayonets – in front of local people. The bodies were then cut into pieces, he said, and thrown into a well near the mosque.

The wife of another victim, told AJP how her thirteen year old son, Aqa Mohammed, said he would go to see one of his father’s friends who was Hazara to try to get him to plead on his behalf, “I told him to go in a hurry to tell him,” she said, “so that my husband could be released. But when he went to the Ali Chopan area, the gunmen of Ali Sarwar arrested him too. They tied his hands together and took him before Ali Sarwar. He killed my thirteen year old son as well. Then he was thrown into the same well.”

Mohammad and two of the widows have described to the Afghanistan Justice Project how Ali Sarwar and his men then looted the dead men’s homes. Two days later, said Mohammad, he went with several elders to see the owner of the farm, Rasul Barat. He said he could do nothing about the perpetrators, but we would try to get the bodies back for burial.

“After eleven days,” said Mohammad, “Ustad Muhaqiq gave his permission and sent two delegates from Hizb-i Wahdat. Two people came from Junbish, two from Hizb-i Islami and two from Jamiat-i Islami. We took the bodies out of the well in Ali Chopan. All had been cut into pieces.”

The murdered men and boys, said Mohammad, were among the poorest in the area and named the victims as follows:

1. Abdul Ghafor son of Wali Mohammed, 40
2. Abdul Karim son of Mohammed Nur, 23
3. Ainuddin son of Mohammed Nur, 25
4. Ameer Gul son of Sher Jan, 45
5. Gul Mir son of Ameer Gul, 13
6. Shah Wali son of Sultan Mohammed, 18
7. Sharafuddin, 40
8. Zaman son of Sharafuddin, 17
9. Aqa Mohammed son of Abdul Ghafor, 13

“The crime of Ali Sarwar is clear,” said Mohammad, “It was carried out, not during the darkness of the night, but in broad daylight. And what was the crime of those nine people? They were neither Taliban or anything else. Their only fault was that they were Pashtun.”<sup>198</sup>

Another mass killing of Pashtun civilians took place at Bizi-i Sukhta of Qizilabad village on April 9, 1998 (20-1-1377). One of the survivors said that he and his fellow villagers were on a bus which was stopped at Hizb-i Wahdat forces. "We were about eight people to go to the city for laboring during the days. Regularly I was going to the city along with my brother for laboring. One evening when we were coming back home, the forces of commander Baba, a Mazar-based Wahdat commander, nominally under Ustad Muhaqiq, stopped the bus and asked all of us where we were from. When we told them we are from Gurymar village they took us off the bus to their post and accused us of being Taliban. We were all Pushtuns. They took all our money and put us all in a container. In the middle of the night they opened the door of container and tied our hands together and took us out to a nearby well. They first threw my brother into the well and shot him inside the well. I started running away with my hands still bound and they shot at me. I was injured in my hand and one of them was running after me, but I reached Qalayee Mohammad village which was the nearest area. They did not catch me. But they threw the others into the well. Their names were:

1. Sayid Ahmad son of Haji Barat.
2. Moh'd Hassan son of Atagul the brother of Ramazan.
3. Amaullah son of Sayyid Moh'd.
4. Asadullah son of Mohammad Hassan.
5. Nurullah son of Besmellah
6. Jumadin son of Qutbuddin.

Later the bodies were removed from the well and buried in a collective graveyard.<sup>199</sup>

Forces under the Ustad Yaseen, a senior northern Hizb-i Wahdat Commander responsible to Muhaqiq, are accused of another mass killing and kidnap of Pashtun civilians. This incident took place four months after the Gurymar killings, in Kampeerak village in Nahr Shahi district of Balkh province, about 20 kilometres from the main city of Mazar-i Sharif. One of the survivors, Khan, said that, on 15/5/1377 (6/8/1998), his village was attacked by hundreds of Wahdat fighters



at 3.30am. “Most of the people in Kampeerak are Pashtun,” said Khan, “the others are Turkman and Arab. In total, there are three hundred homes, all of us farmers. Ustad Yaseen is from the neighboring village of Shaikh Mirghlan, about two kilometres away. His men – from Mirghlan and Sar-i Asyab - came with others from Bamyan. They attacked our village because they thought there were Taliban hidden there.”

Khan says the soldiers came into the houses and started killing men and animals. He said he was hit five times in different parts of his body and then just lay on the floor pretending to be dead, “I kept my eyes closed so they wouldn’t shoot me anymore and I heard them saying that I’d been killed. They arrested my brother and took him out. The women and children were crying. Meanwhile they were taking all my belongings out of my home. I was lying on the floor from 3:30 am to 4:00 am and I was bleeding a huge amount. Only at 4.00, did some people from the neighboring villages come and take me and the ten other injured people to the hospital in Shibirghan.” Khan said many of the injured were left permanently disabled. He, for example, has lost the use of one hand.

By that time, he said, Hizb-i-Wahdat had left their village and gone on the asphalt road to Langar Khana village and the Taliban had entered Mazar-i Sharif. They had taken home appliances and livestock, but it proved difficult to keep the plundered goods and escape from the Taliban. Khan said Ustad Yaseen’s men took some of the plunder to their home villages of Mirghalan and Sar-e-Asyab villages. Other goods were found on the roads and in other villages in the cars in which they had been driven.

“Muhaqiq’s men killed our people only because they were Pashtun,” he said,” Everyone in Balkh knows that we are poor farmers, that we were un-armed and had no Taliban among us.” He said 17 people were killed and identified 15 of them as follows :

- 1 Mullah Abdur Razaq, 62 years old ,the Mullah of the village mosque.
- 2 Nur Gul, son of Allah Noor, 45 years old.
- 3 Mohammad Gul, son of Allah Nur, 40 years old.
- 4 Mohammad Akram, son of Juma Khan, 30 years old.
- 5&6 Two people who were the guests of Mohammad Akram.
- 7 Gholam Ali, son of Shaikh Mohammad, 75 years old who was the elder of the village.
- 8 Taj Mohammad Qaryadar, son of Din Mohammad, 70 years old.
- 9 Dad Mohammad, son of Nur Mohammad, 50 years old.
- 10 Abdul Ghani son of Abdul Rasul, 50 years old.
- 11 Nur Mohammad, son of Mohammad Haidar, 65 years old.
- 12 The shepherd of Nur Mohammad who was an old man, 80 years old
- 13 Sayid Alam, 55 years old.
- 14 Mahmood Khan son of Mir Alam, 40 years old.
- 15 Mohammad Sarwar, son of Juma Khan, 70 years old.

Khan said that more than seventy people were arrested from the village, among them his brother.<sup>200</sup> Also arrested was Mansoor, who said they took seventy-two prisoners in all. “

I was told to get out of my house and beaten with a rifle butt. Then they tied my hands together and took me to the mosque where their cars were parked. I saw all the villagers there with their hands bound and their faces bloody. They ordered us to get in a truck, a Kamaz, a Russian truck. That was very difficult because our hands were tied. I almost

fell down. One of the prisoners asked them to release the hands of one or two of us in order to help the others into the lorry. They beat him on his head with their rifle butts and he went unconscious. He's still alive, but has mental problems. They threw that man in like a sack into the lorry and took us all to Silo in Mazar-i Sharif.

Mansoor said they were taken to an oil storage container which was five metres deep; the way in covered over like a well. They were ordered to get in, he said, but one of the soldiers, who seemed to be better than the others, suggested getting a ladder, so they waited a minute and then climbed down into the container.

It was 5 meters high and 5 metres wide and there were already others inside who they'd brought in before us. We were there for many hours and it was during the hot days of the summer. It was so hot and we were extremely thirsty. We shouted to bring us water, but there was no response. Meanwhile, we could hear shooting from the area for about an hour and then there was silence. We were all in a very bad way, but there was nothing we could do. So we shouted again, 'Oh sirs! Bring us a little water or we'll die.' Then someone came and asked who had thrown us in there. We answered that Hizb-i Wahdat had put us there. Then, he asked again, what were our jobs? We said we were poor laborers and the armed men of Wahdat had put us there. Then, they told us to get out, but we said the container was deep and we couldn't get out without a ladder.

A ladder was brought and they climbed out and Khan and his companions realized the Taliban had taken the area. They were free to go home.

We came back to the village, sometimes walking and sometimes getting lifts. When we arrived, we saw that nothing remained. There were people killed or injured and all the families were shocked and confused. They had looted all our belongings and livestock. People from the neighboring villages, from Hiwad and Langar Khana and others were busy burying the dead. They'd brought carpets and materials to help us and they gave their condolences, saying, 'Have patience, because God loves those who are patient when the times are bad.'<sup>201</sup>

### **6.5.3 Chronic abuse of power in Hazarajat, example of abuses attributed to the Akbari faction of Hizb-i Wahdat**

During the resistance against the PDPA and Soviet occupation, Akbari, of Waras District, Bamyan province, was the leader of the Sipa Pasdoran faction. This faction was merged with the other Shia groups in 1989, to form Hizb-i Wahdat. Akbari remained an influential leader and member of the Central Committee, in the new merged party. During the civil war and factional conflict in Kabul, 1992-96, he emerged as a challenger to Mazari for the leadership of Hizb-i Wahdat. As Mazari's conflict with the Rabbani-led administration intensified from early 1993 onwards, Akbari's Sipa Pasdoran re-emerged as the pro-ISA faction of Wahdat. Supported by Massoud, Akbari's faction was involved in several rounds of conflict with the Mazari and Khalili faction of Wahdat, both in Kabul and Hazarajat. This factional rivalry was the basis for many intra-Shia abuses. During the period 1998-2001, Akbari maintained an alliance with the Taliban

that allowed him to stay on in Hazarajat as the most senior Shia leader in country and to nominate his affiliated commanders to administrative positions, although he himself avoided taking any official position. During the Karzai administrations, Akbari has retained his status as one of the leading Shia political leaders and in May 2005 was nominated as a parliamentary candidate in Bamyan province.

As an example of how the chronic abuses have outlived the main civil conflict, Faqta, from Waras, has described being kidnapped by armed men who were close relations or commanders of Akbari. The incident took place on 10 or 12 Akrab (November), 2000). Faqta stated that she had been raped by a cousin of Akbari, Hamayoon. She was 15 years old at the time. Faqta said:

It was 1 o'clock at night, when 13 gunmen and commanders related to Ustad Akbari came to our home. We were all sleeping in one room. They came over the wall of the compound and smashed the compound door down. It was old. Then they came outside the window of the room where we were sleeping and told us. "Open the door, you pimps." When we didn't open it, they got a long iron rod and pushed it under the door to try to open it – but it still didn't open. So they broke the window.

Faqta said five of the men came inside as she and her sister ran to the bathroom and locked the door. But the gunmen got in.

They treated me in a very bad way. I screamed so much, but no-one could help me. They were beating my father. My mother took the Holy Qu'ran and came and told them, 'For the sake of this Holy Qur'an, do not do these cruel things against us. What's our crime, that you do this against us?' All the neighbors heard our screaming and yelling, but they couldn't get out of their homes because there was a gunman posted in front of each house. So they beat me and took me away. My father and mother and the rest of the family and the neighbors were forced to stay inside until the morning so they couldn't find out where I'd been taken.

Faqta named her kidnappers as relatives and close associates of Akbari:

Hamayoon (who, until completion of DDR was a commander in the army division associated with Akbari), Din Mohammed, Zaffar and Hussein Baksh - grandchildren of Akbari's paternal uncle, Mahdi and Ibrahim Ayar, relatives of Akbari and Zahir Mahmoudi, the paternal cousin of Akbari, also a commander of Akbari.

Fatqa said:

They came that night and took me bare-headed and bare-foot to a village called Burghasunak, all the way threatening to kill me if I screamed. They took me to a room where there were many people - all Akbari's men. I was in that place for nine days. I was raped in a very bad manner during the night and I screamed so much that I lost consciousness several times and then revived. When I remember it even now, it has a very bad effect on my nerves, but what can I do? Then they took me to another village called Petab Joy and it was Akbari's own base. His paternal cousin took me into his home which was near Akbari's own home.

When asked why she was kidnapped, Faqta said that Hamayoon had been engaged to one of her relatives, but had not been happy with her. “He had personal problems with her,” she said, “and so he abducted me.” However, Faqta also said that her father was a land owner (*malik*), whereas Akbari’s Sipah Pasdaran faction had always been strongly anti-*malik*.

Faqta’s family was active in trying to get her released. Her father and the father of her fiancé, who was also her relation, Hussain Dad, organized a petition against the men involved. “Finally,” said Hussain Dad, “the district manager gathered the elders of the village including me and [Fatqa’s] parents. The house where they took her belonged to the maternal uncle of Hamayoon. When we went there, they threatened us and insulted us, a lot. Since they had power and guns, we left the area and came back. Then they took [Faqta] to Akbari’s area, to Petab Joy village. The people decided to get testimony from [Fatqa] so they would know if she went voluntarily or if it’s true that they took her by force.” However, this proved difficult: Twice, Akbari promised to present her to the district administration, said Hussain Dad, but failed to bring her. On the third occasion, she was brought by ten of Akbari’s gunmen but would not speak, out of fear. The leader of the meeting and the representatives of the four districts were all related to Akbari. Finally, “she asked Akbari three times if she was allowed to say anything. When he said she was free, she said she was the fiancé of Hussain Ali and they had taken her by force and she wasn’t happy. As soon as she said this, the meeting decided to hand her over to her family. They asked her father to come in and then handed him his daughter. Finally after 40 days, she went to her family home.”<sup>202</sup>

Although Hamayoon was arrested, he was later set free. The episode illustrates a pattern of local power exercised by commanders who rely on their factional affiliations to achieve positions of influence in the administration of successive regimes. They then translate their political backing into impunity and carry out abuses, such as rape and forced marriage, knowing that their factional patrons will be obliged to protect them. Such a pattern of abuse echoes in testimony from the victims of abuse in both the pre-1992 and post-2001 period.

## **6.6 Torture, Rape and Summary Executions by Junbish forces 1991-2001**

### **Background on Junbish**

General Abdul Rashid Dostum served as the head of one of the most powerful militia forces that had the support of the Najibullah government before 1992. His militia was vital to the Najibullah government for guarding the natural gas fields and the trade and supply routes north to the Central Asian states that were then part of the Soviet Union. Dostum’s militia, the Jauzjani (named for the province from which they came), was considered the most powerful and effective of all the militia forces working with the government, and was large enough to be organized as a full division, the 53<sup>rd</sup>, with over forty-thousand men.<sup>203</sup> (For more on the early years of the Jauzjani militia see chapter one). In 1988 they replaced the departing Soviet forces in Qandahar; units were also deployed in Khost, Logar, Ghazni, Gardez and around Kabul. Eventually, after outbreaks of fighting, looting and abuses they, along with other militias, were ordered out of Kabul in 1991.<sup>204</sup> It was during this period that the Jauzjanis acquired the nickname *Gilam Jam*, which literally means, ‘the carpet is gathered up’ and referred to their reputation for thorough looting, for cleaning victims out completely and for human rights abuses and excessive violence.<sup>205</sup>

Despite the violence, the Najibullah government was dependent upon the militias for its survival and continued to sanction their deployment against the mujahidin. Militias developed nationwide and among all ethnic groups<sup>206</sup> but in the north, their development militarized and empowered politically weak and disaffected minorities - in Dostum's case, the Uzbeks in particular. There were further ethnic implications. Often units from one region or ethnic group were pitched against mujahidin from another ethnic group, particularly units from the north against Pashtun mujahidin. The development of militias also facilitated links between pro-government and with mujahidin commanders from the same ethnic group.

Dostum, who had trained as a paratrooper before the Saur Revolution, joined a 'self-defence unit' to 'defend the Revolution' in the Shiberghan oil fields where he worked. His unit grew throughout the 1980s, becoming a platoon, a company and finally, in 1989, Division 53. It initially recruited from his home village and Jauzjan province, but by the late 1980s, he started to attract some defecting mujahidin commanders and their units, including Rasul Pahlawan, an Uzbek from Faryab and Ghaffar Pahlawan, an Uzbek from Saripul. Both were major commanders. A number of the small cadre of educated Uzbek, as well as some Tajik, professional officers within the army also joined the 53rd Division. These included General Majid Rozi, an Arab Uzbek artillery officer from Balkh province and General Jura Beg, an Uzbek infantry officer from Jowzjan. They served to professionalize the militia and increase its technical capacity, particularly in terms of armour and artillery. Among the group of officers drawn to Dostum, the majority were members of the Parcham wing of the PDPA, as was Dostum. Shiberghan was very much a Parchami town, and Dostum received the political support of the multi-ethnic group of Parchamis from there.

In the months before the cessation of aid from the Soviet Union in January 1992, Dostum entered into negotiations with Ahmad Shah Massoud to form an alliance of northern forces. When Najibullah attempted to replace Gen. Mumin, the Tajik commander of the Hairatan garrison, with a Khalqi Pashtun, Mumin revolted, with Dostum's support. On March 19 the northern alliance of Massoud's forces, Dostum's, those of Hizb-i Wahdat and Parchami rebels took control of Mazar-i Sharif.<sup>207</sup> The takeover saw very limited conflict and the city was occupied both by forces linked to the former government – by that stage linked to General Dostum – as well as by mujahidin groups from all the political parties, with the exception of Hizb-i Islami. Relations among the constituent groups of the new administration varied. Jamiat-i Islami was the least willing to cooperate with former communist regime elements, while other groups, including Harakat-i Inqilab-i Islami and Hizb-i Wahdat, with respective support bases amongst Uzbeks and Hazaras, displayed the opposite tendency.

While the takeover of Mazar saw little fighting it did witness the collapse of internal law and order and widespread looting of official property and assets, and the seizure of productive infrastructure (rather than its destruction). Within the regional alliance, which had arrogated authority for appointments and administration, as well as taxation, to itself, positions and portfolios were distributed by party. Regionally, in terms of the six northern provinces (east to west: Baghlan, Samangan, Balkh, Jauzjan, Sar-i Pul and Faryab), former pro-government forces, many of which were Uzbek, were politically dominant and organized themselves into a formal political grouping called Junbish-i Milli-i Islamic Afghanistan (National Islamic Movement of Afghanistan). Within this structure all other parties were formally represented, but retained their organizational independence.

In July 1992, Dostum petitioned Ahmad Shah Massoud, the minister of defense, to formally establish a general headquarters to coordinate and control forces in the area under

Junbish's control. Massoud rejected this, but Dostum established one nevertheless, reorganizing and creating a new military structure which encompassed both former government and former mujahadin units within his sphere. Unit loyalty to a particular commander became increasingly important and the new generation of non-professionally trained commanders, by virtue of their direct control over forces loyal or obedient to them, generally proved more effective than the professional officers. In their 'home' areas, major commanders, such as the Pahlawans, were autonomous. Generally, there was a militarization of mujahadin units and a de-professionalization of army units, but even so, Dostum succeeded in creating what one analyst specialising in Junbish has called, "a relatively coherent, organizationally unified, regional military bloc."<sup>208</sup>

Jamiat remained fundamentally opposed to Junbish nationally and regionally and proceeded to assign new unit designations and concomitant resources to its own commanders in the north. The years, 1992-1994, were ones of uneasy coexistence in northern Afghanistan between the Junbish core and Shura-i Nizar/Jamiat, in spite of the alliance at the national level and cooperation in Kabul against Hizb-i Islami. Many former enemies were now nominal allies, and many local conflicts had simply been put on hold. Other conflicts had been reconfigured – some of the most inveterate inter-mujahidin enmities - Jamiat versus Hizb-i Islami or Jamiat versus Harakat-i Inqilab - became Jamiat versus Junbish. Core Junbish forces over time provided support for their new allies.

Even so, across the north, the previous administrative structures continued working, admittedly with changed senior personnel and effectively under a new name. While internal and local conflicts existed, stability was maintained and the region attracted huge numbers of internally displaced people escaping the conflict in Kabul. As time progressed it became a prominent area of operations for UN and NGO agencies which had scaled-down operations in other areas, notably Kabul.

### **Junbish Abuses against Civilians in Kabul**

While Mazar-i Sharif remained relatively stable during this period, Junbish troops participated fully in the factional fighting in Kabul and associated abuses against civilians. In April 1992, when the government of Najibullah collapsed, there were already forces in and around Kabul that formally became Junbish a month later. Junbish forces held Tapa Maranjan, Bala Hisar, Kabul Airport, Old Microroian and Chaman Hozori, with artillery positions in Tapa Maranjan and Bala Hesar. They also had jet fighters with pilots who had defected from Najibullah's air force.

Junbish forces were initially reinforced from the north and for the next two years, troops were rotated in and out of the capital through Khaja Jowash airfield. Junbish's leader, Abdul Rashid Dostum, remained in the north, but all his senior commanders served in Kabul at one stage or another during the civil war. The initial command structure in Kabul in May 1992 placed General Majid Rozi as the overall military commander, Gen Hamayoon Fauzi in charge of political affairs, Gen Jura Beg in charge of troop deployments and rotations, and Gen Aminullah Karim in charge of logistics. Majid Rozi was recalled to Mazar at the end of 1992 leaving Gen Fauzi in charge.<sup>209</sup> Junbish's other major leader in Kabul was Abdul Chirik, from Sayyidabad, north of Sar i -Pul town, who, like Dostum, had initially joined a self defence group and ended up commanding a Najibullah era militia regiment (54th)

The initial Junbish deployment was as follows:

- Political headquarters, Old Ab wa Barq department, Microrian
- Guard unit Hakim German – troops from Andkhoi - airport
- Airport Regiment 642 Naimatullah Farhad – airport, and HQ
- Zainy Pahlawan – airport
- Zainy Pahlawan – hills over Qasaba Kargari
- Assadullah Maarkhor – Bala Hissar
- Gen Ashghar Logari Bala Hissar, Bini Hissar, Shah Shahid
- Faqir Commandan – Bala Hissar
- Hamrah Commandan Regiment 643 Tapa Maranjan
- Abdur Rahim Pahlawan Qala Zaman Khan
- Gen Zaman (brother of Gen Asif Dilawar) Sharai Sahat Aama
- Abdul Chirik Regiment Riyasat Old Ab wa Barq – guarding HQ
- Amanullah Karim L 642 Old Microrian
- F511 – Kart-iNoorshah-i Shahid
- Armoured unit - Tappa Maranjan Mustafa Qul Malsak

However, Junbish's main operations center from the fall of Najibullah until the takeover of Kabul by the Taliban was the Naqlia Base which was built before the war and lies on the road between Kart-i Nau and Shah Shahid, just to the south-east of the city center. This was Junbish's command and control center in Kabul. Weapons and troops would be flown into Kabul and then brought to Naqlia for distribution and deployment. Until the Shura Hamangani pact of January 1994, it was also the place where senior Junbish leaders met to co-ordinate military operations. Naqlia Base is also repeatedly cited by civilians alleging abuse by Junbish soldiers. The Afghanistan Justice Project has spoken to numerous witnesses from the Kart-i Nau and Shah Shahid areas who allege that soldiers from Naqlia committed rape, murder and looting.

Several women from one extended family describe Junbish troops coming to one of their houses in the Shah Shahid district in 1993. M. said Junbish men came at 9 o'clock in the morning. "We delayed opening the door for a while and when my husband did open it, they beat him up, saying, 'Why did you lock the door? Did you deploy our enemies in your home so that they could ambush us?'" When the soldiers went up onto the roof, M. said, they found her husband's maternal uncle on the roof and shot him without any question. "They were beating the other men of the family with the stocks of their rifles," she said, "and asking, 'Why haven't you left the area yet? We've been ordered that your heads belongs to our leaders and your honor and property belong to us. So you have no right to ask us about anything that we want to do.'"

One of the sisters of the dead man, W., tried to get permission to bury the body from the nearest military post but, her family said, she was shot in the legs and left permanently disabled. Most of the women and girls of the family had already gone to other areas for their protection, said M., but her husband's maternal aunt, S., who was still living there, was taken forcibly to the Naqlia Base. Even though she was an old woman, said M., she was sexually assaulted.<sup>210</sup>

Later, another sister of the murdered man, A. said they obtained a letter from the commander at the Naqlia Base giving them permission to return home to fetch their belongings. She and her husband went with two of her nieces. After they reached their homes, she said, a group of armed Junbish men also arrived, "Those cruel men did such bad actions to me I can't describe them," says A.. "They gave permission for us to take our things away, so that they could come and rape us. My nieces were beautiful and had perfect bodies. Their commander told them our heads were for the commanders and our properties and bodies were for his men." One of the

nieces, B., said she told the soldiers that she was just getting her children's clothes, "They told me to leave the area fast – but first I should give them some fun and keep them happy," she said. "So they raped me. As I was young and healthy, I knew what was happening to me." The *Gilam Jams* did not think about whether a woman was young or old, said B., "When they found a woman, they raped her."<sup>211</sup>

The Afghanistan Justice Project has heard testimony from many women saying their husbands were beaten, their homes were looted and they themselves suffered rape or attempted rape by Junbish men. W., who is also from the Shah Shahid district, was recently married when Junbish troops entered her house one evening in 1993. They beat her husband and tied him in a corner of the room. They also beat her brother-in-law who lived in the same house, "They didn't rape his wife because she had lots of children, big and small, who cried and shouted. But oh, how unlucky I was! They robbed me of all my jewellery and property and they raped me."<sup>212</sup>

Another victim, Sh. said she was three or four months pregnant when she was attacked one night in 1372 (1993). "It was 10.30 at night when they broke down the door of our house," said Sh., "two dozen men, with their faces masked." She said they beat her husband and two of the men grabbed her and dragged her to another room. She was screaming and crying, but she was saved from rape, she said, by her young children who threw themselves on her. Sh. was robbed of all her belongings, "I told them I was poor and had nothing. But they stole 1,200,000 Afghanis, a television set, a sewing machine and a cooking pot – that was the whole of my property and they took the lot."

Sh. left the area the following day and on the way, said she saw a girl in a red dress being dragged away by force. When they returned later to get their belongings, she said she discovered that the night after her house was attacked, Junbish men had come to the home of her neighbor, a driver from Bagrami. She said he was beaten and his wife was raped so badly she could not be removed from the house by the soldiers.<sup>213</sup>

Many witnesses in the Shah Shahid and Kart-i Nau areas told the Afghanistan Justice Project that they left their homes because of rape by Junbish troops of their own family members or of neighbors or of un-named women or youths in their district. Families took what belongings they could take or at least took their female members out to what they hoped were areas of greater safety. Shah Shahid and Kart-i Nau was also an area made unsafe by bombardment; there was huge destruction of property as Junbish fought Hizb-i Islami and later Shura-i Nazar (see section on indiscriminate bombing, above). However, witness testimony tends to cite abuses by Junbish soldiers, rather than the rocketing, as reasons why their families decided to leave the area.

A. was living in Kart-i Nau in 1372 (1993) at a time of fighting between Hizb-i Islami and Junbish. "The plundering and looting of Gilam Jam people was on the increase and people were leaving their houses. We received permission from Junbish to take our belongings. But when we took a car and packed everything up, armed men stopped us at the Naqlia post. My son, A.J., was beaten and they stole our belongings. I was released, but they took the poor driver of that car." At that point, said A., they heard that a woman in the neighborhood had been raped by Junbish men, "When we heard this," she said, "we didn't care for life, property or belongings, we just left the area." One or two days later, she said, her sons returned and saw Junbish men carrying away their belongings in the same car which they had rented earlier. A.'s home became a Junbish post and ammunition was stored there and, she said, "our home was left in ruins."<sup>214</sup>



Also pushing the exodus of civilians were the Junbish troops themselves. Many witnesses say they were asked why they had not left their homes yet: the inference always being that if they stayed they must be spies and therefore fair game for the looters or rapists. M.K., for example, was living in Sarak-i Nau area of Kart-i Nau in Jowza 1372 (May-June 1993) very near a Junbish post during close fighting with Hizb-i Islami. He was a Pashtun. He and his four brothers were living together with their father who was a rich man. “The number of our women were too many. The Gilam Jam people warned my father to leave the house, asking him which faction we were helping. They’d been informed that we were rich.” M.K. said they took their female relatives out of the home and five or six of the men stayed to guard their belongings. “One day, about 4 o’clock in the afternoon, five or six men came, one with a big axe. They asked us why we hadn’t left the area. We said we’d stayed to protect our belongings and the house. After hearing this, one of them broke all the windows, doors and mirrors with the axe. This was the final warning to leave, they said. When we denied having taken away any belongings already, they beat us more. They beat us and took everything, even making us carry our carpets and other belongings to the car outside. That was when we finally left our area.”<sup>215</sup>

Another woman, B., was living in Kart-i Nau district in 1372, again at a time of heavy fighting between Junbish and Hizb-i Islami. “They beat my husband and son and told them to hand over their money and said, ”Why haven’t you left the area yet? Who have you stayed to spy for?” Since we were Pashtun, they said we were working for Hizb-i Islami, so they forced my son to collect our belongings for them.” At the time, she said, there were tanks in the streets and no one dared walk outside. “They told my son, ‘We’ll burn you if you don’t collect your belongings and bring them to us.’ They took my husband and threatened to throw him down a well. Then finally my husband and son loaded our belongings into their car. They didn’t just take our belongings, but those of the whole area, coming back day and night.” B. says that when they left the area, she made her son wear a burqa to protect him. This was after Junbish men came and raped their neighbor’s son who had been left in the house to look after it after the rest of the family left.<sup>216</sup>

Witnesses and survivors of Junbish abuses tend to use the terms *Junbishis*, *Gilam Jams*, and occasionally *Uzbekis* and *Dostumis* interchangeably. There are few named commanders in their testimonies. However, the districts where the abuses took place were firmly in the hands of Junbish throughout the war and witnesses repeatedly cite soldiers from the Naqlia Base as having carried out the abuses. As with Sh., cited earlier in this report, the base is also remembered as a place where women and girls were taken to be raped. While senior Junbish commanders lived with their families outside in other districts which were deemed safer, for example Wazir Akbar Khan and Microrian, the Naqlia Base was the logistics and command center for the faction. The high authorities of Junbish in Kabul were therefore placed very close to where their soldiers were carrying out rape, murder and looting. The abuses had no relation to factional fighting and appear to have been carried out solely because soldiers could get away with it. These patterns of abuses and the impunity with which Junbish troops carried them out recalls the earlier excesses of the Jauzjan militia. In both cases, troops deployed from outside their home area were allowed to prey on civilians, with the connivance or the indifference of the high command. In the later part of the 1990s, however, it became apparent that the actions of Junbish troops were no better in northern Afghanistan.

### **Commander Rule in the North**

While Mazar-i Sharif was generally stable, this did not translate into security for civilians throughout the north. Commanders operating under the Junbish umbrella generally had a high level of autonomy—the more powerful the commander the greater the autonomy. In the 1992-

1996/1997 period, large parts of the north were essentially autonomous even though they were politically and administratively linked to Junbish. A number of large fiefdoms emerged, among the most notorious that of Rasul Pahlawan in Faryab and Ghaffar Pahlawan in Sar-i Pul. Rasul Pahlawan was anxious to prevent Dostum from getting any direct influence in Faryab—which Dostum was trying to do. In Sar-i Pul, Ghaffar Pahlawan was also effectively autonomous in his area of control. But both shared a common interest with Dostum in limiting Jamiat's political influence. They were organizationally part of Junbish, had been part of Dostum's 53<sup>rd</sup> Division in the Najibullah era, and owed allegiance to Dostum.

At the same time, they were rivals for power in the region. Senior faction leaders and commander did not always have full control over their subordinates. Intense rivalries have defined battles for control of territory and resources in Afghanistan; senior commanders secure the loyalty of their subordinates at a cost, and operate with the knowledge that any effort to weaken their power may lead them to switch sides, taking their men with them. While this does not absolve the leaders of responsibility for the actions of their forces, it is critical in understanding command and control within the armed factions

At the local level in the rural areas, commanders of all parties continued the countrywide process of self-aggrandizement and of positioning themselves as the sole locus of administration. The situation varied enormously among commanders. Many simply continued collecting agricultural taxes and conscripting troops, or collected conscription exemption payments, as they had done under the previous regime. Others, however, assassinated potential sources of opposition or criticism, appropriated individual property, abducted women or took them in “forced” marriages, and took control of common property assets for their personal use. Conflicts with an underlying economic motive were common. In the years after 1992, the Pashtun-populated zone in central Balkh, under local mujahidin and local militia forces, experienced widespread abuses, particularly the abduction of women. Given the stigma associated with these abuses, it has been difficult to obtain direct testimony about individual cases. One woman, R., spoke to the Afghanistan Justice Project about the abduction of her cousin, Ra., by Junbish soldiers in Mazar-i Sharif in 1993. She said Ra. was kidnapped from her home, raped and kept for two years, although whether she finally managed to escape or was released, R. does not know, “Her poor family hid the case from their relatives because they were so ashamed,” she said, “No one dares to speak about their daughters.”<sup>217</sup>

### **1994-1997: increasing instability**

In 1994 Junbish sided with Hizb-i Islami against Shura-i Nazar/Jamiat in Kabul. Junbish was ultimately defeated in Kabul. At the same time, conflict also erupted between Jamiat and Junbish throughout the north. After heavy fighting in Mazar, Jamiat was effectively pushed out. Humanitarian agencies reported sexual assaults on women and the killing of prisoners by both forces during this conflict. As had been the case in the Kabul fighting, forces on both sides detained hundreds of prisoners for possible exchange or simply for extortion. An unknown number were summarily executed.

In the vacuum created by retreating or defecting Jamiat commanders, Junbish expanded, administering the former areas as they did their own. Conflicts lingered in the hills where Jamiat retained a traditional hard core of support, though the years 1994-1997 saw a high level of internal stability. From 1994 on, Junbish increasingly focused its attention on the administration of the north. The Mazar-based regional administration was able to collect considerable income generated by the taxation of trade and control of the industries of the region (principally the fertilizer factory near Mazar), as well as from much of the large-scale natural resources formerly

exploited by the state (a small oil field in Sar-i Pul, natural gas in Shiberghan, a salt mine in Faryab). While small amounts were provided to the civil part of the bureaucracy, the majority was divided among the constituent parties and was primarily invested in maintaining military capacity (though much of the gains individual commanders and political officials, of all parties, appropriated for themselves). The region thus possessed the only functioning administration in the country with less attrition of civil structures such as education and health service than was the case elsewhere in the country.

At the same time, commanders in the region continued to exercise power with impunity. As one witness stated, "Every commander of Junbish did what ever they wanted to like a legal government. There was no one who could dare to stop them."<sup>218</sup> The Afghanistan Justice Project has interviewed witnesses who have described abuses by the subordinates of some of Junbish's senior commanders. For example, Shir Arab, commander of the 51<sup>st</sup> regiment within Junbish, amassed considerable wealth with the help of his subordinates who engaged in looting and "taxation" of local villagers. As he expanded his political base, he assassinated political rivals and in some cases, their family members. The Afghanistan Justice Project has also interviewed witnesses who have described killings carried out by Shir Arab's men who then looted the victims' property.<sup>219</sup>

By 1996, Rasul Pahlawan continued to represent a significant enough threat that Dostum reportedly had him assassinated by a bodyguard in June of that year. The following year, the Junbish military bloc associated with Rasul Pahlawan under his brother Gen. Abdul Malik Pahlawan defected to the Taliban and ousted Dostum for four months (for more on this incident see case study below, "The Massacre of Taliban Prisoners in Mazar-i Sharif"). Gen. Malik's administration, which reincorporated Jamiat, itself lasted no longer than four months, with a second Taliban attack in September 1997 during which Mazar was besieged and under bombardment for 23 days. During this period anarchy prevailed in the city with widespread looting of international agency assets and assaults of civilians, including rape. A female international agency staff member was raped by forces belonging to Hizb-i Wahdat. The Taliban were defeated and withdrew but, before doing so, killed 70 Hazara civilians at Qizilabad and around 50 Junbish prisoners at Qalai-i Kul Muhammad.<sup>220</sup>

Another woman, Sh., has given the Afghanistan Justice Project detailed testimony about being raped by Junbish soldiers. She could not provide precise dates, but stated that it occurred around the time of fighting between Junbish and the Taliban. From the account, the incident appears to have taken place after Malik ousted Dostum.<sup>221</sup> She said she was a newlywed in 1997 when fighting started between Junbish and the Taliban in the city. Her husband, H., an ethnic Turkman, had gone to his shop in the morning, but had not returned when night came. She spent the evening at her home which was near the shrine in the center of Mazar-i Sharif, with her mother-in-law, listening to the sound of heavy weapons and artillery. The following morning at 10 o'clock, she said, five or six Junbish men broke into her home. "I was a three-month married bride and had beautiful clothes on, gold earrings, necklace and rings and a good watch. They took all the jewellery and beat me with the stocks of their rifles" Sh. said they beat her mother-in-law and she lost consciousness and stole two million Afghans from her box. They said if she made any noise, they would kill her. "After that," she said, "they took me to my own room and raped me."

Sh. said the first man stripped and raped her while the others watched, taking pleasure from the sight. "They were so strong," she said, "I felt I would die under them. I understood what was happening with the first man and the second and third and then I fainted. The others

raped me as well. I beseeched them not to touch me, but they refused. Everyone of them got pleasure from me and said how good it was to have a newlywed woman.”

Eventually, said Sh., when she came round, it was evening and the sun had set. Her mother-in-law was still unconscious. The men had taken their entire property – money, jewellery, household goods and bridal clothing. “I was naked in my room. I could just about put on pajamas, but I was bleeding and my entire body was black from bruising. My feet could not move.” For two weeks, she said, she could hardly stand or sit, but she tolerated the pain, too frightened to leave the house to see a doctor. Her husband had still not returned.

“The pain did not matter to me,” said Sh. “Only I was sad because of my husband.” Sh. said that she and her mother-in-law stayed at home, afraid to go out and startled by every small noise. Eventually, she said, when she felt well enough to go to the bakery, people were saying that Junbish had raped many of the neighborhood’s women and girls. A few days later when Junbish collapsed and the Taliban captured the area, she said the Taliban also looted people’s property and she heard that they also took girls and women away. “I don’t know whether it was the Taliban or Junbish who looted my husband’s shop and killed him.”

Later, she said, her brother-in-law came back from Iran and took his mother with him and her brother came from Kabul and took her back to his home. She is still living there with her mother and brothers. “I have no information about my husband,” she said, “I still don’t know whether he is alive or dead.”<sup>222</sup>

Gen. Dostum returned from temporary exile after the conflict between the Taliban and General Malik, but his position in Mazar was much weaker than before, with Jamiat and the two Hazara parties, Hizb-i Wahdat and Harakat-i Islami, having come to the fore. Hizb-i Islami, which had been involved with the defeat of the Taliban, was also present in the city from this juncture. Inter-party relations were exceptionally poor, and this only exacerbated the poor internal security situation. Robberies, kidnapping and sexual assaults by commanders and troops of all parties were commonplace. Mass demonstrations took place in Mazar in March 1998 to protest against the situation. This period saw the emigration of many affluent people from Mazar as a result of the lack of security.

The return of Gen. Dostum resulted in the retreat and eventual flight into exile of Gen. Malik after a short conflict in Faryab, as many of Malik’s forces switched sides and defected to Dostum. In some areas, however, Junbish troops engaged in looting and sexual violence against communities suspected of supporting Malik, many of them Pashtun. The Afghanistan Justice Project has interviewed a number of witnesses who were the victims of assault and looting by Junbish forces during this period. According to one witness, “when General Dostum defeated General Malik and captured Faryab province and Malik escaped, Dostum’s military associates looted the entire property of all Pashtuns in these areas. Some commanders of Dostum committed sexual crimes in our area.”<sup>223</sup>

In March 1998 a serious conflict erupted between Hizb-i Wahdat forces from Bamyan, who had come to shore up the defense against the Taliban, and local Junbish in Hairatan. After the killing of fifteen Wahdat soldiers, Wahdat retaliated against the few remaining Junbish positions in Mazar. During the latter conflict the premises and residence of ICRC were occupied by Wahdat and used to fire at Junbish positions in adjoining buildings. The fighting was so intense it was impossible to evacuate the trapped ICRC staff until the commanders involved withdrew their forces after a truce was negotiated.

By July 1998 the Taliban had taken control of much of the area north of Herat on the main road linking it to Maimana. In August, the Taliban took control of Mazar-i Sharif.

After the attacks on the U.S. on September 11, 2001, U.S. forces sought allies on the ground with whom they could work as a ground force in an attack on the Taliban. Gen. Dostum was one key ally. In one of the more notorious incidents of this period, when Taliban forces in Kunduz ultimately surrendered on November 26, 2001, a large number were transported in containers west to Dostum's headquarters in Shiberghan.<sup>224</sup> An unknown number of the prisoners died en route inside the crowded, closed containers. An autopsy of the three sample bodies exhumed revealed evidence consistent with death by suffocation. (The incident recalls what the Taliban did in Mazar-i Sharif in 1998, when they took hundreds of men prisoner, crowded them into containers and sent them to Maimana. In at least two containers, most of the prisoners—numbering at least several hundred—died from the heat and lack of air.)<sup>225</sup>

The antecedents for “container killings” in Afghanistan make it implausible that anyone responsible for loading the prisoners could have been unaware that the crowding alone would place the men's lives in jeopardy. The grave site is on the outskirts of Shiberghan town where Gen. Dostum headquarters is located. When an Afghanistan Justice Project researcher visited the site in February, 2002, heavy vehicle tracks were visible, criss-crossing the site. Partially decomposed human remains were also visible. Witnesses in the area stated that during one night after the end of Ramadan, earth-moving vehicles came to the area, and there was a smell of decay.<sup>226</sup> The witnesses were afraid to speak about the incident because of the presence of Junbish soldiers who kept them from approaching the site. Gen. Dostum later acknowledged that some two hundred Taliban prisoners had suffocated in container trucks, but claimed that many had been injured or were ill. (If they were, international humanitarian law requires that the sick and wounded be cared for—not packed into a transport container with no room to move and insufficient air to breathe).

Efforts to investigate the incident were thwarted after witnesses were threatened and imprisoned.<sup>227</sup> After September 2002, several witnesses and others accused of having cooperated with investigations into the incident were subject to reprisals ranging from intimidation to arrest, *incommunicado* detention, beatings, and torture. These included:

- the beating of an Afghan cameraman and interpreter who had assisted reporters investigating the incident.
- the arrest, detention and torture of a bulldozer driver who was involved in the digging the mass grave
- the arrest, detention and ill-treatment of the relative of another witness
- beatings and threats against human rights workers

Initial findings implicated Gen. Dostum's senior intelligence officers and commanders in the beatings and threats. In addition, some time after Dostum provided assurances that the site would be protected, hospital garbage was discovered strewn over the main Dasht-i Laili grave site. The hospital is some two kilometers away from the place where the garbage was dumped, a short distance from Dostum's headquarters.<sup>228</sup>

A full investigation of the incident—including whether U.S. forces were present at the time the prisoners were loaded into the containers—has never taken place.

## **6.7 Abuses by Other Factions, Kabul 1992-1996**

### **6.7.1 Context**

The Afghanistan Justice Project has documented in some detail the 1993 Afshar Massacre, a specific event which involved multiple atrocities carried out against civilians by Shura-i Nazar and Ittihad-i Islami (see above), as well as detailed testimony of war crimes and abuses carried out by two other factions, Hizb-i Wahdat and Junbish-i Milli. However, members of all the factions involved in the factional fighting for control of Kabul committed summary executions, rape, torture, hostage taking and other abuses. Some civilians were targeted in their home areas. Others, driven by rocketing or poverty to try to cross or leave the city ran into trouble: as Kabul was carved up into areas held by ethnically-based factions, it was dangerous to travel into areas where clothing, mother tongue or facial appearance could attract hostility. Several victims have testified to being targeted by different factions as their area changed hands or as they travelled across frontlines. Shared ethnicity with fighters did not necessarily provide protection. The first three examples of abuses presented here were carried out by Shura-i Nizar, Hizb-i Wahdat and Hizb-i Islami and all happened within days of each other at the end of the Islamic month of fasting, Ramadan, in 1372 (1993).

### **6.7.2 Shura-i Nazar**

One of the totemic abuses of the Kabul war came in 1371/1992 when a young woman, N., jumped to her death from an upper storey of one of the Microrian blocks in order to avoid being raped. Local anger was strong enough to give rise to one of the rare public demonstrations during Afghanistan's civil war, and the case became infamous. The Afghanistan Justice Project has spoken to Nooria's relations and neighbors who accused Shura-i Nazar soldiers of attacking the family home, specifying Commander Sartor. They also accused Qasim Fahim, who was then head of ISA/Shura-i Nazar Intelligence, but later became Defence Minister and Vice-President after the fall of the Taliban, of trying to buy the family's silence.

N. was fourteen or fifteen years old when she died. One relative stated that they had recently returned from being refugees in Pakistan and had gone to an uncle's house in Kart-i Nau, an area which was controlled by Junbish. They decided to move after one of the neighbors, a pregnant woman, was raped. The family went to Microrian, initially to an apartment on the first floor and then to the sixth floor in Block 16, where the mother thought they would be safer. The father would not let the girls go to work or school because of fears for their security.

“My sister was really beautiful,” said a sister, H. “ She also had a good character. During that time when we first came back, she was always worrying about Gilim Jams abducting us. During the night, we were very afraid and she asked another sister to tell us stories so that we'd stay awake in case anyone came in. It seemed she was aware of her coming death. We always thought Gilim Jams committed crimes. We were not aware that Shura-i Nazar did too.”

H. said that it was 18 Dalwa 1371/February 7, 1993 and the night of the Islamic festival of Eid: the girls' grandmother had asked them to distribute *halwa* – sweets – to the neighbors. Later, in the early evening, H. and her mother were in the kitchen, her father and the other men were with guests in the living room and N. and her aunt were in another room. There was a knock at the door. “As my brother opened the door, someone put a pistol to his head and told him not to move. He shouted that there were thieves.” The grandfather said he and his oldest grandson tried to stop the armed men from getting in, but two entered the sitting room. “They put

their guns to the heads of our guests, so they wouldn't move," said the grandfather. "They wanted to shoot my grandson, but I attacked the gun and it fired into the air, instead." Eventually, they managed to get the armed men out, but they left their scarves behind. Then a neighbor, T., came to the flat and told the family that one of their rugs had fallen to the ground outside. The family replied that they had not lost any rugs, but that the men had injured their son in the foot and the grandfather in the head with their bayonets. By then it was dark, there was no electricity was out and they could not see each other. Suddenly, said H., they realised Nahid was not there.

"As we ran downstairs in a hurry," she said, "we saw that she had fallen on the ground face down. There was blood on the ground. She'd been wearing a red dress – that's why our neighbour thought she was a rug. Her veil had been left hanging on the corner of a neighbour's window." I., who was living in the same block, had gone to help when he heard shouting and saw several gunmen running away. "I was the one who held her," he said, "and I saw that she had already passed away." The family took the body to the hospital, and the doctors confirmed that she was dead.

The next morning, the family brought the body home. "The people in the area were all demonstrating," said the grandfather, "chanting slogans against the chief of intelligence, Fahim." A neighbor, M., remembered all the people shouting with one voice, "Down with Massoud and Fahim. They have caused this to happen to our daughter!" I.s, the other neighbor said the fighting was bad that day, with rockets and bullets flying, but, said H., no one was afraid, "They all said, they didn't care about their lives," she said, "they said they would all be buried with the body." On the way to the presidential palace, the mourners were fired on by a Shura-i Nazar post near Jabha Milli Padar Watan and prevented from going further. After this, the body was taken to the family graveyard at Shiwaki for burial.

The following day, said the neighbour, M., Fahim arrived with several cars and body guards. An Afghan journalist, Farida and another reporter who lived in the neighboring block had called a lot of women together, said M.. "Farida said she would throw her veil on Fahim and that the other women should follow her lead and damn him, saying, 'Today, this happened to this girl and tomorrow it will happen to us.' As Fahim got out of his car, said M., Farida Patkin tried to throw her veil at him, but he escaped, leaving so quickly, his bodyguards had to run after him to get into the car."

Later said M., at 1:00 a.m., Fahim and his men returned. They knocked on a door and asked him for the address of the girl who had jumped from the top window. N.'s father, grandfather and brother came down and speak to Fahim for half an hour. H. remembered Fahim coming with gunmen in twenty cars. "People didn't want to open the door for them, but finally they had to. They surrounded the block and Fahim came into our home with some of the gunmen. He told my father that they wanted to share our sorrow. He asked my father not to say people that people from Panjshir had committed such a crime against his daughter because the government would be disgraced. He wanted to buy Nahid's blood. His pockets were full of money and he showed it to my father, but my father said, "We are Afghan and we do not sell the blood of our dead. Give the money to those gunmen and thieves who came to our home last night and caused my daughter's death." She said Fahim was very ashamed and apologized a great deal, again offering the money. "Several times, they threatened us, "saying we must describe the death in another way in front of the people, but we said we were all going to die some day and we would never lie."

Both H. and the neighbor, I., said that the armed men who came that night were from the nearby post at Firdosi School. “Their commander was named Sartol,” said I., “but everyone knew him as Jungle. He was a terrible man with a fearful face and very long hair.” Both said it was not the first attack on the area. H. said that before N. died, gunmen had tied a husband and wife in their bathroom and stole all their property. “Several days before this incident,” said I., “they arrested a young boy and took him to the basement of that school. Then, they brought his dead body out of the school. They committed a lot of crimes, but people were so afraid that could not say anything.”<sup>229</sup>

As in some of the other instances of violence against civilians documented in this report, there is no indication that senior Shura-i Nazar leaders ordered the abuses. However, they failed to take action against the commander and forces responsible, and instead attempted to cover up the crime.

### 6.7.3 Hizb-i Islami and Hizb-i Wahdat Co-operation

Two days before N. died, another woman, H., suffered gang rape in what she said was a joint attack by Hizb-i Islami and Hizb-i Wahdat soldiers in the west of Kabul. Two days before the end of Ramadan in 1372 (1993), a group of Wahdat gunmen came to her house wanting to search it. They left, only to return at 1:00 a.m., with men from the local Hizb-i Islami post. There were six men in all, she said, and they entered her house after breaking a window. She said they beat her husband with their rifle butts and he fell down with blood on his forehead. Her five children began to cry, she said, and she herself shouted and cried. “They beat us all, asking where our money was. They began to search, eating all the candy and cakes and sweets we had bought to celebrate the Eid. They stole our nickel dishes, pots and radio.” Hafiza said they picked up her twelve-year-old son by his neck, ordering him to tell them where the family’s money was, and broke the family’s oil box to try to find any hidden money. “They beat me so much that I couldn’t speak. Then they took me to another room and pushed me on the floor. Then, they raped me, one by one... They beat me with bayonets on my arms so much that for a month, I was in pain. They looted all my belongings, they raped me and then they escaped. The carpets and blankets were dirty with blood.”

H. said that her attackers included both Hazara men and Hizb-i Islami men from the nearby post at Char Qala Chardi High School which was controlled by Commander Shahin. The next day, she said, her husband went to both Shahin and the nearby Wahdat base, but they said the rapists had nothing to do with them. “So my husband came home,” she said, “On the way, one of the armed men said, ‘Those people raped your wife very well last night.’ My husband was nervous, but he could do nothing.”<sup>230</sup>

A local man, A., who knew about the attack on H., stated that when both Hizb-i Islami and Wahdat were based in Charqala Chardi, Shahin’s base was in Charqala Chardi High School. “Shahin worked with the men of Wahdat, particularly a man from the Turkman clan of Parwan Province, who was red-haired and called *Rais Arkan*, (Chief of Staff). Hamayon Shahin and Rais Arkan would make their plans during the day that in this house or that house was a girl or young woman. Then, during the night, they attacked the house.” A. said there had been a similar attack by a mixed Hizb-i Islami/Wahdat group on the home of another neighbor, S. Mohammed. “They entered his house and saw that his wife had just given birth, so they didn’t rape her,” said A., “but they raped his sister and niece. They raped them for so long they lost consciousness. They also



stole the money from a car which S. Mohammed had just sold as well as his wife's gold jewellery and their television set and other belongings."

A. told the Afghanistan Justice Project that his cousin, Z., had criminal links at that time with both Wahdat and Commander Shahin of Hizb-i Islami. Z. was a skilled thief, and when members of Wahdat looted goods from the shopkeepers, they stored them at his house. He then sold the goods on and they divided the money among them. "Z. depended on Shahin," said A., "he supported Shahin because of his own crimes."<sup>231</sup>

In another case, Y. told the Afghanistan Justice Project that one night during the month of Ramadan in 1993, he was awakened by the sound of bullets and other "horrible sounds," when he was living in the Shah Shahid area of Kabul. He went to the house from where he heard the sounds to see if he could help. He discovered that the family there had been attacked by Hizb-i Islami men. He was told that the armed men had gone first to the room of one of the brothers and assaulted his young wife. However, when the children began crying and making a lot of noise, the gunmen said they would not touch the children if the woman gave them the key to the yard. When she gave them the key, more men came in. One brother was dispatched to get help from the neighbors while the three other brothers stayed. The armed men told the sisters to go upstairs and the brothers to stay downstairs. At that point, Y. was told, one of the brothers decided to fight and grabbed one of their guns and it fired. Two brothers were seriously injured and one of them died. Two of the sisters were also wounded. The gunmen escaped, and Y. and other neighbors took the wounded brothers to hospital.<sup>232</sup>

Another civilian who has testified to abuses by Hizb-i Islami forces is J., who was living in Shashdarak and was the head of the workers at the Ahoos Shoes factory when the fighting for Kabul began (April 1992 / Hamal 1371). Hizb-i Islami and Junbish forces were battling for control of his area, but it was men from the nearby post of Hizb-i Islami, he said, who committed crimes against him. His family had decided to take their female relatives out of the area and only managed to do so with a great deal of difficulty, "If they saw the women," he said, "they might rape them." He was then alone in his home when armed men from the post came and took all his belongings, including a car and a motorcycle. "They were smoking hashish," he said, "and eating and drinking in front of me." Then they told him to leave the house. "I couldn't do anything against armed men, he said, so I left that evening. "When I returned the following day, my house was burned and the Ahoos Shoe factory was burned – after they had looted everything from inside." J. stated that he later saw his motorcycle outside the Hizb-i Islami post and complained about the looting and burning to the commander there, and then asked for the return of his motorcycle. "The factory owned this motorcycle," the commander told him, and threatened that J. would be fined for stealing it.<sup>233</sup>

#### **6.7.4 Ittihad-i Islami Abuses**

In the tit-for-tat mass detentions carried out by Ittihad-i Islami and Hizb-i Wahdat in the early part of the war in Kabul, civilians were targeted by both factions. Testimony from Pashtun victims of Wahdat has been included in an earlier section of this report, but Hazaras faced similar dangers from Ittihad forces. Z., for example, was trying to get his family out from Dasht-i Barchi in west Kabul on 29 Asad 1371/ August 8, 1992, after his residential area came under heavy rocket attack by Ittihad forces. They could not go directly to Behsud in Hazarajat through Maidan Shah because it was closed by anti-Hazara commanders Turan Amanullah of Hizb-i Islami and Shir Alam of Ittihad. So, along with seven other families from his village, he decided

to try the northern route via the Khair Khana pass on the outskirts of Kabul. They were stopped there at a post belonging to the Ittihad commander, Anwar Dangar. The elders, women and children were released, said Z., and his three-year-old son tried to plead for his father to be freed as well, but said Z., “Anwar Dangar slapped him on the face and told him, “*Chocha* (baby animal) Hazara! Go away.”

Z. said he spent the next year in captivity, passed from one Ittihad commander to another, beaten and tortured in a number of ways, including sleep and food deprivation, not being allowed to go to the toilet when he had diarrhoea, having his hands and feet tied at night with nylon rope that left visible scars, being threatened with death and tormented with the bodies of dead Hazara prisoners, and asked where his house was as Ittihad soldiers launched rockets into his area of Dasht-i Barchi. He was forced to perform hard labor, digging out basements and making roads. Unable to wash or change his clothes, he quickly got lice. “Our conditions were worse than animals’ conditions,” he said. “They violated human rights and dignity. They tortured us for being Hazara. We had no other crimes. We were only Hazara.”

Z. said they were first handed over to Commander Hafiz, who was a sub-commander of Shir Alam; that first night, he said, they were taken to Shakar Dara where Hafiz insulted and threatened them. The next day they were marched to Koshak village in Paghman and then to Qala Qazi where Arab fighters told them they wanted to kill Shias in order to go to Paradise. Then they were returned to Koshak where he and three other prisoners were kept in a basement and forced to work as masons for Noor ul-Haq, another commander related to Shir Alam. Later, along with two new Hazara prisoners, he was taken back to Qala-i Qazi, to the central base of Commander Naqibuddin where they worked digging trenches.

Finally, just over a year later, (13 Simbola 1372 / September 4, 1993), Z., says he was brought to Dewan Bigi in Kabul and detained by another Ittihad Commander, Jabbar, for three more months. He said that three children aged between 12 and 18 were killed in front of him, on the orders of Zalmai Tufan who controlled the neighboring post. He also said he saw prisoners from Afshar killed by Zalmai Tufan with a tank chain. Eventually, said Z., when he and five of his companions fell ill, they were released.<sup>234</sup>

A similar tale of detention, forced labor and cruel and unusual punishments came from M., who was a laborer living in the Zone 6 of west Kabul. He said troops belonging to Shir Alam arrested him in the central Silo area, bound his hands and feet, blindfolded him and took him to Upper Arghandi. There, he said, he spent two months imprisoned with an old man and two boys aged between 10 and 12. They were kept in a dark room, he said, and given little food or water. He said he saw dead bodies and bones in the prison. “They made us dig basements for their houses and they beat me after interrogation,” he said. “I was young, but they were serious in their intent and beat me so much that at the end I was unable to stand easily.” M. was lucky, he said. One night, he found the chain around his feet had come undone. He managed to escape in the darkness.<sup>235</sup>

Members of Ittihad have confirmed to the Afghanistan Justice Project the mass detention of Hazara prisoners. One commander said that when some of his men were imprisoned by Wahdat, he would buy Hazaras to exchange for his people. “There were some cruel people,” he said, “who abducted people from the city to sell them. It cost about five or six lakhs Afghani (500,000-600,000) for a laborer,” he said, “But a senior commander could be worth as much as one hundred thousand lakhs.”<sup>236</sup>

### 6.7.5 Abuse by multiple factions

Several witnesses have described being targeted by several different factions as their home areas changed hands or they tried to cross the city. N., for example, who was living in Qala Jaffar when the mujahadin took Kabul, described how poverty and unemployment drove him and his cousins to try to earn money by bringing flour, oil and ghee (clarified butter) by bicycle from Gulbar and Char Asyab across the frontlines to west Kabul. N. told the Afghanistan Justice Project that he always had to pay money to the Junbish soldiers at the military post near Darulaman Palace which in 1372/1993 was under the control of General Momin. However, there were also more irregular abuses. One day, he said, as he coming from Chilsotun and passing through the Bagh-i Rais area, armed men from Wardak belonging to Hizb-i Islami took him to Berishnakoot. He was forced to work, bending iron cables and then transporting them by bike. Another day, it was men at the Hizb-i Wahdat post in De Morad Street who ordered him and his cousins to stop or be shot. They were detained, he said, and robbed of their money, their bicycles, the food stuffs and even the scarves from their heads. A few days after that, he said Hizb-i Islami took the area after heavy fighting, and N. left his home for two days. On his return, N. said, all his property was taken and the foodstuffs had been deliberately spoiled. “What else and how much should I tell you?” he asked. “I can’t describe all the bad conditions of the past. Maybe that is enough.”<sup>237</sup>

Another witness, Sh., whose husband was targeted by Hizb-i Wahdat troops who taunted him for being Sunni and Pashtun, fared little better when Kabul fell to the Sunni, Pashtun Taliban in 1996. Sh.’s husband was caught carrying home cooked food—saved from his lunch—from the hospital where he worked back to Shamali. Sh. said:

They asked him who he was taking food for and who he was spying for. They beat him so badly he has heart disease now. His hand is disabled (from the Wahdat beating), but the heart disease appeared when the Taliban beat him—he was so afraid of them. For about nine days, he disappeared and I only managed to feed my children with difficulty. When they released him, he didn’t come home because he was so afraid. He went to the city and then let us know where he was. We had to walk to Kabul through the mountains on bare feet because the Taliban had closed the main road. I’ll never forget that bad time. My children’s feet were blistered so badly, they didn’t heal for a month. This is my fate: my husband is disabled. He goes to work, but can’t work well.<sup>238</sup>

## 6.8 *The Massacre of Taliban prisoners in Mazar-i Sharif*

In the weeks preceding the Taliban offensive on Mazar-i Sharif, delegations from the Taliban had carried out secret consultations with General Pahlawan Malik, Dostum’s deputy and bitter rival.<sup>239</sup> Malik, together with Qari Alam Rosekh, Gen. Majid Rozi, and Ghafar Pahlawan met with Mulla Abdul Razzaq and Mulla Ghaus of the Taliban in Badghis.<sup>240</sup> The leaders signed a protocol, the precise terms of which are not clear, but for Malik it provided the means to mount a coup against Dostum.

On the night of 22 May 1997 [5 Jaoza] fighting broke out between General Dostum’ forces and the Taliban in Andkhoy and Khwaja Dokoh. Massoud had sent in reinforcements, but the United Front forces took heavy losses, and Dostum retreated the next day to Mazar-i Sharif, and then left Afghanistan through Uzbekistan to Turkey. According to a witness interviewed by the Afghanistan Justice Project who was present at the time, after Dostum had fled, Malik ordered the

transport of Taliban commanders from Qandahar to Shiberghan and Mazar-i Sharif, using Dostum's air force planes. The witness stated that he saw the transport of hundreds of Taliban in planes to Mazar-i Sharif and Shiberghan.<sup>241</sup>

On May 25, the Taliban entered the city and began closing schools and offices, and using the mosques to announce the imposition of Sharia law. However, by the night of May 28 they were facing resistance particularly in Hazara sections of the city, with street battles between Taliban troops and local Wahdat commanders as well as armed Hazaras. At this time, Hizb-i Wahdat forces were in their core areas of the north-east and east of the city. Their military and political headquarters was in Syedabad in the north-east, with a small contingent of troops dotted around the city, most notably in the west at Zirra'at, but no major concentrations of forces. Hizb-i Wahdat, along with Jamiat and Harakat, had evacuated most of their senior and middle-ranking political and military figures and forces after Malik's coup. The fighting was undertaken by small commanders.

On May 30, Taliban commanders Razzaq, Fazl Ahmad, the deputy foreign minister, and Gen Gailani met for further negotiations with Gen. Malik, Ghaffar Pehlwan, and others loyal to Malik, in the presence of the Pakistan ambassador. The Taliban commanders demanded that Malik hand over 15,000 guns. Malik refused.<sup>242</sup> According to Malik, the Taliban announced that they had "driven Massoud from Kapisa and Parwan—the protocol is over."<sup>243</sup>

On the night of May 30 fighting broke out in the Hazara neighborhoods of Syedabad. Armed Hazara men, some of whom were regular Wahdat fighters, ambushed Taliban fighters who were taken by surprise and trapped in an unfamiliar city. Malik then also turned against the Taliban, and the Junbish forces fighting under Malik captured thousands of Taliban soldiers and imprisoned them in Maimana, Shiberghan and Mazar-i Sharif. Some who were taken into custody in Mazar-i Sharif were summarily executed there.<sup>244</sup> How many were imprisoned by Hizb-i Wahdat is not clear. One Taliban witness interviewed by the Afghanistan Justice Project who was taken into custody along with twenty-seven of his colleagues identified Gen. Gul Mohammad Pahlawan, Malik's brother, as one of the senior commanders taking prisoners.<sup>245</sup>

Most of the captured Taliban and foreign fighters were executed by Malik's forces in Mazar-i Sharif, Shiberghan and Maimana in May-June 1997 in the single largest known massacre of prisoners by any of the parties to the Afghan conflict. The precise number of prisoners massacred is not known. One humanitarian agency staff member familiar with the incident told the Afghanistan Justice Project that "at least" 3,000 were killed.<sup>246</sup> In addition to Taliban soldiers, Malik took into custody a number of Junbish commanders and prominent leaders, including Ghulam Haidar Jowzjani, who was taken prisoner in Mazar-i Sharif and whose body was found in Maimana; Salam Pahlawan from Shiberghan; and Shiberghan's most prominent elder, Rais Omar Bey, who was killed in Shiberghan.<sup>247</sup>

One former Taliban driver who was taken into custody by forces allied with Malik gave this account:

I am from Qandahar province [name of village withheld]. When we got to Shiberghan we established a base there, then moved into Mazar-i Sharif once fighting began between Malik and the Taliban. As the fighting escalated, I went with two of the mullahs to leave Mazar. We were moving toward the airport when we were attacked. They were killed. I was captured. Many senior Taliban were killed; others surrendered. Commander Zahir, who was with Malik, took us to a prison in Mazar. We were very crowded, we couldn't move. There was little food. Sometimes we caught birds and ate them. Sometimes they beat us. They beat me on the genitals so severely, I

am impotent. Some died from the beatings. The ICRC came and gave food sometimes. One night, men in military suits came and shouted at us, “who is from Qandahar?” They separated us. They said there was going to be a prisoner exchange. They took our pictures. They tied our hands and put us in a big container. The container I was in was full. We were kept in the container all day, until the next night. Some of the men inside died. They drove out of Mazar. Then the truck got stuck. They opened the door. We were in the desert. They took us out in groups of 30 at a time every ten minutes. They tied the prisoners together and shot them. We were still in the truck and we could see it through small holes in the container. When they shot them they revved the engine loudly. I was in the last group. I prayed to God. We resisted when they came for us but they pushed us outside. We stood in 3 lines, one in front of the other. When they started shooting I just fell down and others fell on top of me. Then I heard someone say let’s shoot each of them in the head. But I was under the others so they did not shoot me. Then they turned the car lights away to get the truck unstuck. When they were working on the truck I asked if anyone else was alive. There were three of us, but one was injured and we could not help him. When Malik’s men left two of us went to Tashkurghan and then to Kunduz. Mullah Dadaullah and Mullah Baradar [two senior commanders who were responsible for a number of massacres in 1998-2001, see below) were in Kunduz. Then we were sent to Qandahar.<sup>248</sup>

Another survivor stated that he was captured along with 28 others while at the airport. They beat us and took us to a prison in Shiberghan. In the prison there were 150-200 people in each room. There was little food, just rice sometimes. Sometimes we were taken outside to a walled area. I was there for two weeks. Then they took us to Maimana prison. There were four Taliban ministers there: Mullah Mansoor, minister for air defence, Mullah Abdul Razzaq, interior minister, Mullah Mansadeq, secretary to Mullah Rabbani and Mullah Haji Fazl Mohammad, deputy foreign minister. They were transferred to Faizabad, where Rabbani maintained his office. The commanders there told me there were 700 of us there in Maimana. One day we were told to assemble for a prisoner exchange. The Qandaharis were put to one side. A lorry came and took thirty of them. The guards told us, “They have been sent home.” This happened two or three times a week. A week after that, one of the soldiers we had gotten close to told us, “We have killed all of your men.” I knew one of the generals there, and he protected me and a few others – we knew each other from school. When Dostum returned, there were 130 of us left, out of 700, in Maimana. We were brought to Shiberghan. There was a prisoner exchange with the Taliban, and in September or October they sent us to Qandahar.<sup>249</sup>

The Office of the High Commissioner for Human Rights sent two preliminary forensic investigations to the sites where there were remains of the executed Taliban prisoners, including a desert site in which the bodies of executed soldiers were visible, with their hands tied behind their backs, and a site at nine wells in which there was evidence that hundreds of prisoners had been forced down the wells. However a full exhumation and investigation never took place.

# 7 Violations of International Human Rights and Humanitarian Law during the period of the Islamic Emirate of Afghanistan<sup>250</sup>

## 7.1 Background

The Taliban<sup>251</sup> emerged out of the chaos of the post-1992 period. By 1994, Qandahar city and province had been divided among rival commanders. The shura that had governed the province after the Najibullah government collapsed had fallen apart, and the city and its environs had become notorious for hostage-taking, extortion and rape. Humanitarian agencies had pulled out of the area; local civilians and were vulnerable to abuse by rival commanders who controlled checkpoints around the city and on the major road leading to Pakistan.<sup>252</sup>

In this group's first successful military operation,<sup>253</sup> the group disarmed and executed a local commander in Qandahar after he allegedly raped a local girl. The Taliban, as they called themselves, moved on to take on other commanders and very quickly attracted the support of Pakistan, who needed a client it thought could protect its interests.<sup>254</sup> Pakistan's support, financial and military, is discussed below and has been documented by other sources.<sup>255</sup> Some of the support came through the intelligence agency, the ISI, which had supported favored mujahidin factions through the 1980s. Other support came from traders who wanted a secure route across Afghanistan. For example, during the battle for Herat in 1995, Pakistan apparently intervened to bolster the Taliban with additional weapons and logistical support,<sup>256</sup> and the Taliban also obtained financial support from Afghan traders in Quetta who were taxed heavily by Ismail Khan.<sup>257</sup>

Within days, the Taliban took control of Qandahar city, driving out the feuding commanders who had divided it among themselves. In Qandahar the Taliban acquired a real arsenal: MiG jet fighters, helicopters, and tanks.<sup>258</sup> In Qandahar city, they closed schools for girls and prohibited women from working. They also decreed that women could not go out alone, including to the bazaar. After Qandahar, the Taliban took other provinces in the south with little fighting. After Qandahar, the Taliban took control of Zabul and Uruzgan provinces with little fighting. They took control of Helmand in January 1995. Ghazni fell to them in January, and from there they fought Hikmatyar's forces at Maidanshahr, Wardak province. On February 14, Hikmatyar abandoned his base at Charasyab to the Taliban, leaving them with his stockpile of 220 mm Urgan multiple rocket systems, ammunition, and one helicopter.

By 1995 they were threatening Kabul, and later that year took control of Herat. The Taliban's actions with respect to women have been well documented: first in Qandahar, then Herat and Kabul they ordered the imposition of the Sharia and closed all schools for girls and women. They decreed that women could not work outside the home (except in health care), or travel outside the home unless accompanied by a close male relative. In the cities, the Taliban exercised control through the establishment of the Ministry of Enforcement of Virtue and Suppression of Vice (al-Amr bi al-Ma'ruf wa al-Nahi `an al-Munkir), which enforced all Taliban decrees regarding moral behavior. Their control was highly centralized, with regional governors in all strategic provinces reporting directly to Mullah Umar.<sup>259</sup>

The core of the Taliban leadership comprised a twenty-two-member shura, with Umar at the head.<sup>260</sup> The Taliban had well-developed civilian and military structures, with clear structures of command and control. Throughout this period Mullah Umar and his confidants in Qandahar were actively involved in operations and decisions. Military communications and an organizational hierarchy allowed operational commanders to communicate directly with Qandahar. Mullah Umar maintained a close involvement in appointment and management of all senior level military commanders. Through radio communications from Qandahar, Mullah Umar oversaw the conduct of military affairs throughout the country.

The Taliban mounted several offensives on Kabul in late 1995 and early 1996, pounding the city with rockets from the same positions Hikmatyar had occupied. Then on September 11, 1996, Jalalabad fell to the Taliban. Kabul fell on September 26. Kabul's fall to the Taliban compelled the forces that had been bitter rivals in Kabul's civil war—Dostum, Massoud and Khalili—to coordinate their operations, and in October they formed a new alliance to oppose the Taliban. In 1997 they assumed the name, United Islamic and National Front for the Salvation of Afghanistan.

While continuing the battle for control of the rest of the country, in Kabul the Taliban instituted a highly repressive administration based primarily on its intelligence apparatus, the main organization of which was run by Qari Ahmadullah, who operated out of the former office of KhAD in Sedarat. In October 1997, the leader of the Taliban, Mullah Umar, renamed the Islamic State of Afghanistan the Islamic Emirate of Afghanistan.

In May 1997 the Taliban suffered their worst defeat, when thousands of Taliban soldiers were reportedly killed in fighting or summarily executed during an attempt to take control of the northern city of Mazar-i Sharif. The Taliban made another attempt on Mazar in September 1997 but were again forced to retreat.

The influence of non-Afghans over Mullah Umar increased after 1998. Usama bin Laden returned to Afghanistan from Sudan in 1996 and lived under the protection of the Jalalabad shura until the Taliban took Kabul in 1996. In 1997 he moved to Qandahar. Because of their relationship with bin Laden, the Taliban came under U.N. sanctions in 1999 and under expanded sanctions in 2000. The sanctions included a ban on arms supplies; however, Pakistan repeatedly defied these sanctions with impunity.<sup>261</sup>

The major war crimes of the Taliban era took place between 1997 and 2001 as they encountered resistance in their efforts to consolidate control, and responded by massacring local civilians or other non-combatants, burning down villages, orchards and otherwise rendering uninhabitable rural habitats. The Taliban, like their predecessors, also tortured detainees, but in this report we focus on the pattern of massacres as the Taliban's signal war crime.

As one example of this, Taliban forces retreating from Mazar-i Sharif after the massacre of their own troops in May 1997 took reprisals against civilians, massacring 83 people in at least two villages outside the city. According to the report of the Special Rapporteur, fifty-three Shi'a villagers were killed in Qizilabad and some twenty houses set on fire. Village elders stated: The Taliban had arrived in the village in the afternoon and had started knocking on doors and asking for weapons. If the person who had opened the door said that they did not have any, they were shot on the spot, in front of their family. If a person provided a weapon, they were allegedly shot on the spot by the Taliban with that same weapon. A number of farmers from the village were killed in the fields, some reportedly with their own agricultural implements. A group of 14 or 15 young men were taken from the village to the nearby airport where they were tortured and subsequently executed.<sup>262</sup>

In the village of Shaikhabad, only the elderly remained after other residents had fled the advancing Taliban forces. According to the report of the Special Rapporteur, the Taliban had entered the village, tortured and killed thirty old men, and mutilated some of the bodies. Villagers also claimed that local Pashtun commanders who had joined the Taliban might also have participated in the killings, and that similar killings had taken place in a number of other villages in the area.<sup>263</sup>

The following year, in August 1998, the Taliban—with substantial support from Pakistan—took control of Mazar-i Sharif. They then massacred at least 2,000 people, mainly Hazara civilians, exacting revenge for the massacre of their own troops the previous year. This incident is documented below. Bamiyan fell to the Taliban on September 13. By 1998 the Taliban had captured much of the north of Afghanistan, but failed to capture the northwestern district of Balkhab, in Sar-i Pul Province, which then emerged as a center of anti-Taliban resistance. Fighting then drove the resistance forces further in more remote areas of Hazarajat. Continuing resistance in these areas led Taliban forces to conduct a series of reprisal operations and to engage in collective punishment of civilians in these areas.

A number of these incidents are documented in detail below. In July 1999, the Taliban launched a major offensive across the plain north of Kabul known as Shamali (north), summarily executing civilians, and burning down villages, fields and orchards, apparently in reprisal for perceived support among the population for forces opposed to the Taliban, and to prevent the population from returning. The devastation was incalculable.

Taliban massacres continued in northern areas of resistance in 2000 and 2001. In May 2000, thirty-one Ismaili civilians were detained and summarily executed near the Robatak Pass near the border between Baghlan and Samangan provinces. In January 2001, following an outbreak of fighting in Yakaolang between the Taliban and the combined forces of Harakat-i Islami and Hizb-i Wahdat, the Taliban massacred 176 civilian men in Yakaolang city. Fighting continued through June 2001 when the Taliban burned the town center and killed civilians as they retreated from the area.

## **7.2 The Massacre in Mazar-i Sharif**

On August 8, 1998, Taliban forces entered the city of Mazar-i Sharif. Over the next week, Taliban troops summarily executed at least 2,000 people, most of them non-combatants. The following account is taken from the Human Rights Watch report, *The Massacre in Mazar-i Sharif*, which is based on research conducted by Human Rights Watch in October 1998.<sup>264</sup>

Prior to the attack on Mazar, Balkh Pashtuns affiliated with Hizb-i Islami reportedly switched sides to allow the Taliban entry into the city. Given the previous year's experience with Malik (see previous chapter), the Taliban did not enter Mazar until the Hizb-i Islami forces had encircled the front-line Wahdat base, made up primarily of Bamiyan fighters, at Qalai-Zaini-Takhta Pul, a large walled area northeast of Mazar on the road to Balkh city. The Hizb-i Islami forces trapped fifteen hundred to three thousand Wahdat fighters, who were then blocked from escaping the advancing Taliban troops.<sup>265</sup> Most of the Wahdat fighters at Qalai Zaini were killed on the spot. Some seven hundred managed to escape the ambush and move toward Hairatan, but as they were on foot, most were killed by Taliban forces that were crossing the desert in pickup trucks. It is impossible to say how many were killed in battle and how many were captured and then summarily executed by the Taliban forces.<sup>266</sup>



According to witnesses, Taliban troops entered the western outskirts of Mazar-i Sharif at about 9:30 A.M. on August 8. Residents reported hearing firing from the west from the early morning. Many stated that they assumed that fighting had broken out between various factions within the United Front and that they did not realize that the Taliban had reached the city until they saw their characteristic black turbans and white flags.<sup>267</sup> Witnesses also reported that on August 5 or 6, Jamiat offices were ransacked and looted by its own troops eager to get hold of anything valuable before anyone else did.<sup>268</sup> Some Hazara families began leaving the city several days before the Taliban attack, and Wahdat fighters reportedly detained seventy-six Pashtun men from Chaharak; the men were freed by the advancing Taliban troops.<sup>269</sup>

Because they were accompanied by Balkh Pashtuns with local knowledge, the Taliban could locate and seize key installations within the city very quickly.<sup>270</sup> One unit, which reportedly included Pakistani members of a radical Sunni organization, Sipah-i Sahaba, entered the Iranian consulate in Mazar and shot dead eight diplomats and intelligence officers, and one journalist.<sup>271</sup> Wahdat troops inside Mazar abandoned the city in a rout, shooting wildly at the advancing Taliban forces and anyone else “because they were afraid of the other factions” in Mazar. The Taliban forces pursued them, shooting “at anyone who moved,” according to one witness. The Wahdat commander, Muhammad Muhaqiq, and other senior leaders evacuated by helicopter.<sup>272</sup>

According to Human Rights Watch, within the first few hours of seizing control of the city, Taliban troops killed scores of civilians in indiscriminate attacks, shooting noncombatants and suspected combatants alike in residential areas, city streets and markets. Witnesses described it as a “killing frenzy.”<sup>273</sup> The following accounts are taken from the Human Rights Watch report. One witness who passed through a market area on her way home saw that among those killed were a boy who had been selling bread from a cart, a woman who she was told had been on her way to a social gathering, and a man who had been grinding wheat. Many merchants in the bazaar were reportedly killed as the Taliban moved through the streets shooting at random. In some cases the Taliban used machine guns mounted on jeeps to fire continually into the streets. A witness who watched from the roof of a shop described the scene of panic in the city:

“From the roof I could see smoke coming from the west. I came out of my shop and went to the customs area from where I could see people fleeing from the west. It was chaos. People were running and being hit by cars trying to leave, market stalls were overturned. I heard one man say, ‘It’s hailing,’ because of the bullets. I went home and from the windows I could hear shouting and see white flags on the cars.”<sup>274</sup>

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

“He was working in a carpet factory and was shot on the first day near Rawza-i Mubarak [the shrine in the center of Mazar]. Some people came and told me he had been taken to the hospital. They said that before he died he said, ‘We came to Mazar [from Kabul] to survive and now I am going to die. Who will support the family?’ I did not even see him. I did not want to leave because of him, but we had to leave.”<sup>275</sup>

In the days that followed, Taliban forces carried out a systematic search for male members of the ethnic Hazara, Tajik, and Uzbek communities in the city. The Hazaras in particular were targeted, in part because of their Shi’a religious identity and in part for revenge: Resistance to the Taliban in May 1997 began in the Hazara sections of the city. During house-to-house searches, reports indicate that hundreds of Hazara men and boys were summarily executed,

apparently to ensure that they would be unable to mount any resistance to the Taliban. A witness told Human Rights Watch, “In some cases the detained male members of the families were beaten or shot on the spot. Some had their throats slit.”<sup>276</sup> While most of those killed were Hazara, witnesses saw or knew of executions of Tajik and Uzbek men as well. A Tajik man who was detained on August 10 provided this description:

“I lived in Kart-i Bukhti. On the third day the Taliban surrounded the streets and searched every house looking for Hazaras. They were asking, ‘Where are the Hazara houses?’ There was only one near us. There were four young Hazara men in the house, including a friend who was visiting and a young man who was doing some work at the house. The Tajiks, Uzbeks, and Hazaras [“adult” males] in the neighborhood were also all arrested. We were all put into trucks, but the four Hazaras’ hands were tied very tight and they were taken elsewhere. There were two other Hazara boys in our truck. When we stopped near the customs area, the two Hazaras were taken off and told to go to the square behind the customs area. A Taliban soldier pushed them and then shot them both in the head. I was told later that the four others were taken to Takia Khana Mahdia and shot there. They were all workers, not fighters. They were all nineteen to twenty years old.”<sup>277</sup>

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

“I saw two Hazara boys, one about thirteen years old and one about twenty. One had a broken arm. The Taliban wanted to take them away, but the director intervened. But they came back the next day and took them.”<sup>278</sup>

Almost immediately after the Taliban took control of the city, the new Taliban governor, Mullah Manan Niazi, delivered speeches at mosques throughout the city, threatening violence against Hazaras in retaliation for the killing of the Taliban prisoners in 1997, warning them that they should convert to the Hanafi Sunni sect or leave the city, or face the consequences, and threatening punishment for anyone who tried to protect Hazaras. In another speech he reportedly said, “Hazaras are not Muslim, they are Shi’a. They are kuffar [infidels]. The Hazaras killed our force here, and now we have to kill Hazaras.”<sup>279</sup> As Human Rights Watch noted, “These speeches, given by the most senior Taliban official in Mazar at the time, clearly indicate that the killings and other attacks on Hazaras were not the actions of renegade Taliban forces but had the sanction of the Taliban authorities.”<sup>280</sup>

Thousands of men from various ethnic communities were detained first in the overcrowded city jail and then transported to other cities, including Shibirghan, Herat, and Qandahar. Most of the prisoners were reportedly transported in large container trucks capable of being packed with 100 to 150 people in inhumane and life-threatening conditions. In two known instances, when the trucks reached Shibirghan, some 130 kilometers west of Mazar, nearly all of the men inside the closed metal containers had died of heat stroke or asphyxiation. As in the case of the Taliban prisoners captured in 1997—and, according to Mullah Niazi, in retaliation for those killings—the deliberate overcrowding indicated not mere negligence, but an intention to torture and kill detainees.<sup>281</sup>

### **7.3 Summary executions in Sar-i Pul Province, 1999 – 2000**

This dossier documents war crimes committed by the Taliban against the civilian population of Gosfandi District during “counter-insurgency operations” in the wake of resistance to Taliban occupation during the period 1998 - 2001. The actions against civilians accompanied military operations against the resistance fighters. However resistance military proved elusive and repeatedly withdrew from contested positions, leaving the civilian population vulnerable to reprisal attacks by the Taliban. From January to March 2000, Taliban carried out five massacres of civilians in Gosfandi, killing 96 people.

In all five cases, the killing was carried out by firing squad. The victims were first taken prisoner, their hands were tied, and they were then taken out to be shot. These specific massacres are in addition to a large number of other scattered incidents of summary execution and other forms of abuse by the Taliban during their occupation of Gosfandi.

The massacres were ordered and supervised by senior Taliban commanders, who were operating in the area as part of the Taliban strategy to suppress possible opposition. The senior Taliban directly implicated in the five massacres include Mullah Abdul Manan Hanafi, front commander, Aminullah Amin, his deputy, Mullah Abdul Sattar Lang, a senior commander and Mullah Wali Jan, a provincial governor and field commander. The senior Taliban commanders were assisted in the operation by a number of local commanders affiliated to the Taliban, who clearly had knowledge of the massacres and whose actions, for example in conducting mass arrests, contributed to the killing of the civilians.

The series of massacres, taking place over a two month period indicate that the abuses against the civilian population were systematic, repeated and part of a general campaign of collective punishment on civilians in areas that had surrendered to the Taliban but which continued to provide a base for resistance activity. This pattern of abuse was consistent with a doctrine of presumed complicity: the Taliban held all civilians responsible for the activities of armed groups operating from their areas.

In addition to the massacres, other abuses during the Taliban occupation and counter-insurgency included arbitrary arrest of civilians, summary executions, forced displacement and confinement to improvised detention camps, house burning and use of excessive force including aerial bombardment of residential areas including areas settled by civilian refugees. These abuses resulted in a substantial number of casualties.

#### **Narrative of the conflict**

The district of Sangcharak was controlled by the Junbish-i Milli administration of north western Afghanistan until August 1998. At that time, the district administration came under the control of the Taliban along with Mazar-i Sharif and the rest of the Junbish territories. The district population is a complex mix of Uzbek, Arab, Tajik, and Hazara and Syed Shia, with a Pushtun minority. The Taliban established an administration by placing core Taliban figures (from south western Afghanistan) in senior positions, and inducting sympathetic local commanders into junior positions, up to the level of district governor. Although Sangcharak had been a single district pre-war, during the war, separate district administrations had been established in Gosfandi and Toghzar.

During their initial occupation of the north west, the Taliban failed to move into Balkhab District, in the south of Saripol Province. This is a remote, mountainous district, which had been one of the main political and cultural centers for the Shia population in northern Afghanistan, during the war. It is inaccessible by road in winter. The district emerged as a secure base and center for anti-Taliban resistance in the north west. Numerous mujahidin and militia commanders who were unwilling to accommodate with the Taliban congregated in Balkhab, and the United Front maintained a tenuous logistics line, via helicopter, from their bases in north eastern Afghanistan. Significant commanders from Sangcharak, who established themselves in neighbouring Balkhab, were the brothers of Junbish commander Abdul Chirik (Haji Amiruddin and Kamal Khan), and Mawlvi Zareef and Abdul Rahim of Jamiat. During the winter of 1998/99 (equivalent to 1377), the Balkhab based anti-Taliban resistance launched a campaign to expel the Taliban from Sangcharak. The pattern of abuses committed by the Taliban occurred in the context of a “counter-insurgency” operation in which they both targeted the civilian population of areas where resistance fighters were presumed to have been active and tolerated excesses committed by Taliban-affiliated commanders against their local rivals.

The attack conducted by the resistance in Saripol was launched on December 1, 1998. But the resistance was militarily weak. They were able to overwhelm local Taliban defences but unable to hold fixed positions against a sustained Taliban counter-attack, and were quick to withdraw themselves into more secure positions in the mountains when the Taliban brought in reserves. This was the context in which the Taliban undertook numerous abuses against the civilian population in 1999 and 2000, as the Taliban punished civilian elders for the raids conducted by highly mobile resistance groups.

In May 1999, the Taliban assembled a major force, again under Mullah Baradar, to capture Balkhab. Baradar was accompanied by Mullah Fazl Mazloom, chief of army staff. The Taliban failed to capture Balkhab. Mullah Baradar withdrew his expeditionary force from the area in June 1999, leaving the resistance free to counter-attack into Sangcharak. To the north east, the resistance moved quickly and immediately reoccupied Ab Darra and Amrakh. They also launched an opportunistic attack on Baloch, on the other side of Abdulgan and took it. This time they attacked Ab Khor, via Ab Darra. Again they pushed through as far as Gosfandi. However, they only held onto it for about 10 days, before being pushed out by the Taliban again. The largest number of Taliban abuses against the civilian population in Sangcharak occurred in the clean-up operation they launched after retaking Gosfandi for the second time, in the winter of 1999/2000. The resistance forces held onto Ab Darra and Amrakh, adjoining Ab Khor, at the south eastern limit of Sangcharak. But the Taliban retook the main populated areas and conducted a counter-insurgency campaign, lasting until approximately June 2000. After the Taliban capture of Ab Khor, part of the civilian population sought refuge with Mawlvi Zareef in Ab Darra and Amrakh. The resistance did not again pose a significant military threat to the Taliban, until the return of General Dostum, in April 2001, when he revived the Saripol front and launched his offensive on Zari.

National level Taliban commanders responsible for the massacres

Mullah Abdul Mannan Hanafi was the Taliban front commander in Gosfandi/Ab Khor for a period of about six months (including at the time of the clean up operation in January – March 2000. As the front commander he had authority over all the Taliban combat forces operating in Gosfandi at that time and had prime responsibility for the series of massacres documented in the report. In particular, an eyewitness identified Hanafi as having issued the order for the Khassar elders massacre. He was sitting in a vehicle, eating fruit, when the elders tried to approach him. Instead of seeing them, he ordered his deputy to take them away and shoot them.

Mullah Wali Jan, Taliban Provincial Governor (of Jowzjan), was present during the Gosfandi operation. Several of the witnesses name him as one of the commanders who supervised the killings.

Mullah Abdul Sattar, senior Taliban commander from South West Afghanistan, supervised the killing of the nine Ab Khor prisoners at Achaber, according to several witnesses.

Aminullah Amin, of Chaman, was known as the deputy director intelligence for Sar-i Pul, functioning as the deputy of Abdul Manan Hanafi. He was involved in the Khassar elders massacre, as he took an order from Hanafi, intercepted and arrested the group, and took them to be killed.

Local commanders affiliated to the Taliban played a subordinate role in the massacres, by rounding up prisoners to be shot and generally acting under the supervision of Hanafi and the senior Taliban. These commanders included : Mullah (Janat) Meer and Khaliq, local Pushtun commanders of Alghon village, affiliated to the Taliban, participated in the Dalwa Hut operation in Ab Khor, acting under orders of Sattar and Wali Jan, according to witnesses. Comm. Mohammad Meer son of Baz Aka, Comm. Janat Meer of Alghon and Comm. Abdullah of Malakan facilitated the Abkhor – Khassar massacre by instructing displaced villagers to return to their villages, before the round-up and by then conducting the filtering process.

Detailed analysis of massacres conducted by the Taliban in Gosfandi, during the January – March 2000 clean-up operation.

#### The Khassar elders massacre of February 12, 2000

After the resistance forces led by Mawlvi Zareef and others had retreated from Gosfandi for the second time and the Taliban forces were conducting a clean-up operation, a group of elders from Khassar Village decided to meet with the senior Taliban to seek security guarantees for the civilian population. Agha Dekhan led the delegation. Abdul Manan Hanafi (front commander, also referred to as governor) was the senior most Talib in the area. He was accompanied by his deputy Aminullah Amin. Hanafi refused to see the elders. He sent Amin to arrest them and have them executed. Amin intercepted the group and took them to Boldiyon where a group of Taliban shot them in a firing squad. One member of the delegation, who later recounted what had happened, slipped away from the group before the others were arrested.

#### The Ab Khor - Achaber massacre, February 2, 2000 (the killing of nine Ab Khor prisoners by firing squad)

\_\_\_\_\_ On February 2, 2000, the Taliban summoned a gathering of villagers at Ab Khor in the Agha Shahansha mosque. They called on people to surrender weapons, whereupon some men brought and handed over weapons. (The Taliban traditionally “disarmed” an area in this fashion: demanding a quota of weapons, without targeting only fighters for the request). According to local witnesses, the active United Front fighters had already left (with their weapons). The Taliban then arrested ten of the men, all civilians, and took them to Mawlvi Zareef’s mosque, where they were held over night. After morning prayers the Taliban tied the prisoners’ hands using their turbans and loaded them into pick-up trucks.

The senior Taliban present in the execution party were Mullah Abdul Sattar Lang and Mullah Malang. They unloaded the prisoners at Chapa Gardana, near Achabor. There the Taliban fired on the group of prisoners using automatic weapons. There was one survivor from the firing

squad, H. He escaped after receiving three bullet wounds and was sheltered by local people. He provided the account of the incident.

The Yoltorob massacre, February 5-10, 2000 (killing of 22 people of Yoltarab by firing squad)

Upon entry to Yoltorob, the Taliban went to the village mosque, where they were fed. They then conducted a search of houses. They rounded up some 90 adult males from the village, and held them in the house of Hatam Bay. They then screened the detainees, releasing elders, and holding approximately 26 of the men. They detained them for one night in a house in the village. The next day, a group of five Taliban took the detainees to a site at Tatar village. They lined them up beside a ditch and then shot them. Four of the prisoners who were shot in the firing squad survived after being wounded and left for dead.

The Sayyad massacre, March 26, 2000

Residents of Sayyad reported that on March 26, 2000, during the Taliban clean-up operation in Gosfandi, the Taliban summarily executed twenty-two people from Sayyad, in four different locations, Jar-e-Shorab, Jar-e-Bator, Sayyad village and Bashom Aikashom. The names of victims given by the Sayyad residents include men and women aged from 14 to 65.

The Jar-e-Rajab massacre, March 28-29, 2000 (25 prisoners from Ab Khor killed by firing squad at Jar-e-Rajab, Khassar)

After the Taliban had successfully occupied the Ab Khor valley, they encouraged the civilian population to return their villages. They detained twenty-five men. The Taliban then tied the prisoners' hands and transported them to Khassar village where they executed them by firing squad. Subsequently people of Khassar found and buried the bodies

Summary executions in Ismail, Shahmard and Boldiyon during February – March 2000

After the retreat of the opposition from Ismail, six elders of the area went to meet the Taliban. They met a patrol of Taliban fighters in the village. The mullah introduced himself and was shot dead. The other five men were interrogated. Those who called themselves Hazara were killed in the spot. These were Baz Mohammed son of Murad and Gul Bai, son of Qurban. The other three, who called themselves Syeds or Tajiks, were spared.

## **7.4 Conflict in Shamali 1996-2001 and summary executions**

In the course of the conflict in the Shamali Plain, the Taliban systematically engaged in abuses against the civilian population, and breaches of the rules of war with regard to protection of *hors de combat* soldiers. The abuses continued throughout the period, intensifying during and immediately after major offensives launched by the Taliban. The most serious abuses of which the Taliban stand accused in Shamali include:

- Wanton destruction of civilian infrastructure, including housing, orchards and irrigation systems.
- Forced displacement of the civilian population, contributing to an exodus of in the order of 300,000 people from the Shamali Plain.
- Arbitrary detention of civilians from the Shamali Plain.
- Summary execution of civilians and surrendered combatants.
- Excessive use of force in artillery bombardments of predominantly civilian areas, causing avoidable casualties, further damage to the civilian infrastructure, and involuntary displacement.

The Afghanistan Justice Project dossier includes testimony referring to all five patterns of abuse. However, the main focus of the dossier is on one of the abuses, concerning summary executions of civilians and surrendered troops, during the abortive Taliban offensive of August 4-5, 1999 (11<sup>th</sup> and 12<sup>th</sup> of the month of Asad, year 1378, by the Persian calendar).

### **Context**

The Shamali is a plain that stretches some seventy kilometers from the outskirts of Kabul in the south, to the foothills of Salang in the north. It assumed a major significance in the wake of the Taliban capture of Kabul in 1996, because it represented the only frontline where the United Front opposition to the Taliban could pose a military threat to the capital. However, aside from its military significance, the Shamali Plain also includes major human settlements, with an estimated population of 643,000 in 1996.

The encounter between the Taliban and the United Front in the Shamali Plain gave rise to the most protracted conflict of the Taliban period. The conflict commenced with the Taliban capture of Kabul in September 1996 and continued until the Taliban retreat from Kabul in November 2001. The two sides contested the Shamali Plain throughout this five year period. The conflict alternated between periods of major offensives, in which front lines sometimes moved rapidly, and periods of stalemate, in which the two sides were dug into static front lines traversing the Shamali.

The conflict in Shamali was a high profile one, on which both main protagonists focused a substantial proportion of their military resources. They both also projected their version of events and highlighted alleged abuses conducted by the other side. The international community remained engaged in relation to the conflict, maintaining a presence on both sides of the front lines, delivering humanitarian assistance and condemning the most grievous abuses, as they came to light. In particular there was widespread international condemnation of Taliban “scorched earth” type tactics of destroying infrastructure and expelling population.

### **Details of main incidents**

All Taliban offensives in Shamali, after their initial advance in 1996, were accompanied by widespread abuses, amounting to a pattern of deliberate targeting of the civilian population. The Afghanistan Justice Project dossier focuses on a small number of specific incidents, in the frontline districts of Bagram, Kalakan, Qarabagh and Mirbacha Kot, for which detailed testimony is available and for which victims and locations have been identified. These incidents are illustrative of the nature of one component of the pattern of abuse, summary executions. They do not indicate its scale. Taliban executed a total of 71 civilians and surrendered combatants in the specific incidents described. However, total deaths through excess force and summary executions in these frontline districts, in the 1999 offensive alone, were several times this number. Similarly, the eye witness testimony focuses on the issue of summary executions; but this was only one form of abuse, alongside the more widely publicized wanton destruction etc.

- **Bagram District**

On August 3, 1999, a group of Taliban, acting under direct instructions from a senior commander, summarily executed a group of 11 captured personnel of the Bagram Airbase, at Bareek Ab, in the Dasht Chirchirik plain. Victims had their hands tied and were under armed guard at the time of their execution. On the same day, also in the Bagram sector, Taliban troops also summarily executed two local barbers close to the airbase, and nine other prisoners, in the Dasht Chirchirik.

- **Kalakan District**

After the winding down of the main Taliban offensive, on September 9, 1999, Taliban summarily executed seven civilians in Qachi Village, of Kalakan District. A group of Taliban entered a vineyard where a group of women were working. They shot and killed Bibi Kishwar, wife of Ghulam, age 30 years, two other women and four children.

- **Qarabagh District**

At 11 a.m. on August 3, 1999, a party of Taliban entered the village of Allah Ram of Qarabagh District. The population of the village was intact. They rounded up sixteen men, tied them up and took them to a dried up river bed close to the village. There a party of Taliban summarily executed all sixteen men, by Kalashnikov fire.

- **Mir Bachakot**

During their one day occupation of Mirbacha Kot district headquarters, August 2-3, 1999, the Taliban summarily executed, by shooting with Kalashnikov at close range, some 26 civilian men, outside the district offices and the fertilizer store. People searching for missing relatives found the victims in the centre of the district the evening of the Taliban withdrawal. They were able to identify most of them as local residents. The Taliban arbitrarily detained male civilians during their occupation of Mirbacha Kot. Testimony described how they held one such group of 16 men in Kabul, for several months after the operation, subjecting them to torture and cruel and degrading treatment, including protracted, severe beatings.

### **Command structure and key figures implicated**

The senior field commanders in the Shamali, during the 1999 offensive, were **Mullah Dadaullah** (commanding forces which advanced along the “New Road” to Bagram) and **Mullah Fazil** (commanding forces which advanced along the “Old Road” to Mirbacha Kot). As the commanders in the field, directly supervising the troops engaged in abuses, these two bear a high degree of the command responsibility. One eye witness, who fought with the Taliban specifically implicates Mullah Fazil as supervising the wanton destruction of civilian infrastructure. On August 10, 1999, this commander went for a meeting with Mullah Fazil, near the front line, in Kalakan District. He observed widespread, deliberate destruction to houses and shops in the area. Fazil was in the field, supervising demolition operations. Mullah Fazil was taken into U.S. custody in November 2001. **Mullah Baradar**, deputy to the Taliban Chief of Army Staff is accused in testimony of personally ordering and over-seeing one of the massacres, the summary execution of the eleven air base personnel at Dasht Chirchirik on August 3, 1999.

## **7.5 The Rabatak Massacre**

In May 2000, Taliban forces summarily executed a group of civilian detainees near the Rabatak pass, which lies along the road connecting the towns of Tashqurgan and Pul-i Khumri. Thirty-one bodies were found at the execution site, twenty-six of which were identified as the bodies of Ismaili Shi’a Hazara civilians from Baghlan province.<sup>282</sup> Their remains were found to the northeast of the Rabatak pass, in an area known as Hazara Mazari, on the border between Baghlan and Samangan provinces. The area was controlled by the Taliban at the time of the executions. All of those who have been identified were detained for four months before being killed; many of them were tortured before they were killed. The men were taken from their homes by Taliban troops between January 5 and January 14, 2000. The facilities at which the men were detained were under the command of Commander Mullah Shahzad Qandahari, who was the Taliban commander of the Khinjan front north of Kabul.



## Narrative of the Incident

The following account of the incident is taken from an interview with J. .a distant relative and neighbour of the victims, who obtained details of the incident from Arbab Sanna, the brother of one of the victims. His testimony appears in the Human Rights Watch report, “Massacres of Hazaras in Afghanistan.”<sup>283</sup> He stated:

On January 5, 2000, a Taliban force raided the village cluster of Naikpai, in Doshi district of Baghlan province. The Taliban soldiers came in a convoy of pickup trucks at dawn. They started to round up men from Bakas, Zaighola, and other hamlets in Naikpai, seizing many of them in their houses. A number of those who were arrested were village elders. There were many other people present and virtually the entire population of the village witnessed the arrests.

The detainees were held at Mullah Shahzad’s operational military base at Khinjan between approximately January 5 and 10. Relatives of the detainees were allowed to visit the detainees, and learned from them that they were subjected to severe beatings with electric cables and were forced to stand outside in sub-zero temperatures and snow. One of those who was later killed near the Robatak pass, Sayyid Tajuddin, who was thirty-eight, suffered frostbite as a result of the exposure following his beating. When the detainees were transferred to Pul-i Khumri, both of his feet were amputated at the Textile Factory hospital, and he was provided with a pair of locally fabricated crutches.<sup>284</sup>

Around January 14, all of the detainees were transferred to Shahzad’s rear base at Pul-i Khumri. On or around May 8, the detainees were removed from the facility. A staff member of the facility informed the detainees’ relatives that the men had been loaded onto a single truck during the evening. The truck was reportedly escorted by a Taliban Toyota pickup. The prisoners were later found dead at Hazara Mazari, approximately one-and-a-half hours from the detention facility.<sup>285</sup>

Around May 18, shepherds from the Robatak pass area told provincial authorities in Samangan about the bodies. The mayor of Samangan sent ten workmen to locate and bury the bodies. They were escorted by Taliban troops. According to one of the workmen, the bodies had their hands bound behind their backs, and the men were tied together in groups of three. The following account is taken from the Human Rights Watch report:<sup>286</sup>

“Twenty-eight of the victims were found lying where they were shot, face down on the ground. The body of another detainee, identified as Sahib Dad, was found tied to a tree, his arms and legs each tied separately with a length of rope in such a way that his captors would have been able to manipulate them while he was immobilized.<sup>287</sup> The workmen buried the twenty-nine bodies at the Hazara Mazari site. The bodies were covered with at most thirty centimeters of earth, inadequate to protect them from wild animals. The worker who assisted in the burials described what he saw:

The bodies were lying on the ground face down. All of their hands were bound behind their backs. . . . The bullet wounds could not be made out on the backs but there was blood on the ground beneath the chests. I saw the bodies about four days after they had been killed. Their backs had not been blown up but the blood had obviously poured out of the chests and I understood that they had been killed by firing into the back because there was no visible wound on any other part of the bodies and they were lying in pools of blood that had poured out of their chests. They were tied together in groups of three using their turbans and

scarves which had been wound together to make ropes. They were tied together one to the other, using their own turbans. . . . To tell you the truth we were so terrified and upset that we barely dared look at the ground. You could hardly stand there.

“Soon after the workmen returned, word reached Naikpai that some of its people were among the dead. A group of residents went to inspect the gravesites, where they found shallow graves and recognized bits of clothing belonging to their missing relatives. They also found two more bodies at a short distance from the others; the two men had been shot and their bodies were left where they fell.

“The Robatak area remained under Taliban control. Local human rights researchers visited the site at Hazara Mazari in November 2000 and photographed the remains that were visible from the surface.”<sup>288</sup>

“As general commander of the Khinjan front in Baghlan province during the first half of 2000, Mullah Shahzad had authority over the detention facilities in Khinjan and Pul-i Khumri, where the Robatak prisoners were held, and was in command of the troops stationed in the area. The Taliban Chief Military Commander for the Northern Zone (Fifth Corps, based in Mazar-i Sharif), Mullah Abdul Razak Nawfiz, was the immediate superior officer of Mullah Shahzad, and was responsible for directing his operations and briefing him on Taliban strategy and policy. He was also the official who would have had primary responsibility for investigating crimes by the commander and preventing further abuses.”<sup>289</sup>

### **Perpetrators and those bearing responsibility**

**Mullah Shahzad Qandahari**, a senior Taliban commander, had direct responsibility for the massacre. Shahzad was taken into U.S. custody in late 2001, but released in May 2004. He subsequently rejoined a Taliban unit and was killed in a gun battle with US forces. During the period that these abuses occurred, he was assigned as the general commander of the Khinjan front, in Baghlan Province, part of the Taliban Northern Command. Other officers who were part of the command structure within which Shahzad operated and would have had knowledge of or control over the abuses include : 1. the Taliban Chief Organizer Northern Zone, **Mullah Noorullah Noory** (The Taliban had adopted a zonal system, with the country divided into four zones. Both Baghlan Province, where the detainees were held, and Samangan province, where they were executed, belonged to the Northern Zone); 2. the Taliban Chief Military Commander Northern Zone (Fifth Corps, based in Mazar-i Sharif), **Mullah Abdul Razak Nawfiz** He was the immediate superior officer of Mullah Shahzad, responsible for directing his operations and briefing him on Taliban strategy and policy. He was the first level of military official who should have known about the torture inflicted by Mullah Shahzad on his civilian detainees. He must also have known the truth about the summary executions and would have had primary responsibility for bringing the commander to justice and preventing repetitions. the Taliban General Army Commander, 3. **Mullah Fazal Mohammed Mazloom**, of Qandahar The second level superior officer of Mullah Shahzad, who failed to ensure that the commander Northern Zone prevented his men from committing abuses; 4. The Taliban Minister of Defence, Mullah Ubaidullah of Qandahar, the top most formal authority over the military; 5. The governor of Baghlan at the time The detainees were held in an unofficial jail, in Pul-i Khumri, the main town of Baghlan Province. They were civilians being held by a military commander, with no charge or legal proceedings. They had been tortured and were subsequently taken out and killed. Their presence in the area was fairly widely known because of the coming and going of relatives. The provincial governor must have had knowledge of their presence, the abuses they suffered and their fate. He was the senior most civilian official who is responsible for administration and law and order in

the area where the abuses started. The identity of those Taliban soldiers who actually carried out the killings, and were present at the execution site has yet to be established.

## **7.6 Summary executions, Yakaolang, January 7-22, 2001**

Yakaolang district continued to be contested after its occupation by the Taliban in September 1998. Khalili's Hizb-i Wahdat faction and Harakat-i Islami briefly retook joint control of Yakaolang at the end of 1998 and Bamiyan district in April 1999. However, they lost both districts in May of that year, after heavy fighting in Bamiyan. On December 28, 2000, Hizb-i Wahdat and Harakat-i Islami forces again occupied Yakaolang.

On January 7, 2001, Taliban forces began advancing on Yakaolang from Bamiyan in a bid to recapture the district. After some fighting, during which the Taliban brought in reinforcements, the Taliban proceeded to Nayak, the district center, without further resistance, reaching it on the morning of January 8.

The massacre of non-combatants in Yakaolang began on Sunday, January 7, 2001. . Most killings were conducted on January 8. Taliban forces remained in the area until January 22, and carried out more summary executions that day. The total number killed during this period is at least 178 who have been provisionally identified, of whom 175 were civilians and 3 were military hors de combat. It has not been possible to obtain a more precise figure because of the difficulty in getting reliable, comprehensive lists of people killed in the mass arrests and firing squads.

### **The Taliban command structure in Yakaolang**

At that time, Mullah Shahzad was commander of the Taliban strike force, responsible for all Taliban troops operating in Yakaolang between January 6 and January 11. His troops were based close to his command center. After capturing Yakaolang, he based them in the district hospital, the old district administration building, the UNOCHA office and the girls' school, all of which were within 250 meters of the command center in the Irfani Library. The close proximity of the temporary bases, the coordinated fashion in which the Taliban launched search operations, and the fact that search parties brought their detainees back to the center before shooting them, all indicate that the roundup of civilians was a coordinated exercise, controlled by the operational command.<sup>290</sup> Two members of the Taliban high command are reported in the testimony to have visited Yakaolang during the operation. By virtue of his role as army commander, Fazil must have been involved in the planning and supervision of the operation.

In addition to these, the following Taliban commanders were part of the chain of command:

Mullah Abdul Sattar was the Taliban general commander for the Hazarajat region, of which Yakaolang is a part, at the time of the outbreak of fighting in December 2000. He was present in central Nayak during the massacre. Abdul Sattar's role during the massacre, seems to be that of a senior deputy, complementary to that of Shahzada.

Mullah Abdul Ghaffar was another Qandahari Pushtun Talib, not known in the area, who acted as a field commander during the operation. He had responsibility for the upper Darra Ali area and supervised the search operations there during January 8.

During the operation, Taliban in Kabul informed the researcher the Ahmadullah had a coordinating role, for the simultaneous operations in Saighan, Kamard and Yakaolang.

Already from January 7, the units in Yakaolang were expecting his arrival. Although he may not have physically gone to Yakaolang until the Tuesday or the Wednesday, when the main killing was over, he clearly had senior level responsibility in the command structure from the inception of the operation.

The local commander Mangal was also complicit in the massacre. He supervised the single largest mass arrest, that produced victims for the Nayak firing squads. Furthermore, the search operation that Mangal supervised was the operation in which most summary executions were conducted on the spot. Taliban conducting the searches in Darra Ali killed at least eleven men in three separate incidents. All of these killings took place within a one kilometer radius of the temporary command post at CCA.

The testimony indicates that the Taliban's foreign militia participated in the strike force and played a prominent role in the actual massacre. The foreign militia operated in mixed units, alongside men that the witnesses recognized as Qandahari Pushtuns. However, the foreign militia were not the main perpetrators of actual killings. Survivors of the mass firing squads generally recognized their would be killers as Afghan Pushtuns, rather than foreign militia. The Taliban used their foreign militia as willing instruments in organizing the massacre (rounding up people in village searches, screening of prisoners), but they generally assigned Afghan Pushtuns to do the actual killing.

This analysis is based upon two sources of testimony : (1) the affidavits obtained by the three groups of the local investigative commission in Yakaolang, and (2) the testimony gathered during a field visit to the area. The individual testimonies have been cross-checked with a general list of victims obtained from local NGOs, which identified 178 individual victims. This report presents a detailed description of the particular incidents that combine to constitute the Yakaolang massacre. In particular, it distinguishes four key firing squads, in which Taliban gathered groups of men in the center of the district and shot them en masse.

The Taliban forces killed people in four ways:

- a) Mass arrests, followed by execution in a firing squad, removed from the place of arrest.
- b) Wayside killings, in which (smaller) groups of people were arrested or stopped and killed close to where they had been stopped.
- c) Killings during search operations, in which individuals, generally arrested in their homes, were targeted for immediate execution.
- d) Targeted killings, where known individuals (military, hors de combat), were executed.

### **A. Killings Following Mass Arrests**

The majority of victims were selected and killed in mass arrests. General accounts of the mass arrests indicate about 127 victims, of whom 98 can fairly reliably be identified from the victim lists available.

#### **a. (1): The mass arrests in Darra Ali**

The Taliban killed some 50 men from Darra Ali by firing squad, at Qala Mohammad Hassan Khan, around 17.00 on January 8, January 8. Taliban forces rounded them up from their homes in Darra Ali between 10.00 and 15.00 the same day. The Taliban screened the men in their operational headquarters, at the OXFAM compound, before taking them the short distance to the execution site. Eyewitness testimony includes men who were arrested in Darra Ali but spared at

the screening stage. One man apparently survived this firing squad. This operation was supervised by the Taliban operational command.

a. (2) : Arrests of men in Mindayak

The Taliban killed 11 men from Mindayak by firing squad at Qila Hassan Khan, at 08.30 on January 8. The Taliban had arrested the men the same day from near Mindayak village. One Mindayak man survived the firing squad. This operation was supervised by the Taliban operational command.

a. (3) : Arrests of men in the Kata Khana prayer hall

The Taliban killed 22 men from Kata Khana, in the same firing squad as they despatched the Mindayak men, i.e. at 08.30 on January 8. They had arrested the men from inside the communal prayer hall of Kata Khana, where they had taken refuge, at 15.00 on Sunday January 7, and then held them prisoner over night. This operation was supervised by the Taliban operational command. The actual firing squad was manned by about eight Afghan Pushtuns. One Kata Khana man survived the firing squad.

a. (4): Arrests of the men who assembled in Ahmad Arbab's house, Kata Khana, to surrender

The Taliban killed about 10 of a group of elders who were trying to surrender to the Taliban authorities. They had emerged from the house of a local influential, Ahmad Arbab, when the Taliban arrested them at 08.30 on January 8 and executed them by firing squad behind the OXFAM compound, at 11.00 the same day. The Taliban screened these men at their headquarters in OXFAM; eyewitnesses include some who were spared at the screening stage. This operation was supervised by the Taliban operational command. Witnesses noted that the Taliban foreign militia participated in the screening.

a. (5) : Arrests of Bedmushkin elders who came to central Nayak to surrender

Taliban killed about 13 of a group of elders who, emulating the Kata Khana contingent, had come to the center of the district to pledge their allegiance to the new Taliban authorities. Taliban screened them at OXFAM and then executed them by firing squad at about 11.30 on January 8<sup>th</sup>. There are eye witnessed who were spared at the screening stage and then participated in dumping the bodies. This operation was supervised by the Taliban operational command.

a. (6) : Arrests of people from Bedmushkin in house to house searches

The Taliban killed at least 13 people whom they arrested in searches of Bedmushkin, starting at 09.30 on January 8. It is thought that the victims of this roundup were killed in firing squads at OXFAM, but there is no general account of the conduct of this operation.

a (7) : The Qurghan cross-roads killing

The Taliban killed three men from Bedmushkin in a firing squad near Qurghan cross- roads. Taliban search parties had rounded these men up in Bedmushkin on January afternoon and shot them at about 17.30. The shootings were ordered by Commander Sattar-uddin and carried out by an Afghan Pushtun Talib, without further reference to the operational command. Three men survived the firing squad, of whom two have given testimony.

a. (8) : Searches of Akhundand, Kata Khana and Kushkak

The Taliban killed an unknown number of men whom they rounded up in villages Akhundand, Kata Khana and Kushkak, during repeated searches on January 8. There is no good general account of this operation, but it seems likely that the victims were executed by firing squad at OXFAM.

## **B. Wayside Killings**

General accounts of the wayside killings indicate about 18 victims, of whom 17 can fairly reliably be identified from the victim lists available.

b. (1): Taliban forces summarily executed 3 shopkeepers from Behsud, at 11.00 on January 8, close to a carpet center run by an Afghan nongovernmental organization, the Cooperation Centre for Afghanistan, in Darra Ali. The killings took place in a sector controlled by Commander Mangal.

b. (2) : The Taliban executed nine men in Mindayak, at 10.00 on January 8. Five other men were arrested with the nine; the Taliban spared them on grounds of age but made them watch the killing at close hand. A Qandahari Pushtun commander ordered and supervised the killing, which was carried out by five Afghan Pushtun Taliban.

b. (3) : A mixed patrol of Taliban foreign militia and Qandahari Taliban stopped and killed by firing squad two shepherds at Kotal Surkhak, at 11.00 on January 8. One man survived the firing squad and another was spared on grounds of age.

b. (4) : Mounted Taliban conducting search operations on January 8 between 11.00 and 15.00 in Darra Ali, under the general supervision of Commander Mangal; stopped and killed three wayfarers and a local man, at the foot of Sarbolagh Hill.

## **C. Killings during Search Operations**

Seven incidents have been identified. The search parties killed without reference to the operational command structure as sometimes with no apparent reason for singling out the victim. Taliban combined torture and beating with the killings. They beat one of their victims to death and burned another alive. The Taliban foreign militia carried out at least one of the search operation killings (that of shoe maker Syed Rasool).

## **D. Targeted killings.**

d. (1) : The Taliban captured United Front commander Ustad Faqoor and his bodyguard on January 6 or 7. They bound and tortured the men before killing them.

d. (2) : The Taliban, under the supervision of Mullah Abdul Sattar, captured and tortured Dagerwal Hayatollah, before killing him on January 22, in the UNOCHA office.

## **Detailed accounts of the Killings following Mass Arrests**

### **A. (1) – Mass arrests in Darra Ali Valley and executions by firing squad, in Nayak, on January 8**

There had been no conflict in Darra Ali in December and January 2001. As the valley is one of the centers of Syed influence in the district, politically many of the elders of Darra Ali have favoured collaboration with the Taliban. The area was quiet on January 8. Following news of the United Front defeat in Yakaolang, elders were discussing how to arrange a peaceful transition and were preparing to renew their links with the Taliban. Men in the valley, unlike many of those in

the center of the district, had not taken the precaution of hiding. People of Yakaolang considered Darra Ali to be a safe haven, where civilians could hide during political or military turmoil in the center of the district. The valley was thus host to several displaced people from the center of the district. If there was any military rationale for a search of Darra Ali, it was because the valley adjoins Kotal Surkhak and Feroz Bahar, where the United Front had staged its inadequate attempt at defence of Yakaolang. However, local intelligence and a brief visit to the area would immediately have revealed that there was no military presence in the area by the time the Taliban arrived.

The killing, by firing squad, of men arrested in Darra Ali, represents one of the four key firing squads of the massacre. The first Taliban search party reached Darra Ali at approximately 10.00 on January 8. They were equipped with eight Toyota pick ups (seen by witnesses in Jamak at 10.00) and subsequently went on to steal local horses for searching areas beyond the road. The two key commanders in the Darra Ali search party were Mangal, a Pushtun from Bamyan center, who was then allied to the Taliban and well known to people in the area, and Mullah Ghaffar. The troops included Baghlan Pushtuns (affiliated to Mullah Abdul Baqi Taloqani, who was killed in Takhar July 2001) as well as some Tajiks. The Taliban established a base in the CCA carpet center in Darra Ali and troops passed in and out of there during the day, looting the center and drinking tea. A staff member present in the carpet center reported that the Taliban took control of it at 11.00. They stayed until approximately 15.00, after which the prisoners who had been taken to the center were marched down to Nayak.

Other Taliban involved in the search operation in Darra Ali included Mullah Rahmatullah, Syed Salauddin Kakazai and Maulvi Mohammad Wali (all of who signed their names on the wall of the carpet center before departure). During the five hours that they spent in Darra Ali, the Taliban search party rounded up all males that they could find. They conducted arrests from homes, farm buildings and fields, bound the men's hands with their own turbans and brought them to the carpet center. Search parties were dispersed among the numerous settlements in the valley. The carpet center was used as a holding point, where they gathered the men before returning to Nayak. The arrests were accompanied with widespread brutality, and most witnesses described how Taliban troops beat them or their relatives with rifle butts and bayonets at the time of arrest. The Taliban also took over the madrassah (religious school) of upper Darra Ali as a holding center. They tied up and held the thirty students there, as well as men gathered from surrounding villages of upper Darra Ali. But ultimately Mullah Ghaffar spared these men and allowed them to go home. (See testimony below).

The conduct of the search operation demonstrates that the operation was for the purpose of collective punishment and not for a military purpose. Men were rounded up indiscriminately, and those detained consisted exclusively of civilians. As they were led by someone with good local knowledge (Mangal), the Taliban would have been fully aware of the fact that they were arresting civilians. Mangal presided over the search operation in lower Darra Ali, (approximately the area downstream of the carpet center) and Mullah Ghaffar presided over the area upstream of the carpet center. By 15.00 the Taliban had gathered about 80 men in the CCA carpet center. On their way to the center, some of the detainees stated that they had to pass the bodies of the three Behsud shopkeepers, who had been summarily executed beside the road barely 400 meters to the south of the center.

In addition to the arrests from houses, the Taliban encountered a group of elders who were walking from Darra Ali towards Nayak center, intending to negotiate surrender terms and security for their villages. One person in this group was Chaman, former treasurer of the previous Taliban commander in Yakaolang. The Taliban search party met the mediators as they were

passing through village Jamak. The Taliban assaulted them with rifle butts and bayonets, arrested them and imprisoned them in a room in Jamak. They were kept there until the Taliban party was returning towards Nayak center. They then joined the rest of the prisoners and were taken to Nayak for execution along with the main group. Witness 140 describes how her husband had gone with other elders from their village, to the center of Darra Ali in Shahnihang, indicating that people were busy consulting on how to accommodate the latest political changes. However, he was arrested from Shahnihang and ended up in front of the firing squad.

One witness described how her nephew was walking towards Nayak, accompanying Akhlaqi, a local elder and one of the key administrators in the previous Taliban administration in the district. They were arrested by the Taliban en route and shot by firing squad. She and a group of women were able to retrieve the body the next day.

After completion of their search operation, the Taliban herded the detainees towards Nayak center. The mounted Taliban, with the horses they had stolen earlier, beat the men with whips (lengths of electric cable, favoured by the Taliban), sticks and rifle butts, to keep them moving down the road. They covered the distance in about one hour and at 16.00 delivered the prisoners to the Taliban operational headquarters in the OXFAM office in Nayak. The Taliban operational commander, Mullah Shahzad, was sitting in the library building, overlooking the compound.

A truck was waiting at the OXFAM compound. While the detainees were held in OXFAM compound, their guards sorted them into three groups – boys, youths and old men. Several Taliban intervened in this screening process, right up to the stage at which the truck left. In at least one case the Taliban guards referred to Mullah Shahzada for a decision on sparing detainees. In one case, a guard brought forward two technicians from a leprosy clinic to present their credentials as NGO workers. Shahzada rejected their agency identification cards and ordered the guard to have them killed, but the guard disobeyed and separated them from the execution truck. The men sorted into the youths category were tied together in pairs and loaded onto the truck.

Sorting of the prisoners was completed by about 17.00. The truck drove the short distance from Nayak center to the main execution ground of Qala Arbab Hassan Khan. The detainees were unloaded from the truck and split into two groups. Taliban then shot them in firing squads. The Darra Ali men were shot in the late evening, about 18.00 or 17.00.

The Taliban held the old men who had been spared the firing squad overnight on January 8 and released them the next day. Younger survivors were held for four. At the end of their detention the young men were put to work loading bodies (around January 12). At this point they were guarded by a contingent of Taliban troops from Ghorband.

After four days, a delegation of thirty women and ten old men from Darra Ali went to Nayak to search for the bodies and identified them from the stacks of corpses that had been left at Qala Arbab Hassan Khan. Victims had been killed from multiple bullet wounds, mainly to the head and chest. Their hands were still tied behind their backs. One witness reported seeing six piles of fifteen bodies at Qala Mohammad Hassan Khan, when the Darra Ali delegation visited around January 12. The Darra Ali people approached Haji Faqoori, (a senior Hazara military commander allied with the Taliban) in Nayak. Faqoori provided them with a truck. They loaded the truck with some sixty to seventy bodies. They unloaded eleven of these in the Old Bazaar and delivered all those who belonged to eastern Yakaolang to the prayer hall in Mindayak. From there people loaded bodies of their relatives unto donkeys and carried them home for burial.



Witness testimony indicates that, in addition to general brutality and the actual killings, Taliban tortured some of their prisoners. One witness described how, when they retrieved the body of his father from the place of the main firing squad, in addition to the bullet wounds, his fingers had been cut off. Another witness described how his brother was arrested from home, tied with a turban, beaten and herded with the other Darra Ali prisoners. But when he went to retrieve his brother's body from Qala Arbab Hassan Khan's, he found that he had been killed by bayonet rather than firing squad, as his throat had been cut.

The mass arrests in Darra Ali and executions by firing squad were witnessed by relatives who saw family members being arrested from their homes and farms on January 8; fellow detainees, who accompanied the victims from Darra Ali to Nayak, but were then spared for one reason or another; relatives who went to Nayak to identify and retrieve the bodies, on or around January 11, and who then buried them around January 15; and people who witnessed the firing squad and shootings.

### Survivors

Eye witness testimony is available from the men who were arrested with the main group in Darra Ali, accompanied them as far as Nayak, and were then screened out on grounds of age. They provide detailed accounts of the incident up to the point when the Taliban took the young men away to the firing squad.

Abulfazil was arrested in Darra Ali, along with his son (victim 143). The Taliban tortured and beat them with rifle butts and sticks and eventually took them along with the main group of prisoners on foot to Nayak center. Abulfazil was then held with the old men, and spared, while the Taliban took his son and the other youths to the firing squad. He estimated that at its peak, the party of prisoners taken to the center included eighty men. Thirty of them were let off and the remaining fifty taken to be shot. Likewise Ewaz Ali was arrested by three armed Pushtun soldiers, who entered his house in Darra Ali, tied him and beat him. He was taken as far as Nayak with the main group, but there was spared, on account of his age.

Khalifa was one of the last men to be separated from the Darra Ali victims, before they were taken off to the firing squad. He had been arrested in Manshara Village of Darra Ali and marched to Nayak with the main group. Although his age (about 40) would have made him a prime target, at the last minute one of the Taliban intervened to send him off with the old men. He was held in Nayak for four days, and then put to work loading bodies "in front of Asadullah Khan's hotel" and released. He confirms that the original group of prisoners marched to Nayak was 70 – 80 men, but says that only 15 of these were spared.

Mohammad Ali of Kunda, Darra Ali survived a firing squad in Qala Mohammad Hassan Khan in the afternoon of the January 8. He had not been arrested with a main group. Unaware of what was happening, he had gone to the market and was detained. The Taliban put him on body-shifting duty during the day – he helped fill two trucks of bodies from Nayak, going to Qala Mohammad Hassan Khan. After his work, the Taliban shot him in a firing squad. However, another man survived unscathed by throwing himself down when his dying neighbour splattered him with blood. This may have been the firing squad in which the Darra Ali men were killed, although it is not completely clear from the testimony.

A witness was present when the Taliban arrested her husband and two sons, all of whom were killed in the firing squad. A woman described how the Taliban beat her son before taking him off and herding him to the center and firing squad. Another witness related that her husband was preparing fodder in the barn when two Pushtun Taliban burst in, tied him up with his turban

and took him off to the firing squad. Another witness described how the Taliban arrested his son-in-law, tied and beat him with a stick, and then took him off to the firing squad. The wife of one of the victims described how Taliban arrested her husband and son-in-law from her house, and beat them with whip, rifle but and bayonets, before carrying them away to the firing squad at Qala Arbab Hassan Khan. Another survivor had two of her sons arrested and taken to the firing squad. Another witness saw three Pushtun men tie up her husband's hands, beat him and take him away. The elders brought back his body after four days, killed in the Qala Arbab Hassan Khan firing squad. Another survivor went himself to Qala Arbab Hassan Khan, to retrieve the body of his son. His hands were tied and he had received four bullet wounds. The wife of one victim related that her husband was arrested, beaten and taken to the central firing squad. The brother of another victim related that his brother was bayoneted and then killed in a firing squad on January 8, having been arrested that day by the Taliban in Darra Ali. The mother of three victims stated that Taliban arrested two of her sons and a grandson and took them to the firing squad. The wife of one victim described how the bodies were brought back from the site of the firing squad and buried. Another witness related that Taliban arrested his son from home, and put him to the central firing squad that evening. Three armed Taliban burst into another witness 122's home, tied his son's hands, and took him off to the main firing squad. An eyewitness in the village Qashgola stated that the Taliban reached the village at 14.00 and were able to arrest three people. All three were later retrieved from the piles of bodies at Qala Arbab Hassan Khan.

A surviving relative described the arrest and killing in the firing squad, of his uncle. A villager's laborer husband was arrested while cutting fodder for his employer. He was tied and ended up at the main firing squad. Another woman stated that her husband was arrested from Darra Ali and taken to the Arbab Mohammad Hassan Khan firing squad. A mother related that Taliban arrested, beat and took away her son, and that his bullet-riddled body was later found at the site of the main firing squad. A wife of one of the victims reported that her husband was arrested from home by the Taliban, then beaten and taken to end up in the firing squad. Another witness described how her husband was arrested while cutting grass, tied up, beaten with stick and rifle butt and taken off to the firing squad. She went to retrieve the body from Qala Mohammad Hassan Khan. A wife of one of the victims stated that her husband was arrested from the roadside and then shot and buried with the Darra Ali victims. Another survivor saw Syed Talib, Syed Sarwar and Syed Hussain of his Kushkak village, being taken off from the sorting point, to the firing squad and later went to collect bodies from Qala Mohammad Hassan Khan. The bodies had been shot mainly in head, also in chest and waist area, and included some people with hands tied, others with hands open. A witness saw the actual shootings, looking south towards Qala Mohammad Hassan Khan from Kata Khana. He confirms that the (Darra Ali) victims were brought to the firing squad in a single truck, around 17.00 on January 8.

#### The victims

The following is a partial list victims of the Darra Ali mass arrests and firing squad. It includes those people on the general victim list who can be identified, in the testimony, as having been killed.

S/no	Title	Victim name	Title	Father's name	Place of arrest	Residence	Age	Occupation
122	S	Ali Zaffar	Syed Haji	Ali Abbar	Darra Ali	Bum	27	farmer
124	S	Hassan	Syed	Ishaq	Darra Ali	Bum	30	labourer
123	S	Mohammad	Syed Haji	Ali Akbar	Darra Ali	Bum	25	farmer
147	Sheikh	Mohammad Ali Irfani		Khadim Karbalai	Darra Ali	Dae Naw	50	student
99	Syed	Ali	Syed	Kalbi Hussain	Nayak	Gunbadi	47	casual labourer
133	Syed	Ahmad	Syed	ishaq	Darra Ali	Jamak	40	farmer
131		Ibrahim Zawar		Murad Ali	Darra Ali	Jamak	38	farmer
135	Syed	Mohammad		Mohammad Hussain	Darra Ali	Jamak	36	farmer
77		Sher		Ali Dad	Darra Ali	Jamak	45	farmer
132	Syed	Iqbal	Syed	Mohammad	Darra Ali	Jamak	55	carpenter
89	Syed	Sarwar	Syed Haji	Ishaq	Nayak	Kushkak	32	shopkeeper
88	Syed	Talib	Syed Haji	Ishaq	Nayak	Kushkak	35	shopkeeper
118		Ibrahim		Sakhi Dad	Nayak	Mindayak	18	casual labourer
109		Nadir nanbai		Ibrahim Zawar nanbai	Nayak	Nayak	40	baker
146	Syed	Asadullah Akhlaqi		Shah Yaqub Zawar	Darra Ali	Qala Para	30	student
145	Babq	Nawroz	Mullah	Surkh	Darra Ali	Qala Para	52	labourer Teacher/NGO worker
144	Syed	Sultan Aziz	Syed	Mohammad Hussain	Darra Ali	Qala Para	35	farmer
142		Abbas	Haji	Ghulam Mohammad	Darra Ali	Qala Shah-nihang	30	farmer
130		Hussain Ali		Khudadad	Darra Ali	Qala Shah-nihang	40	shopkeeper
140	Syed	Jawad	Syed	riza Karbalai	Darra Ali	Qala Shah-nihang	27	farmer
141	Haji	Mohammad	Haji	Ghulam Mohammad	Darra Ali	Qala Shah-nihang	30	baker
137		Mohammad Ali		Jaffar	Darra Ali	Qala Shah-nihang	30	farmer
143	Syed	Mohammad Ali	Syed	Abulfazil Shah	Darra Ali	Qala Shah-nihang	26	farmer
138	Syed	Mohammad Paiman		Ali Akbar Shah	Darra Ali	Qala Shah-nihang	40	carpenter
139		Rajab Zawar		Ali Hussain	Darra Ali	Qala Shah-nihang	45	farmer
150		Abdallah		Ahmad Zawar	Darra Ali	Qashgola	37	farmer
159		Asadullah		Ghulam Ali	Darra Ali	Qashgola	27	farmer
151		Mohammad Hussain		Darab	Darra Ali	Qashgola	22	farmer
108		Qorban		Ali Akbar	Nayak	Sar Asiab	20	shopkeeper
129		Baqir		Mohammad Nabi	Darra Ali	Shah Mirak	19	labourer
126		Mohammad		Mohammad Ali	Darra Ali	Shah Mirak	35	farmer
128		Mohammad		Mohammad Nabi	Darra Ali	Shah Mirak	30	farmer
127		Nabi		Hussain Baksh	Darra Ali	Shah Mirak	47	farmer
160		Hussain Baksh		Ewaz	Darra Ali	Tainaw	30	farmer
162		Abbas		Girdi Hussain	Darra Ali	Zahrab	40	farmer
169		Azeem		Kazim	Nayak	Kata Khana	28	labourer
149		Chaman		Ishaq	Darra Ali	Diwalak	35	shopkeeper

## **A (2) : Arrests in Mindayak and killing by firing squad, in Nayak, on January 7**

The Taliban undertook arrests in and around Mindayak, and took the men to Nayak, where they were executed in one of the major firing squads. Some were detained on the road near Mindayak, others from Gunbady (neighbouring village). They were first placed them in a holding center in Khorasan Hotel. There they joined the men who had been arrested in Kata Khana the previous afternoon. At this point there were twelve men from Gunbady and Mindayak in the center, awaiting execution. The Taliban then loaded them on a truck, took them to Qala Arbab Hassan Khan and executed them in a firing squad.

### Survivors

Two men survived from these Mindayak arrests – Syed Tahir (witness 319) and Ahmad Hussain son of Ustad Hussain. They ran towards the river and kept going to Darra Ali, after the Taliban fired on the group, thus escaping arrest.. A man from Kata Khana survived the firing squad (witness 204) and described the executions of the Gunbady and Mindayak men alongside him.

One witness stated that his nephew was walking back from Nayak towards Darra Ali and was arrested and tied up by the group of Taliban at Mindayak. When the family retrieved the body, he had been killed in the Qala Arbab Hassan Khan firing squad and had multiple bullet wounds, particularly in the head. Another witness went with two of the children of a victim of Mindayak, to collect and bury bodies. He buried three of the Mindayak victims, collected from the Mindayak prayer hall.

### Victim Details

S/no	Title	Victim name	Title	Father's name	Place of execution	Residence	Age	Occupation
100	Syed	Mohammad Ali	Syed	Haidar	Nayak	Gunbadi	35	Farmer
115		Ahmad Mirzai		Mohammad	Nayak	Mindayak	45	Farmer
119		Akbar		Musa	Nayak	Mindayak	na	casual labourer
116		Daoud	Haji	Baqir	Nayak	Mindayak	26	shopkeeper/FAO driver
114		Hakim		Qasim	Nayak	Mindayak	30	casual labourer
111	Arb-ab	Mohammad Ali Nuri		Nur Ali Zawar	Nayak	Mindayak	50	casual labourer
120		Riza		Daulat Zawar	Nayak	Mindayak	17	casual labourer
102	Syed	Akbar	Syed	Riza	Nayak	Mindayal	34	Farmer
112		Yasin	Arb-ab	Mohammad Ali	Nayak	Mindayak		

## **A. (3) : Detentions in Kata Khanna lower Prayer Hall on January 7, execution by firing squad in Nayak on January 8**

The killing by firing squad of the men of Kata Khana, who had sheltered in the community prayer hall of their village, represents one of the four key firing squad incidents during the Yakaolang massacre. It is also significant because it is the only major incident in which prisoners were taken on January 7, held over night, and killed the next day.

A detailed account is provided by Syed A. of Kata Khana, firing squad survivor. During the afternoon of January 7, United Front forces were withdrawing from central Yakaolang.

Twenty-five of them staged a rearguard action in village Kata Khana. They kept up covering fire from Kata Khana until dusk (about 17.30), by which time their withdrawal from the area was complete. In the meantime the covering fire attracted Taliban infantry, who were extending their control of the center.

During this afternoon conflict, civilians in the village all chose somewhere to hide. A large group, consisting of 23 men and large numbers of women and children sheltered in the prayer hall in lower Kata Khana. In the late afternoon (after 15.00), one of the Taliban groups that had been chasing the UF entered the prayer hall. There were seven heavily armed Taliban in the group. They ordered out all of the 23 men. They beat and threatened women and children. The Taliban ordered the men into a line outside the prayer hall, as if to shoot them, but relented. The Taliban stole the prisoners' personal belongings and valuables and escorted them to the district center (Irfani's Library, overlooking the OXFAM compound, which was command post). They arrived there at 17.00 on Sunday January 7. After a brief stay, they were ordered to the Khorasan Hotel.

The Taliban detained the Kata Khana men in Khorasan Hotel for about 15 hours. The principal guards were a group of seven Pushtu speaking, Afghan guards. However a group of the Taliban foreign militia (who spoke a language the prisoners did not understand, but were clearly cursing them in Arabic) visited the hotel hourly and beat them severely.

At 08.30 on January 8, the guards ordered the 23 men from Kata Khana, plus 12 detainees newly arrived from Mindayak and Gunbadi, onto a tarpaulin covered truck, that was pulled up outside their hotel. The truck sped to Qala Arbab Hassan Khan (less than five minutes drive). The Taliban guards, who travelled with the men on the truck, divided them into two groups. The guards led the two parties to two gullies. They did not tie the men's hands. Until last moment the men did not really comprehend that they would be shot. Four guards led a group of 18 men to the lower gully and presumably a similar number were assigned to the other party). The firing squad members for this group were local Pushtuns, with 1 light machine gun (PK) and 3 kalashnikovs. They sprayed the victims with bullets until all fell, apparently dead. One firing squad member inspected the dead, declaring in Pushtu that all the infidel Hazaras had been killed. The Taliban drove off in their truck.

One witness adds that only 13 of the victims had their hands free, the other men had already been bound before they were taken to the execution site. He said that the order to fire was given by a tall fair man with a white turban. Ibrahim threw himself on the ground among the bodies, but after a while he heard Anwar calling out to see if there was anyone else alive. They both escaped from the site.

A witness was hiding in the hills above Bedmushkin and was able to view the scene of execution at Qala Arbab Hassan from a distance. He saw the truck arrive, then the Taliban unloaded the prisoners, lined them up and shot them. The same truck returned to central Nayak and returned an hour later with the bodies of people who had been killed in Nayak (the morning arrests of Kata Khana and Bedmushkin men).

When one witness, who had been spared the Kata Khana firing squad, went to Qala Arbab Hassan Khan to collect bodies, he noted that, in addition to the stacks of bodies immediately outside the house (this is where the trucks had turned, as indicated by the tire marks visible when the researcher visited) there were about thirty bodies in the gully (Dahane Jar).

These bodies were those of the Kata Khana and Mindayak men, from the first firing squad, described above. The Taliban had left their bodies where they fell, in the two gullies.

### Survivors

Two men survived the actual firing squad. Witness 204 from Kata Khana received four bullet wounds, but was able to walk. A man from Mindayak was uninjured. Both men lay as if dead among the bodies and then escaped by climbing the gullies and hiding in the hills to the south of the site. 205 witness Syed ., son of Syed E. of Kata Khana, was arrested with the Kata Khana men, but spared on grounds of age. He saw the general commander and received a document from Shahzada.

### Command and control

The detained men were brought back to the headquarters. Witness 204, who survived the firing squad, saw a Talib guard enter the headquarters building and then pass on a message saying that they would be imprisoned. They were then taken to the hotel and held there. The Taliban imprisoned the men for a period of fifteen hours, only a short distance from their headquarters. All the subsequent events, including the bringing of the second batch of detainees, the loading onto the truck and the actual firing squad, occurred in the close proximity of the Taliban operational headquarters. This was a period in which Nayak was calm and fully controlled by the Taliban and they had good radio communications.<sup>291</sup>

The survivors of the Kata Khana killings had dealings with the Taliban operation command during their sojourn in the center. During imprisonment in Old Uluswali, some time after 08.30 on January 8, the imprisoned men saw the arrival of a helicopter, from which a Talib commander with white turban, white hair and a limp emerged. S. Abdul Rahman, prisoner, identified him as Abdul Sattar. The prisoners had an interview with Sattar in his own room, to discuss the dead Talib prisoner. Subsequently, they were given orders by the general commander, Mullah Shahzada, to take their dead relatives and go. Shahzada gave them a signed letter, for the release of the bodies. Prison guards confirmed that the general commander was Shahzada and that he was based in the library building. Photographs are available of the two gullies at the Qala Arbab Hassan Khan site, where the two firing squads were held. Bullet riddled clothing (hats, gloves, shoes) were photographed in the two gullies. Cartridges were frozen into the snow at the two spots described. These items have been recovered from the scene and are available.

### Detailed victim list

S/no	Title	Victim name	Title	Father's name	Place of execution	Residence	Age	Occupation
70	Syed	Musa		Shah Ghulam Hussain	Nayak	Akhundan	45	farmer
52	Syed	Daoud	Syed	Ishaq	Nayak	Bedmushkin	50	porter
50	Syed	Hassan	Syed	Hussain Shaheed	Nayak	Bedmushkin	40	porter
153		Ahmad Zawar (IDP)		Hassan Zawar	Nayak	Kata Khana		labourer
34	Syed	Ali Khurram	Syed	Ahmad Hussain	Nayak	Kata Khana	17	student
66	Syed	Amir Zawar	Syed	Mirza Hussain Palhwan	Nayak	Kata Khana	23	labourer
37	Syed	Ayub		Shah Mohammad Hussain	Nayak	Kata Khana	78	casual labourer
157		Bainawaa (IDP)		Ghulam Ali	Nayak	Kata Khana		labourer
63	Syed	Ewaz	Syed	Mohammad	Nayak	Kata Khana	47	teacher
152		Ewaz Ali (IDP)		Ghulam Mohammad	Nayak	Kata Khana	45	farmer
154		Ishaq (IDP)		Ghulam Ali	Nayak	Kata Khana		labourer

156		Mohammad Ali (IDP)	Mohammad Ishaq	Nayak	Kata Khana		labourer
38	Syed	Nasser	Shah Mohammad Hussain	Nayak	Kata Khana	45	casual labourer Labourer
155		Taqi Zawar (IDP)	Mohammad Ali	Nayak	Kata Khana		

**A (4): Arrest of group assembled in Ahmad Arbab’s house, Kata Khana, to surrender, and execution by firing squad in Nayak, on January 8**

The arrest of the men gathered in Ahmad Arbab’s house in Kata Khana and their execution by firing squad in Nayak, behind OXFAM, represents one of the major firing squad incidents of the Yakaolang massacre. It is highly significant for the local population, because Ahmad Arbab was one of the senior most elders who had consistently been interceding with the authorities to broker deals for the peace in the area. He was one of the envoys that the Taliban commander Sufi Gardezi sent to try to persuade Hizb-i Wahdat commander Khalili not to march on Yakaolang. When the Taliban seized Ahmad Arbab’s party and killed two of his sons, it was a clear signal that the Taliban now no longer respected any local authority or their previous interlocutors and collaborators.

At 08.30 on January 8, witness 205 along with a group of elders, was in conference in the house of Ahmad Arbab, in Kata Khana (total 19 men). When they heard that the Taliban were in the village, they assembled a white flag and went out to surrender to the Taliban. They encountered a group of 7 armed Taliban. The men surrendered to the Taliban, who promptly beat them and tied up their hands. The Taliban search party had already arrested one of the victims and his father. The witnesses stress that it was a severe beating, administered with cables and kicks, with many of the Talibs in the party joining in assaulting the old men. During the initial beatings, one Talib with white turban shot dead Syed Anwar in front of his father and six men, after demanding a gun from him (which he did not have). The Talib continued to kick and beat the dying boy after shooting him.

The Taliban released five of the prisoners, all elderly. The rest were sent to Nayak center. There a further five elderly men were released. The ten younger men were stood in the ditch behind OXFAM and shot. Allowing time for the rounding up process and screening, this shooting must have taken place about 11.00 on January 8. The men who were rounded up in this process, but spared were all over sixty. The men who were killed were all in their forties and fifties.

Command and control

The whole operation of capturing the men and ultimately taking them for execution involved a chain of command – first the search party, then the search rallying point, then the unit’s base, then the general headquarters. The actual executions were carried out next to the room where the commander was based, after an officer had talked to the group and completed the screening of the old men. The next day, when the old men were being released, they were sent to collect their friends’ and relatives corpses from where they had been dumped. The men requested and were given a letter from the general commander authorizing them to take home the bodies. The guards brought them this letter, signed by Mullah Shahzada, general commander. This killing illustrates most clearly how the executions were centrally planned and undertaken, under the close supervision of the operational commander, and with supporting documentation that Shahzada himself signed.

The researcher was able to visit the site described by a witness as the place of execution. There were blood stains in the snow, along with bullet riddled hats and spent cartridges. Photographs of the site are available and the bullets and clothing have been recovered.

### Details of the victims

S/no	Title	Victim name	Title	Father's name	Place of execution	Residence	Age	Occupation
48	Syed Haji	Mahmud	Syed	Mohammad	Nayak	Bedmushkin	50	teacher
56	Syed	A. Rahim	Syed	Mirza Hassan	Nayak	Kata Khana	46	farmer
49	Syed	Akbar	Syed	Hussain Shaheed	Nayak	Bedmushkin	35	porter
51	Syed	Anwar	Syed	Hussain Shaheed	Nayak	Bedmushkin	20	porter
62	Syed	Ismail	Syed	Ahmad	Nayak	Kata Khana	45	farmer
61	Syed	Sarwar	Syed	Mohammad Amir	Nayak	Kata Khana	27	casual labourer
65	Syed	Asadullah	Syed	Atta	Nayak	Kata Khana	43	NGO worker
43	Syed	Habib	Syed	Ahmad Arbab	Nayak	Kata Khana	33	teacher
57	Syed	Hashim	Syed	Mohammad Baksh	Nayak	Kata Khana	55	farmer
42	Syed	Ibrahim	Syed	Hussain Arbab	Nayak	Kata Khana	37	casual labourer
39	Syed	Musa		Shah Haider	Nayak	Kata Khana	50	farmer
68	Syed	Nabi	Syed	Mohammad Hassan	Nayak	Kata Khana	45	farmer
94	Syed	Daoud	Syed	Kazim	Nayak	Kushkak	30	labourer
45	Syed	Qassim Tabibi	Syed	Hassan	Nayak	Kata Khana	45	doctor

### **A(5) : Arrest and execution of group of Bedmushkin elders on January 8**

The execution of the Bedmushkin elders, by firing squad, behind OXFAM, on January 8 morning, represents one of the major incidents in Yakaolang. The men died in the third firing squad of the massacre. Similarly to the killing of the men from Ahmad Arbab's house, this incident is remembered by people in the area as an example of the Taliban specifically targeting a group of men who, in keeping with local tradition at times of political change, were going to offer their allegiance to the new authorities. As recounted by one witness, nineteen elders from Bedmushkin gathered on January 8 at 08.30. They decided to surrender to the Taliban. They walked to the center of Nayak. En route they heard firing and saw panic in Kata Khana but felt they could not turn back. At the concrete bridge (close to Nayak center, about 500 metres from the main administrative buildings) a group of the Taliban militia threatened to kill them. As they entered Nayak, they saw five men from the group that had gone with Ahmad Arbab, from Kata Khana, to surrender. These men all had hands tied and Taliban had made them stand barefoot on the snow. Ahmad Arbab was the man whom people had hoped would broker the surrender to the Taliban, so the site of these men bound was terrifying. At the old uluswali building, a group of Taliban, who seemed to be Pakistani, arrested the Bedmushkin group. This group took them to OXFAM. Another witness, who was on body detail for the people shot in Nayak, corroborated the observation that there was a group of 6 Pakistanis from the foreign militia, involved in reception and sorting of prisoners in central Nayak – and that they were behaving with authority as commanders. There the Taliban separated the old men and took them to Khorasan hotel. Younger men stayed at OXFAM. On way to hotel the old men heard shots. After half an hour the Taliban summoned the old men to OXFAM and there they found the bodies of their comrades, outside the OXFAM store. Taliban ordered the men to load bodies onto a waiting truck. They went with the truck to Qala Arbab Hassan Khan and unloaded bodies there, before being driven back to Khorasan Hotel. There were 80 people held in the hotel, from Gunbadi, Mindayak etc. A Pushtun Talib commander, speaking Farsi, released them on January 20 at 13.30. The commander



who delivered the news spoke kindly and told them “The General Commander has over-looked you. God has granted you a second life”.

A witness was part of this group, spared on grounds of age. He recalls that the Taliban beat the old men while they were shifting the bodies. And when the Talib commander announced their freedom, the man said that the decision to free them had been taken by their Mishr (great one), Shahzada. Photographs of the blood, cartridges and hats, in the snow, at the point where this firing squad operated, are available. The cartridges and hats have been collected.

### Details of victims

S/no	Title	Victim name	Title	Father's name	Place of execution	Residence	Age	Occupation
18	Syed	Akbar	Syed	Mohammad Ali	Nayak	Bedmushkin	45	farmer
9	Syed	Akbar Askari	Syed	Askari	Nayak	Bedmushkin	55	teacher
168	Syed	Ali	Syed	Qassim	Nayak	Bedmushkin	30	driver
23	Syed	Ali Hussain	Syed	Mohammad Baksh	Nayak	Bedmushkin	33	labourer
15	Syed	Amin	Syed	Hassan	Nayak	Bedmushkin	30	farmer
21	Syed	Amin	Syed	Shah Khani	Nayak	Bedmushkin	40	farmer
28	Syed	Ewaz	Syed	Nur	Nayak	Bedmushkin	37	labourer
53	Syed	Ewaz	Syed	Shah Anwar	Nayak	Bedmushkin	45	teacher
17	Syed	Mohammad	Syed	Sikandar	Nayak	Bedmushkin	45	farmer
3	Syed	Mohsin	Syed	Shamhon	Nayak	Bedmushkin	40	tinsmith
4	Syed	Qasim		Ali Jan	Nayak	Bedmushkin	55	official
10	Syed	Safdar	Syed	Askar	Nayak	Bedmushkin	48	farmer
14		Shah zaffar		Shah Ewaz	Nayak	Bedmushkin	47	farmer
105	Syed	Mohammad Tahsili	Syed	Ismail	Nayak	Sar Asiab	45	NGO worker

### **A. (6) : arrests from Bedmushkin village during house search operation, and execution by firing squad in Nayak, 8<sup>th</sup> January**

Bedmushkin was subject to a wave of searches and arrests during January 8. It seems that prisoners from these searches were not taken down to the center in any single group, as for example was the case for Darra Ali. However, the victims were killed in the center of the district. Welding the accounts into one incident brings together the testimony of people who were arrested throughout the day (except the last group, shot at Qorghon crossroads, that has been treated as a separate incident).

Until January 8, Bedmushkin had been treated as a place of refuge, as it is the village furthest west of those in the cluster around Nayak. By the time of the afternoon searches in Bedmushkin, most of the remaining men were in hiding. For example witness 216 reports that her sons were hiding under the hay, but the Taliban found them and took them to Nayak. According to witness 213, at 14.30, 2 pickup trucks with armed Taliban entered Bedmushkin village and rounded up all the men they could find. They arrested the men from their houses in the village and took them toward the center. A witness did not see what happened to them after Taliban took them from the village. However, subsequently old men and the village women went and retrieved the bodies from Nayak. The men who had been taken had multiple bullet wounds, mainly in the forehead. Two of the detained men were released, a shopkeeper and a teacher.

The shopkeeper estimated that there were 25 prisoners in his group. They were taken to Nayak by a contingent of the Taliban, including their foreign militia. These Taliban had three pick ups. The Taliban spared him when he told them that he was a shopkeeper (they promised to kill him with thirty bullets if he was not telling the truth about being a shopkeeper). They then took the rest of the Bedmushkin men to the firing squad at OXFAM. Another witness walked to Bedmushkin, arriving there during the search operation. He saw groups of soldiers spread throughout the village to flush out the men. The Taliban arrested him and asked him to hand over a gun to them. While talking to him, one of the Taliban shot and injured him. In front of him, the Taliban also fired on three other men whom they had detained, killing two and injuring one other. The Taliban held him until 16.00 and then took him with them back to the center of Nayak. He was released there after the intervention of Raz Mohammad, son of Akbar Khoja, a well known Tajik collaborating with the Taliban.

Details of the victims from the Bedmushkin village arrests

S/no	Title	Victim name	Title	Father's name	Place of execution	Residence	Age	Occupation
27	Syed	Abdullah	Syed	Jehangir	Nayak	Bedmushkin	25	labourer
26	Syed	Ahmad Shah	Syed	Jehangir	Nayak	Bedmushkin	30	labourer
29	Syed	Amir Zavar	Syed	Abdul Hassan	Nayak	Bedmushkin	45	labourer
22	Syed	Jawad	Syed	Khoda Baksh	Nayak	Bedmushkin	25	labourer
31	Syed	Khadim		Shah Mirza	Nayak	Bedmushkin	30	labourer
11	Syed	Meher Ali	Syed	Saffar	Nayak	Bedmushkin	19	farmer
30	Syed	Riza	Syed	Abdul Hassan	Nayak	Bedmushkin	25	labourer

**A (7): Arrests in Bedmushkin and execution by firing squad at cross-roads, January 8**

After the wave of searches and arrests from Bedmushkin, during the day on January 8, Taliban singled out one group for execution en route to Nayak. It seems as if the Taliban group was on its way back to base after completing the say's work, and these were to be their last victims. The incident stands out as it is one of the few incidents in which there were survivors from the actual firing squad.

At 12.00 on January 8, a Taliban search party entered Bedmushkin and started making arrests. A witness was at home when armed Taliban burst in, tied up his son and took him off with them. They also arrested witness 211 from his home, as well as five others. Initially the Taliban locked the men in a stable (from 12.00 to 14.00). Then, for three hours, 14.00 to 17.00, they tortured the men by making them stand (barefoot) on the snow. The Taliban took the men as far as the Qurghan cross roads (where the road for Zarin branches from the road going to Chaman and lower Yakaolang). They then stood them in a line, formed a firing squad and fired. They left the men for dead and drove off to Nayak. One man was severely injured with multiple bullet wounds to chest and legs. However he was able to call for help and was eventually carried home. The next day he went back to the cross-roads and retrieved the body of his son, who had been shot dead. Syed Baqir, another survivor of the Qurghan cross roads firing squad, feigned death until the Taliban drove off.

## Victim details

S/no	Title	Victim name	Title	Father's name	Place of execution	Residence	Age	Occupation
72	Syed	Yaqub	Syed	Ismail	Nr. Nayak	Akhundan	30	farmer
13	Syed	Abdul		Shah Zaffar	Nr. Nayak	Bedmushkin	25	labourer
1	Syed	Mohammad	Syed	Ali Taber	Nr. Nayak	Bedmushkin	35	farmer

## **7.7 Wanton destruction and multiple abuses, Yakaolang, February to September 2001<sup>292</sup>**

The violations against non-combatants detailed below occurred during nine months of sporadic conflict between the armed forces of the Islamic Emirate of Afghanistan and the United Front between February and September 2001. Direct engagements between the two armies were infrequent and generally brief. The conflict involved three major assaults by the Taliban against the United Front, and a series of counter-attacks and raids mounted by the United Front. During the major offensives, the Taliban were able to bring to bear overwhelming force and on all three occasions the United Front retreated, abandoning territory and population centers that it had been occupying. Almost all abuses occurred in the immediate aftermath of the Taliban offensives, when the Taliban, unable to find any armed opposition, targeted instead the civilian inhabitants of areas that they had newly captured from the opposition.

The United Front adopted a military strategy that rendered the civilian population vulnerable, in that they occupied population centers without having the means to defend them. However, throughout the campaign, the Taliban incorporated abuses against the civilian population as a core part of their strategy. The first massacre of Yakaolang (January 2001) has been detailed in a separate report and represented the largest single episode of deliberate, organized killing of civilians during this period, apparently carried out as an act of communal punishment. In subsequent stages of the conflict, detailed here, the Taliban conducted numerous summary executions of civilians, although never on a scale as seen in Yakaolang in January. However, the burning of houses and infrastructure conducted during the operation, led by senior Taliban commander Dadaullah, in June, was on an even larger scale, and was as systematic and organized as the January massacre. The repeated occurrence of the abuses, their systematic nature and the involvement of the Taliban command structure, indicate that attacks on the civilian population had become an integral part of Taliban strategy, with authorization from the most senior level.

### **The conflict**

After the first massacre in Yakaolang, the Taliban attempted to garrison the district to prevent the re-emergence of major resistance. After the withdrawal of the main attack force, that had captured Yakaolang on January 7 and carried out the massacre, the Taliban stationed local Shia allies in the town, mainly troops affiliated to Sanghardost, of Behsud, together with a trusted senior Pushtun commander, Mullah Abdul Sattar. They assigned several leading Shia figures who were collaborating with the Taliban, including Ustad Akbari, Haji Faqoori and Haji Syed Arif Alaqadar, to try to negotiate some form of security arrangement with the local population (in occupied areas, the Taliban generally formed a Security Committee of local elders, to liaise

between their forces and the population). However, these attempts were unsuccessful. When the United Front forces regrouped and launched a new assault on the district center, the Taliban abandoned the district entirely, withdrawing to Bamyan.

Initially, after regaining Yakaolang center, the United Front established a front line on the boundary between Yakaolang District and Bamyan District. Then, in early February, the United Front advanced into Bamyan District. They occupied Karganatu and Shibartu, in western Yakaolang, without major fighting. However, Shahidan was contested as the Taliban had established a defense line there. Around February 12, the United Front staged a successful attack on Shahidan. They were able to infiltrate the Taliban lines, inflict high casualties and put the Taliban to flight. A decisive factor in this battle was the presence of Uzbek and (local) Arab cavalry loyal to General Dostum, led by Lal Commandant and the brothers of Abdul Chirik.

In the wake of the Shahidan battle, the United Front pushed straight toward the provincial capital. The Tajik contingent in the Taliban forces readily withdrew from Bamyan and pulled back to their home territory of Kahmard and Saighan. The core Taliban withdrew to Shushpul. This allowed the United Front briefly to occupy Bamyan, without further serious fighting after Shahidan, although it seems unlikely that they had sufficient forces to capture it if there had been resistance. However the Taliban rapidly mobilized reinforcements and sent them back up to Bamyan. The United Front withdrew from the center of the province, but established forward positions on the western outskirts of the town at Sowghdar and on the south west of the town in the Foladi Valley, with a rear base area in Shahidan.

The United Front were able to maintain some pressure on central Bamyan from these positions, especially those in Foladi, from where they would launch occasional raids down to the airport and center of town. Whereas Bamyan had been relatively mine-free since the withdrawal of the Soviets, both sides laid mines (anti-personnel and anti-tank) along their defense lines. It was during this period, in which the Taliban occupied Bamyan with the United Front on the outskirts, that the Taliban proceeded with their demolition of the Buddhas (March 2001).

In May, the Taliban launched a new offensive. The precipitating factor was probably the arrival of the first supply flight for the United Front into the Shibartu military airfield. (The Taliban had earlier sought to render the airfield unusable by ploughing and irrigating it). Barely five days after the first supply flight, the Taliban attacked out of Bamyan and were able to capture in quick succession Shahidan, Shibartu and central Yakaolang. They immediately proceeded as far as Yakaolang second district, Daga. The United Front abandoned all positions in Bamyan District.

The Taliban, commanded by Jihadyar, occupied Yakaolang for one month. They established headquarters in central Yakaolang and conducted raids throughout the district. The civilian population fled in its entirety from all areas that the Taliban occupied or that were considered accessible to them. Already much of the population of central Yakaolang had been displaced to Panjao or less accessible parts of the district. These internally displaced were now joined by people from the outlying areas that the Taliban were able to raid.

Again, the Taliban attempted to garrison and retain control of Yakaolang. They did not repeat the exercise of bringing in major Shia political figures, but did again induct Hazara forces, again from Sangardost, as part of the military garrison. However, they were not able to inflict any serious casualties on the United Front forces, which gradually regrouped and started

guerilla attacks on the Taliban and again advanced towards the district center, but there were no major military operations. Both the United Front and the Taliban were directed their main forces to the northeast of the country, where the Taliban was launching a major offensive. Eventually, however, United Front forces advanced close to Nayak. The Taliban commander Jihadyar, fearing that he would be surrounded, ordered his troops to withdraw from Yakaolang.

This apparently prompted a decisive change in Taliban strategy. The first response was a punitive bombing raid on the district center of Yakaolang. In this raid the Taliban airforce was able to hit the district hospital and the OXFAM office, both located in the center.

The Taliban then rapidly mobilized a large strike force, consisting of both Afghan Taliban and foreign militants, to attack Yakaolang. This force had orders from the highest level to inflict punishment on the resistance-affected areas. The mission was sufficiently well known about that both Taliban commander Sufi Gardezi alerted U.N. staff members in advance and warned of the likelihood of abuses against the civilian population.

A leading Taliban commander, Mullah Dadaullah, was assigned command of the strike force. The force set off from Bamyan on June 8, and, meeting only light resistance, they advanced to central Yakaolang. There they established their headquarters in Nayak and proceeded to spend four days inflicting maximum damage on the district, traveling widely to outlying valleys and villages, burning houses and other buildings, destroying crops and food stores. After four days, Dadaullah pulled his forces out of Yakaolang. There was no attempt to garrison the district, the damage inflicted was entirely an act of mass collective punishment.

After withdrawing from Yakaolang, Dadaullah's force moved to western Bamyan. They then proceeded upon the systematic destruction of villages in Karganatu, Shibertu and Shahidan. This destruction was carried out despite the fact that there had been no resistance activity in the area for over a month. After several days in the area, the main force withdrew to Bamyan. Taliban forces then established forward positions in Shahidan, from where they conducted occasional patrols and further demolition raids. The destruction that the Taliban carried out, along with the lack of any attempt to hold the territory between Shahidan and Nayak, indicates that they decided in June to shift to a deliberate strategy of scorched earth, rendering an eighty kilometer long strip of territory uninhabitable.

Once the United Front reoccupied central Yakaolang, they again established forward positions along the Yakaolang – Bamyan district boundary. The position remained this way through July, August and September.

### **Detailed chronology of war crimes in Bamyan and Yakaolang, 2001**

Nov 2000	Aqrab 1379	Khalili returns to Darra Souf
30 Dec 00	Jadee 1379	United Front under Khalili captures Yakaolang
7 Jan 01	Jadee 1379	Taliban under Shahzada retake Yakaolang
8 - 10 Jan 01	Jadee 1379	Taliban conduct first massacre of Yakaolang
20 Jan 01	Jadee 1379	United Front oust Taliban from Yakaolang
12 Feb 01	Dalw 1379	United Front defeat Taliban in battle for Shahidan
13 Feb 01	Dalw 1379	Northern Alliance capture of Bamyan
		Northern Alliance establish front in Foladi V.
17 Feb 01	Dalw 1379	Taliban recapture of Bamyan

18 Feb 01	Dalw 1379	Taliban prepare assault on Shahidan
9 Mar 01	18 Hut	Taliban start demolition of Buddhas in Bamyān
14 Mar 01	23 Hut	BBC Kabul office closed; BBC journalist Kate Clark expelled
23 Mar 01	3 Hamal	UF raid into central Bamyān, from Foladi
23 <sup>rd</sup> to 30 <sup>th</sup> March approx		Taliban undertake summary executions in Foladi
30 Mar 01	10 Hamal	Taliban order evacuation of civilians from Foladi
1 <sup>st</sup> week of April		IDP monitors report mass displacement from Foladi
19 Apr 01 to 3 May 01		fighting on Foladi front, UF attacks to Bamyān centre Taliban attack Shahidan from Bamyān. UF defend Surkh Darra and Shahidan
29 Apr 01	9 Saur 1380	United Front receive aerial supply in Shibartu airstrip
4 May 01	14 Saur 1380	Taliban capture Shibartu Airstrip and Shahidan
	14 Saur 1380	Summary executions and house burning in Shahidan
5 May 01	15 Saur 1380	Taliban advance to Nayak. UF retreat from Foladi.
	15 Saur 1380	Taliban launch raid on Daga. UF retreat to Kiligan
5 May 01	15 Saur 1380	On NW front, Dostum captures Zari
9 May 01	19 Saur 1380	Abdur Razzaq, Interior Minister, sighted in Yakaolang
12 May 01	22 Saur 1380	Dostum retreats from Zari
30 May 01		Taliban reported to have stationed 10000 troops in Bamyān
4 Jun 01	14 Jowza	UF surround Jihadyar, recapture Nayak
6 Jun 01	16 Jowza	Taliban aerial bombardment of Yakaolang bombs hit District Hospital, OXFAM office and bazaar
8 Jun 01	18 Jowza	Taliban force sets off from Bamyān under Dadaullah
9 Jun 01	19 Jowza	Taliban under Dadaullah break UF lines at Feroz Bahar
	19 Jaoza	Taliban raid on Koh-e-Kanak
10 Jun 01	20 Jowza	Taliban 3 <sup>rd</sup> recapture of Yakaolang & Dadaullah operations
	20 Jowza	Taliban burn down old bazaar of Yakaolang Dadaullah announces on Radio Shariat that security is restored in Yakaolang
15 Jun 01	25 Jowza	United Front reoccupy Yakaolang, to Bamyān border
	25 Jowza	Taliban burn Shahidan & Shibartu, conduct summary executions, after pulling out of Yakaolang Dadaullah announces that Yakaolang has been declared a war zone and is therefore no longer a district (report carried on Radio Shariat etc.)
22 Jul 01	30 Saratan	(approx) Taliban under Mullah Zoi raid and burn Khakdaw
11 Nov 01	Aqrab 1380	Northern Alliance recapture Bamyān, removal of Taliban

### **Periods of involvement of major Taliban commanders in Yakaolang Shahzada (front commander)**

- General commander of the operation for recapture of Yakaolang, and subsequent massacre, 7<sup>th</sup> – 10<sup>th</sup> Jan 2001

### **Abdul Sattar (front commander)**

- Participated in the recapture of Yakaolang and massacre 7<sup>th</sup> – 10<sup>th</sup> Jan 2001
- Replaced Shahzada as general commander in Yakaolang 11<sup>th</sup> – 20<sup>th</sup> Jan 2001

### **Abdur Razzaq (Minister of the Interior)**

- Participated in the 4<sup>th</sup> May – 4<sup>th</sup> June operation in Yakaolang

**Jihadyar (front commander)**

- Based in Bamyan in March and April
- Directed operations in Yakaolang 4<sup>th</sup> May – 4<sup>th</sup> June

**Dadaullah (front commander)**

- Directed operations in Yakaolang and Bamyan 8<sup>th</sup> – 19<sup>th</sup> June 2001

**Fazil (Chief of Army Staff)**

- Retained strategic responsibility throughout the period. Visited occasionally, including during major operations.

**Qari Ahmadullah (General Director Intelligence)**

- Retained responsibility for intelligence matters throughout the period
- Visited frequently, including during major operations

**Eyewitness Testimony on the Burning Operation**

Witnesses describe how the Taliban proceeded to burn houses and community infrastructure in the area.

A., a resident Qul Dolaq, stated:

I am a shopkeeper in the old bazaar. The first time that the Taliban captured Yakaolang they murdered innocent and defenseless people. When Hizb-i Wahdat recaptured the town, people returned to their shops. When the Taliban were in control of Yakaolang Center, people hated them for their cruelty. On June 9, 2001 (19 Jaoza, 1380) I had brought some goods from Panjab, including clothes and shoes. I arrived at my shop in the old bazaar at 10:30 A.M. I was arranging the goods in my shop while the fighting was very serious in Feroz Bahar. At 11:00 a.m. the Taliban broke the front line of Hizb-i Wahdat. At that time I had no chance to carry my donkeys home. I had to leave my 4 donkeys in the bazaar. I myself fled to the back of Kata Khana Mountain. I was able to observe the events from a secret hiding place. I saw the Taliban arrived in 75 pickup trucks, 4 Z-0 trucks and 8 Kamaz trucks. They entered the bazaar. After taking a few minutes to reassure themselves of security they loaded all their cars with the goods of the shops and then used petrol to burn the shops. They burned the whole of Shahr-i Nau. At 4:00 p.m. they carried off the goods of the old bazaar in their vehicles. I was watching the unfolding events until 9:00 p.m., when I went home.

Another witness, T., stated:

In the last attack in the month of Jaoza this year, when the Taliban captured the town everyone escaped from town and hid in the mountains. We were in the mountains watching Taliban troops burn in Darra Ali on the first day. On the second day they burnt Feroz Bahar. On the third day they burnt Sar-e-qol. On the fourth day they burned Bedmushkin. On the fifth day they burned Sar-e-Kanak. I saw all of this with my own eyes

S., resident of Katakhana, Nayak, described it in this way:

Two days before the last fighting, when Khalili was still in control Nayak, I went to the bazaar. I saw a few shops had been destroyed by bombs. Many of the shops in the bazaar had no doors and their goods were scattered on the street. The houses around the shops were intact. Then I went to Shedaq. The next day I heard that the Taliban were preparing to attack Nayak. Early in the morning I heard the sound of big guns firing, tanks or artillery. The sound of firing went on until about noon. All that time I was in Shedaq. The next morning I wanted to go to the center of town to see what had happened in Nayak. I looked at the town center from the top of a hill. There was smoke rising from Nayak and the bazaar around it. As soon as I saw this situation I fled with one of my sons who was with me. We could see the Taliban vehicles going up and down around the town center and bazaar. From this I understood that Khalili forces had retreated from Nayak and the town had been captured by the Taliban. I was not confident enough to stay in the area. From where we were standing I could not see our own house and Katakhana village. However smoke was visible rising from Darra Ali and Sar-i Qol.

A., resident of Darra Surkh, stated:

During this year's fighting I witnessed the Taliban troops in control of Yakaolang Center. They took some people prisoner and the Taliban killed some. The town and people's houses were burnt. The United Front controlled the villages. The locks of poor people's houses were opened. When the Taliban burnt the houses I was on the mountain behind Darra Surkh village. They started house burning from two sides. First they started from Lara, Dahan-i Kanak and Tajikan. The second day they started burning from Qurghan, and burnt Zarin and Sar-i Kanak. They moved back from that area because United Front forces were present in Chardeh and some parts of the mountains. Twenty-five Taliban vehicles went to Zarin and 15 vehicles went to Ghond-i Shing. The people of Yakaolang were staying in the mountains at that time. On the day of the fighting in Feroz Bahar, I was on the mountain at the backside of Sar-i Parchobak. I watched events until front line collapsed and the Taliban entered the town. First of all they burnt Shahr-i Nau.

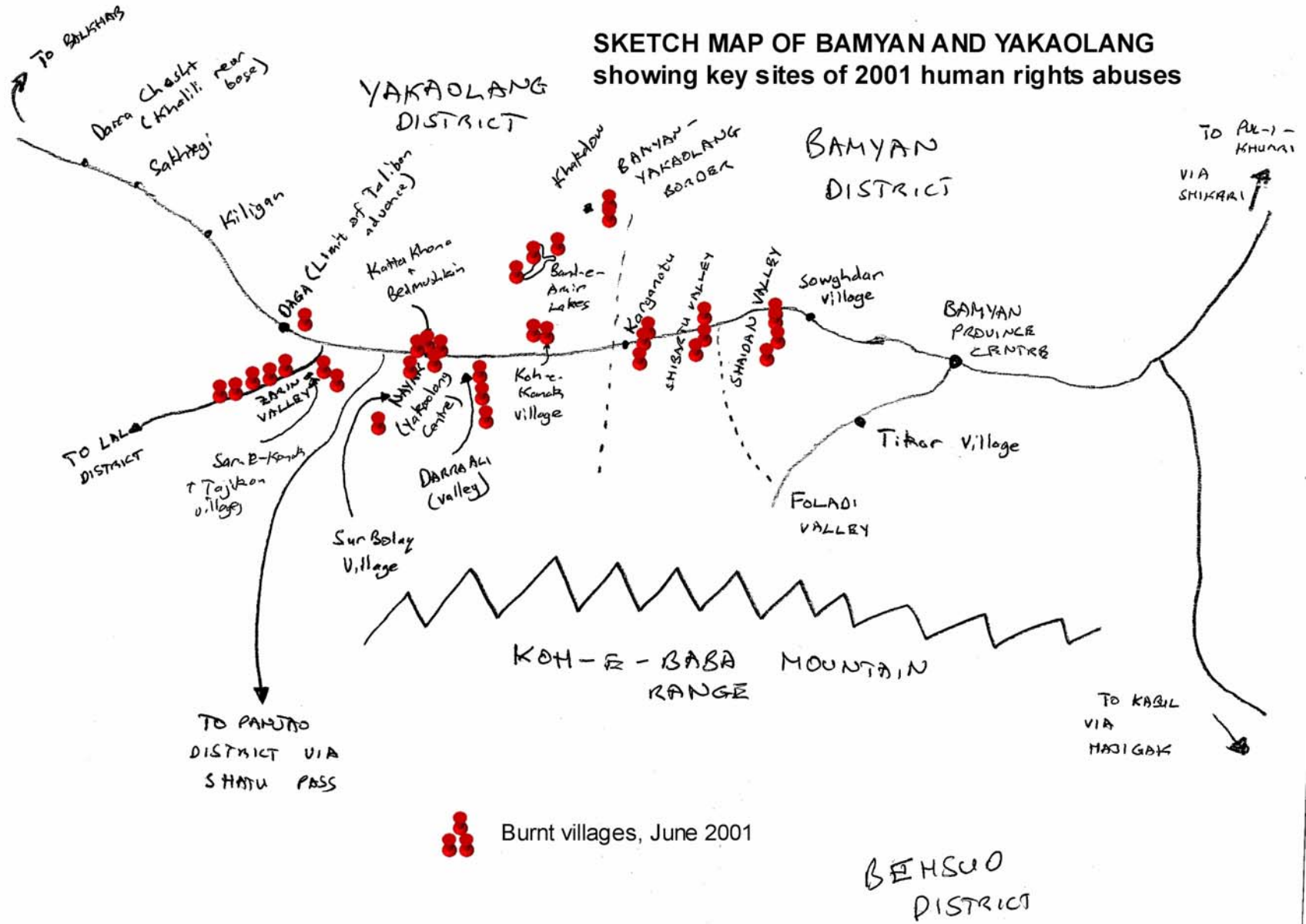
Mohammad Z., of Kunar Shah, Darra Ali, described the incident while standing amid the ruins of Shahr-i Nau:

I was in Siah Naw Kotal on the border between Yakaolang and Panjao. It was about 11:00 a.m. when smoke rose from the center of Yakaolang. The place where we were was four hours distance from the center. We were at high altitude and so had a good view. But from there we could not work out whether the smoke came from the bazaar or residences. The next day a person came from the bazaar and told us that the Taliban had burned the bazaar. The burning in Darra Ali started from Mindayak and went as far as Sabz Jui. Between these two points they burnt the houses of 600 families along with



school buildings, offices and mosques and anything else that would burn. During the burning they threatened people and shot at them. They even fired heavy weapons and tanks at the villagers in the mountains. Even now you can see the marks of the Taliban guns in the villages and farms even though it was a civilian area. We were not involved with any military group and were busy doing our own work.

**SKETCH MAP OF BAMYAN AND YAKAOLANG**  
 showing key sites of 2001 human rights abuses



## 8 Lessons not yet Learned

### 8.1 *Relevance of the past to the new Afghanistan*

The original mandate of the Afghanistan Justice Project extended only to the end of 2001. In this report, we have described patterns of abuse that characterized different phases of the conflict, including some of the major war crimes and crimes against humanity committed by the parties to the conflict. As of July 2005, the war had not ended. Forces allied with a reconstituted Taliban as well as other groups opposed to the current administration, or to the U.S. presence, have engaged in violent attacks that have killed not only combatants but civilians, and U.S. forces have responded with force that has, on numerous occasions, killed civilians. In this latest phase of the war, serious human right violations—including deaths in custody, torture, and enforced disappearances—have also continued. Those responsible have included militia groups, some of them former mujahidin, fighting for control of territory, power and resources—including control of the narcotics trade. Some of the commanders responsible have been allied with the U.S.

Throughout this report, we have noted that Afghan leaders—from the pre-communist period up through the present—have relied on subordinates and militia forces to supplement their own armed forces. Alliances of convenience have been struck because particular groups, whether qawm-based militias or other armed factions loyal to a particular commander have been able to defend territory—northern gas fields, a couple of streets in Kabul, a cluster of villages—or provide troops and additional resource. For the purposes of political expediency, the militias and subcommanders have generally enjoyed, to a greater or lesser degree, considerable autonomy; state authorities as well as party leaders have often had little control over their subordinates and little ability to regulate their behavior. The price has been the impunity commanders have enjoyed. Many have and continue to wield near absolute control over their piece of the country, with resident civilians at their mercy.

When the U.S. intervened in Afghanistan in late 2001, its forces sought allies on the ground among the commanders opposed to the Taliban. The U.S.'s overriding objective in Afghanistan has been and continues to be the defeat of al-Qaeda. The U.S. has wanted to achieve this cost with minimal U.S. casualties. Thus, the fact that many of these new allies had records that included not only grave breaches of international humanitarian law, but in some cases, criminal ties to narcotics trafficking and other illicit activities, posed no obstacle. The U.S. provided arms, cash and other support to commanders whom it believed could keep the Taliban and al-Qaeda at bay. But the U.S. has failed to achieve that objective—the Taliban remain a lethal force, with support likely coming from Pakistan—and a number of the commanders the U.S. has backed have strengthened their positions against rivals, entrenched themselves deeper in the political landscape and continued to engage in abuse and criminal activities. When international attention focuses on this issue, it is usually with respect to senior faction leaders. But often the greater danger to ordinary Afghan civilians comes from mid-level commanders who have the protection of their patrons but whose names seldom make it into the press.

While working with such commanders, the U.S. has also pursued a political strategy that has emphasized “stability” over serious investment in democracy and institution-building. The need for a stable transition dominated the Bonn proceedings that created an interim administration dominated by one faction. The same pretext undermined the achievements of the Emergency Loya Jirga, presenting delegates with a hand-picked and pre-approved cabinet. Senior U.N. officials later admitted that the machinations at both events had been serious mistakes.<sup>ccxciii</sup>

Too often, international actors involved in Afghanistan have justified their policy as “inclusiveness” without regard to whether the Afghan leaders they are including may be war criminals more likely to contribute to insecurity than to a stable political transition. Not all Afghans involved in armed conflict engaged in war crimes; many should enjoy the right to participate in politics. However, too many with criminal records have secured places in political office or security agencies. In January 1994, then Finance Minister Ashraf Ghani told

a New York gathering at the Asia Society that Afghanistan's leaders "had chosen peace over justice." In February 2002, the British Foreign Secretary, Jack Straw, visited Kabul and commented that "some of these people may be reconstructed, but in terms of establishing the interim authority, we have to accept the world as it is. There are powerful people who have been able to exercise power through their forces. The more we can get people in who, yes have occupied positions of force and strength in the past, but who now say they're committed to a political process and the more we can close off the options for people who resort to violence, the better the future of Afghanistan will be."<sup>ccxciv</sup> The U.N.'s Special Representative Lakhdar Brahimi commented on more than one occasion that "warlords" deserved a place at the table—but the failure to scrutinize the records of those claiming a place at the table has led to the entrenchment of persons who continue to terrorize civilians and otherwise undermine the political process.

At the same time, the U.S. has been strenuous in its opposition to any investigations to uncover the truth about violations and war crimes—past or present—in Afghanistan. In early 2005, the U.S. blocked the renewal of the U.N. Independent Expert's mandate in Afghanistan because of his repeated efforts to gain access to detention facilities in Afghanistan.

In addition, U.S. forces have committed grave abuses—many of the them of the same sort used by their counterparts in the communist, mujahidin and Taliban regimes that preceded them, crude and brutal methods of torture that have sometimes led to death, and the use of secret detention facilities that facilitate torture; and unacknowledged detentions that are tantamount to "disappearances."

The Bush administration claims that its secrecy regarding detainees and facilities is essential for security; but in fact, that secrecy has actually undermined security. For example, Mullah Shahzada, a former senior Taliban commander responsible for two of the massacres documented in this report, was released from Guantanamo in 2003, and immediately rejoined the Taliban and took up arms to fight U.S. troops. He was subsequently killed in battle with U.S. in May 2004 in Afghanistan. Were U.S. officials aware of Shahzada's record of war crimes, and released him anyway? Or were they ignorant of whom they had in custody? The U.S. is currently holding other Taliban commanders, including Mullah Fazil, whose war crimes are also documented in this report.

## **8.2 Deaths in Custody and Torture**

Most serious of these has been the deaths in custody of Afghan detainees held by U.S. forces. According to Human Rights Watch, "at least six detainees in U.S. custody in Afghanistan have been killed since 2002, including one man held by the CIA. More than two years later, no U.S. personnel have been charged with homicide although U.S. Department of Defense documents show that five of the six deaths were clear homicides."<sup>ccxcv</sup>

Torture techniques employed by American forces in Afghanistan have included many of the methods employed by security personnel, intelligence agencies and commanders of different factions during the different phases of the war and under different regimes. Torture under the PDPA in the first year and a half after the Saur Revolution frequently resulted in death. The Special Rapporteur on Human Rights in Afghanistan described methods of torture during this period:

Several individuals gave the Special Rapporteur an account of ill-treatment suffered during their detention, including, deprivation of sleep, tearing out of fingernails, burns of various types, electric charges, in some cases involving the use of electric generators.<sup>ccxcvi</sup>

A former official of Pul-i Charkhi told Human Rights Watch of a special block of cells where “dangerous” prisoners were kept chained in cages, with no room to stand up:

I was the commander there, and then I was imprisoned there [under the Taraki regime]. I spent eight months there, because I permitted some prisoners to walk in the sun. At that time the construction had not been completed, but now it is completed. There is no central heating. Actually, it has a heating system, but they don't turn it on, because they want the prisoners to be cold.”<sup>ccxcvii</sup>

Similar methods were used during the PDPA/Soviet period that followed, but the practice became more systematic. According to reports by the Special Rapporteur, Amnesty International and Helsinki Watch (part of Human Rights Watch), detainees were deprived of all contact with family, lawyers or doctors, or held incommunicado. They were threatened, and deprived of sleep and food. Other methods included electric shocks, beatings, burning with cigarette ends, and dousing with water. Detainees were also kept in shackles or bound hand and foot for prolonged periods.

After the fall of the Najibullah government in 1992, commanders detained and tortured both rival combatants and civilians. Methods of torture varied, but included severe beatings, holding detainees in cramped, dangerous and filthy conditions. For example, later in their report, the Afghanistan Justice Project describes the inhumane treatment of prisoners by a Hizb-i Wahdat commander in a case from 1993: One former detainee stated that the commander's men beat him with pieces of wood and fired pistols next to his head. He says he was blindfolded and made to sit cross-legged on the ground with nails driven into the ground to prevent him moving. Then a dog was let loose on him. “It was touching me and tearing my clothes and scratching me.” Another detainee was held for seven days locked in a toilet which was deliberately flooded with water. The Taliban also routinely used torture. Detainees under the Taliban seldom had access to family members; prison conditions were appalling, and severe beatings common.

Reports by FBI agents who witnessed detainee abuse in Guantanamo—including chained detainees forced to sit in their own excrement—have recently emerged, adding to the statements of former detainees describing the use of painful stress positions, use of military dogs to threaten detainees, threats of torture and death, and prolonged exposure to extremes of heat, cold and noise. The International Committee of the Red Cross (ICRC) has told the U.S. government in confidential reports that its treatment of detainees has involved psychological and physical coercion that is “tantamount to torture.”<sup>ccxcviii</sup>

The accounts below demonstrate how the U.S. has replicated some of the same practices that characterized the PDPA and Soviet regime it opposed in the 1980s, as well as some of the brutal tactics employed by the feuding commanders during the early 1990s. U.S., forces have chained detainees to the floor, held them in secret facilities, deprived them of access to family, lawyers or other medical care, and subjected them to extreme temperatures and severe beatings. According to Human Rights Watch, “in November 2002, the CIA was reportedly involved in the torture and killing of a detainee in Afghanistan. A CIA case officer at the “Salt Pit,” a secret U.S.-run prison just north of Kabul, ordered guards to “strip naked an uncooperative young Afghan detainee, chain him to the concrete floor and leave him there overnight without blankets,” the Washington Post reported on March 3, after interviewing four government officials familiar with the case. According to the article, Afghan guards “paid by the CIA and working under CIA supervision” dragged the prisoner around the concrete floor of the facility, “bruising and scraping his skin,” before placing him in a cell for the night without clothes. An autopsy by a medic listed “hypothermia” as the cause of death, and the man was buried in an “unmarked, unacknowledged cemetery.” A U.S. government official interviewed told the Post: “He just disappeared from the face of the earth.”<sup>ccxcix</sup>

### 8.3 Secret Detentions

Similarly, during the different phases of the war in Afghanistan, security forces and intelligence agencies made use of networks of secret detention facilities to hold detainees in unacknowledged custody for extended periods of time. During the early PDPA period, many persons taken into custody were never seen again by relatives. They were the victims of enforced disappearances, and the numbers who disappeared range from thousands to tens of thousands. Many were held in secret for some time before being executed; others were killed soon after they were taken into custody. When the Soviet authorities revamped the intelligence agency, establishing KhAD, they also provided for secret detention facilities. According to the U.N Special Rapporteur on Human Rights in Afghanistan, torture took place in “the Ministry of the Interior, the Kabul prisons and all the KhAD detention centres.” Among the latter, he specifically mentioned the “headquarters of KhAD, . . . eight detention centres at Kabul controlled by the KhAD; [and] some 200 individual houses in the region of Kabul used as detention centres and controlled by the KhAD.”<sup>1</sup> Mujahidin, militia and Taliban commanders also made use of secret jails to torture and kill detainees.

The U.S. maintains an unknown number of secret detention facilities in Afghanistan (and in other countries). During Cherif Bassiouni’s tenure as U.N. Independent Expert on human rights in Afghanistan, the U.S. blocked his efforts to inspect U.S. detention facilities. Bassiouni had particularly condemned the U.S.’s use of “firebases” to hold detainees—facilities not accessible to the ICRC, in violation of the Geneva Conventions.

In replicating the same patterns of abuse that have marked the different phases of the conflict in Afghanistan, and allying themselves—for the sake of political expediency—with local commanders who have done the same, U.S. forces have jeopardized prospects for establishing a stable and accountable institutions in Afghanistan, have undermined the security of the Afghan people (as well as their own), and have reinforced a pattern of impunity that undermines the legitimacy of the political process.

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<sup>1</sup> E/CN.4/1985/21 para. 87n.

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<sup>1</sup> Daoud had himself come to power in a coup, seizing power while then King Zaher Shah was out of the country in 1973. Daoud had initially courted the Parcham wing of the PDPA, which had supported his coup, but he had subsequently distanced himself from them and had had many Parcham leaders arrested. The death in custody of a prominent Parcham leader provided the spark for the Saur coup. Rubin, *Fragmentation of Afghanistan: State Formation and Collapse in the International System* (Yale University Press: 1996), pp. 93, 104-105.

<sup>2</sup> The PDPA's intelligence agency was AGSA, a Pashto acronym for the Organization for the Defense of the Interests of Afghanistan. After Amin assassinated the president, Nur Muhammad Taraki, in September 1979 and took power, he reorganized the agency and named it KAM (Workers' Intelligence Agency). Rubin, *Fragmentation*, p. 114.

<sup>3</sup> According to Giustozzi, out of the original 18,000 members of the party, and the 28,000 that joined before the end of 1979, half had died or had been purged by the time the Soviet Union invaded. Antonio Giustozzi, *War, Politics and Society in Afghanistan 1978-1992* (Washington DC: Georgetown University Press, 2000, p. 4).

<sup>4</sup> In September 1979, Amin assassinated the president, Nur Muhammad Taraki, and became president.

<sup>5</sup> International Criminal Court Statute arts. 7(1)(i), 7(2)(i).

<sup>6</sup> Rubin, *Fragmentation*, pp. 114, 122.

<sup>7</sup> "Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited. ... Indiscriminate attacks are prohibited. Indiscriminate attacks are (a) those which are not directed at a specific military objective; (b) those which employ a method or means of combat which cannot be directed at a specific military objective. ... Among others, the following types of attack are to be considered indiscriminate: (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and (b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated." This last is known as the rule of proportionality. 1977 Geneva Protocol I, Chapter II, Article 51. Afghanistan has not ratified Protocol I; however, the standards it provides for the conduct of internal armed conflict have been generally accepted as part of customary international laws governing armed conflict.

<sup>8</sup> See Human Rights Watch. *The Forgotten War: Human Rights Abuses and Violations of the Laws of War since the Soviet Withdrawal* (New York: Human Rights Watch 1991).

<sup>9</sup> Two major areas of reform struck at the pillars of rural relations and social norms: redistribution of land, often through violence, and compelling villagers to send girls to school and women to literacy classes.

<sup>10</sup> In September 1979, Amin assassinated the president, Nur Muhammad Taraki, and became president.

<sup>11</sup> AGSA is a Pashto acronym for Organization for the defense of the Interests of Afghanistan; KAM for Workers' Intelligence Agency. Rubin, *Fragmentation*, p. 114.

<sup>12</sup> From March to July 1979, Watanjar took over as minister of defense was replaced at interior by General Sher Jan Mazdooryar.

<sup>13</sup> Rubin, *Fragmentation*, p. 114.

<sup>14</sup> Azimi, "Urdu and Siasat (Army and Policy)", p. 167.

<sup>15</sup> Amnesty International, AI ASA 11/04/79, pp. 8-9.

<sup>16</sup> Anthony Hyman, *Afghanistan under Soviet Domination, 1964-83*, (New York: St. Martin's Press, 1984), p. 109.

<sup>17</sup> Ibid.

<sup>18</sup> AJP interview

<sup>19</sup> AJP interview December 20, 2003

<sup>20</sup> AJP interview 2005.

<sup>21</sup> The witness stated that the incident took place "15 days before Karmal came to power." Amin was assassinated on 27 December; pre-recorded speeches by the new "president" Babrak Karmal" were broadcast the following day. Hyman, p. 165.

<sup>22</sup> AJP interview 2005.

<sup>23</sup> AJP interview December 27, 2003.

<sup>24</sup> Alaqa is an Arabic word for "area." "Alaqdari" is an administrative unit smaller than an uluswali. An "Alaqqdar" is the administrative head of an alaqdari. Usually Alaqdari is translated as "subdistrict." It is possible that alaqqdars were appointed by the central government at this time, and that Amin used the administrative structure for policing and intelligence purposes.

<sup>25</sup> AJP interview 2005.

<sup>26</sup> AJP interview date 1382/7/ 12 (2003).

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<sup>27</sup> UN Special Rapporteur, “Report on the situation on human rights in Afghanistan E/CN.4/1986/24 para. 18. The report refers to the amnesty proclaimed by the Babrak Karmal government installed by the Soviets after the 1979 invasion.

<sup>28</sup> The witnesses interviewed consistently stated that the arrests took place when Taraki and Amin were in power; one witness, Haji M. even noted that the disappearances took place after Amin had assumed the presidency. However, some witnesses stated that the incident took place in 1359, or 1980. It is possible that the witnesses’ memory of the exact date was wrong. Based on the collected statements of a number of relatives of victims, it is reasonable to assume the incident took place sometime in 1979, as the targeted killing of landowners and other prominent people in the rural community is consistent with the PDPA’s land reform measures in place in 1978-79.

<sup>29</sup> AJP interview December 2003.

<sup>30</sup> Ibid.

<sup>31</sup> Ibid.

<sup>32</sup> Ibid.

<sup>33</sup> Ibid.

<sup>34</sup> AJP interview January 2004

<sup>35</sup> UN Special Rapporteur, “Report on the situation on human rights in Afghanistan,” E/CN.4/1985/21, p. 18.

<sup>36</sup> Afghanistan Justice Project interviews in Pakistan.

<sup>37</sup> Giradet states that Soviet bombers from Dushanbe were deployed after the Afghan air force (enfeebled by desertions) failed to muster enough pilots for the task. Giradet, p.116.

<sup>38</sup> One of the most detailed accounts is that of Gilles Dorrnosoro in “La revolution afghane,” Paris: CERI Editions Karthala, 2000.

<sup>39</sup> Dorrnosoro argues that there was little solidarity among the landowners, farmers and city-dwellers. Dorrnosoro, *ibid.*, p.p. 114-115.

<sup>40</sup> Ibid, p. 115.

<sup>41</sup> Ibid. Some were also reportedly attacked on suspicion that they were Maoist, or irreligious. Ibid., p. 119.

<sup>42</sup> Ibid, p. 116. Ismail Khan and Allauddin Khan, according to Dorrnosoro, played lesser parts in the mutiny. Ibid.

<sup>43</sup> AJP interview, 2003

<sup>44</sup> UN Special Rapporteur, “Report on the situation on human rights in Afghanistan,” E/CN.4/1985/21 para. 72.

<sup>45</sup> AJP interview, 2004.

<sup>46</sup> AJP interview, 2004.

<sup>47</sup> AJP interview, 2004.

<sup>48</sup> AJP interview, 2004.

<sup>49</sup> Dorrnosoro, *ibid.*

<sup>50</sup> AJP interview in Bamyan, September 2004.

<sup>51</sup> AJP interview in Bamyan, September 2004.

<sup>52</sup> AJP interview in Bamyan September 2004.

<sup>53</sup> AJP interview in Bamyan September 2004.

<sup>54</sup> AJP interview in Kabul 2005.

<sup>55</sup> AJP interview in Kabul 2005.

<sup>56</sup> Giradet, p. 117.

<sup>57</sup> Azimi, *Urdu o Siasat*.

<sup>58</sup> Ibid.

<sup>59</sup> Electronic mail from AIHRC, August 4, 2004.

<sup>60</sup> AJP interview in Kabul, 2004.

<sup>61</sup> Such community representatives are appointed as liaisons between each urban locality and the authorities. If the government has a problem it first goes to them, and at that time likely relied on them to identify “anti-revolutionary” or criminal elements in the area.

<sup>62</sup> AJP interview in Kabul, 2004.

<sup>63</sup> Giradet, p. 118.

<sup>64</sup> UN Special Rapporteur, “Report on the situation on human rights in Afghanistan,” E/CN.4/1985/21 para. 76.

<sup>65</sup> UN Special Rapporteur, “Report on the situation on human rights in Afghanistan,” E/CN.4/1985/21 para 75.

<sup>66</sup> Amnesty International, *Violations of Human Rights and Fundamental Freedoms*, pp. 15–16.

<sup>67</sup> Rubin, p. 111.

<sup>68</sup> Rubin, *Fragmentation*, p. 125.

<sup>69</sup> For detailed studies of these power structures, leadership changes, and institutional functioning, see Barnett R. Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System* (New Haven: Yale



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University Press, 2002, first edition 1995); and Antonio Giustozzi, *War, Politics and Society in Afghanistan, 1978–1992* (Washington, D.C.: Georgetown University Press, 2000).

<sup>70</sup> The formal institutional structure of the government changed during this time. From 1980 to 1987 the head of state was the chairman of the Revolutionary Council of the DRA. After the adoption of the constitution in 1987, the position was renamed president. Under the 1990 constitution, the country reverted to its name during Daud's presidency, the Republic of Afghanistan. At a party congress at about the same time, the PDPA renamed itself the Watan (Homeland) Party.

<sup>71</sup> Anthony Hyman, *Afghanistan under Soviet Domination, 1963–1983* (New York: St. Martin's Press, 1984), p. 177.

<sup>72</sup> Rubin, *Fragmentation*, pp. 114, 122.

<sup>73</sup> Helsinki Watch, *Tears, Blood, and Cries* 97. Testimony of Anwar, Chicago, Illinois, April 15, 1984.

<sup>74</sup> UN Special Rapporteur, "Report on the situation on human rights in Afghanistan," E/CN.4/1985/21 para. 86, 87.

<sup>75</sup> UN Special Rapporteur, "Report on the situation on human rights in Afghanistan," E/CN.4/1985/21 para. 87n.

<sup>76</sup> "Sedarat" means "Prime Ministry." KhAD, before becoming a ministry in 1986, was formally part of the prime minister's office. The principal office of KhAD was on a large compound formerly belonging to a member of the royal family in central Kabul between the main Sedarat compound and the Embassy of Iran.

<sup>77</sup> See Rubin, *Fragmentation*, pp. 127.

<sup>78</sup> Pir Sayyid Ahmad Gailani is the descendant of Abdul Qadir al-Jilani of Baghdad, the founder of the Qadiriyya Sufi order. Pir Gailani headed the Nationalist Islamic Front of Afghanistan, a nationalist party with close ties to the old monarchy. For more on the party see Rubin, *Fragmentation*, p. 203.

<sup>79</sup> AJP interviews in Kabul, May 2005.

<sup>80</sup> Ibid.

<sup>81</sup> Interview 2005.

<sup>82</sup> "The aim was to neutralize the countryside's threat to state power, not to reconquer it, certainly not to transform it." Rubin, *Fragmentation*, p. 142.

<sup>83</sup> Ibid, p. 143.

<sup>84</sup> "Acts or threats of violence the primary purpose of which is to spread terror among the civilian population are prohibited. ... Indiscriminate attacks are prohibited. Indiscriminate attacks are (a) those which are not directed at a specific military objective; (b) those which employ a method or means of combat which cannot be directed at a specific military objective. ... Among others, the following types of attack are to be considered indiscriminate: (a) an attack by bombardment by any methods or means which treats as a single military objective a number of clearly separated and distinct military objectives located in a city, town, village or other area containing a similar concentration of civilians or civilian objects; and (b) an attack which may be expected to cause incidental loss of civilian life, injury to civilians, damage to civilian objects, or a combination thereof, which would be excessive in relation to the concrete and direct military advantage anticipated." This last is known as the rule of proportionality. 1977 Geneva Protocol I, Chapter II, Article 51. Afghanistan has not ratified Protocol I; however, the standards it provides for the conduct of internal armed conflict have been generally accepted as part of customary international laws governing armed conflict.

<sup>85</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" (A/40/843, 1985) para. 77.

<sup>86</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" A/40/843 (1985) para. 92.

<sup>87</sup> UN Special Rapporteur, "Report on the situation on human rights in Afghanistan," E/CN.4/1986/24 para. 86.

<sup>88</sup> Asia Watch, *Afghanistan: The Forgotten War -- Human Rights Abuses and Violations of the Laws of War since the Soviet Withdrawal* (New York: 1991), p. 29.

<sup>89</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" A/40/843 (1985) para. 81.

<sup>90</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" (A/41/778, 1986) para. 29.

<sup>91</sup> UN Special Rapporteur, "Report on the situation on human rights in Afghanistan," A/41/778 (1986) para. 63.

<sup>92</sup> Helsinki Watch, *Tears, Blood, and Cries*, p. 32.

<sup>93</sup> United Nations Economic and Social Council, Commission on Human Rights, "Report on the Situation of Human Rights in Afghanistan" (E/CN.4/1989/24) para. 31.

<sup>94</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan*, p. 29; E/CN.4/1986/24 para. 87.

<sup>95</sup> UN Special Rapporteur, "Report on the situation on human rights in Afghanistan," E/CN.4/1986/24 para. 117–118.

<sup>96</sup> United Nations General Assembly, Report of the Economic and Social Council, "Situation of Human Rights in Afghanistan" (A/41/778, 1986) para. 59.

<sup>97</sup> Interview by AJP in Nangarhar, 2003.

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- <sup>98</sup> After the collapse of the Najibiullah government in 1992, local mujahidin attempted to seize Abdul Malik from his house in Jalalabad, but, unable to find him, killed his brother, Baryalai, in his place.
- <sup>99</sup> AJP { interviews, 2004.
- <sup>100</sup> Interview conducted on: November 8/2003
- <sup>101</sup> Interview conducted on: October 7/2003
- <sup>102</sup> AJP interview            October 2003.
- <sup>103</sup> As only one of the witnesses interviewed by AJP gave a date for the incident, it is possible this was part of the series of massacres reported by Professor Ermacora.
- <sup>104</sup> A/40/843 (1985) para. 79, and Appendix I.
- <sup>105</sup> Rubin, *Fragmentation*, p. 146.
- <sup>106</sup> For details on the negotiations, see Rubin, *Search for Peace in Afghanistan*.
- <sup>107</sup> Rubin, *Fragmentation*, p. 148.
- <sup>108</sup> Rubin, *Fragmentation*, p. 144.
- <sup>109</sup> Giustozzi, p. 226.
- <sup>110</sup> Asia Watch, *The Forgotten War* (New York: Human Rights Watch, 1991), p. 39.
- <sup>111</sup> As Rubin notes, “these militias evolved into powerful forces for regional and ethnic demands.” *Fragmentation*, p. 148.
- <sup>112</sup> Giustozzi, p. 226.
- <sup>113</sup> Asia Watch, *Forgotten War*, p. 40
- <sup>114</sup> Rubin (citing contemporary press sources), *Fragmentation*, p. 161.
- <sup>115</sup> Giustozzi, p. 222, Rubin, *Fragmentation*, p. 160.
- <sup>116</sup> The histories of the creation of pro-government units in many cases involves senior commanders rescuing smaller commanders or potential commanders from prison, or by giving them protection from opponents, after which they invariably became beholden to their rescuer or protector. For example, Dostum secured Aka Yasin’s release from jail in Kabul in the late Najibullah era and also, as commander of the 630th Company of the 53rd Division, protected him from Ghaffar Pahlawan. Similarly in the Najibullah period, Rasul Pahlawan secured the release from Maimana jail of Hamrah Pahlawan, who later became one of Rasul Pahlawan’s two pillars in the contested Andkhai region. Interview with political analyst.
- <sup>117</sup> Paradoxically Gilim Jam, although occupying a role of fighting primarily against Pashtun mujahidin in the south and east, had, as with many of the minority militia commanders, excellent links with the Pashtun political establishment. His and his unit’s self-image was that of being a military force of the government of Afghanistan, operating as directed by the government. Again paradoxically, other commanders such as Rasul Pahlawan - who had been involved in extensive clashes with local Pashtun pro-government self-defense forces when he was a mujahid in Faryab and who at that stage developed an anti-Pashtun image - subsequently developed close links with a number of Pashtun Khalqis in the government, including Gulabzoi. Interview with political analyst.
- <sup>118</sup> Rubin, *Fragmentation*, *ibid*.
- <sup>119</sup> *Ibid*, pp. 148-149.
- <sup>120</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1990/25) para. 68.
- <sup>121</sup> AJP interviews, December 2003.
- <sup>122</sup> *Ibid*.
- <sup>123</sup> *Ibid*.
- <sup>124</sup> *Ibid*.
- <sup>125</sup> *Ibid*.
- <sup>126</sup> Asia Watch, *Afghanistan: The Forgotten War. Human Rights Abuses and Violations of the Laws of War since the Soviet Withdrawal* (New York: Human Rights Watch, 1001), pp. 101-108.
- <sup>127</sup> *Ibid.*, p. 101.
- <sup>128</sup> *Ibid.*, p. 101-2.
- <sup>129</sup> The relationship between the CIA and the ISI, and the ISI’s preference for certain mujahidin groups over others has been documented by a number of sources. See for example Steve Coll, *Ghost Wars* (New York: Penguin Press, 2004), Human Rights Watch. *The Forgotten War*, pp. 125-130; and Rubin, *Fragmentation*, pp. 196-215.
- <sup>130</sup> All were also allegedly persecuted by the PDPA regime and for that reason had fled to Pakistan. Asia Watch, *The Forgotten War*, pp. 112–123.
- <sup>131</sup> *Ibid*.
- <sup>132</sup> Coll, *Ghost Wars*, p. 181.

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- <sup>133</sup> Rubin, *Fragmentation*, p. 249.
- <sup>134</sup> The Islamic State of Afghanistan, hereafter referred to by the initials ISA, continued to exist legally even after the Taliban took control of Kabul on September 26, 1996, as well as after the Taliban named their government the Islamic Emirate of Afghanistan in 1997. The various groups fighting against the Taliban did so as part of the ISA or the alliances called successively the Northern Alliance and the Islamic United Front for the Salvation of Afghanistan (Jabha-i Muttahid-i Islami bara-yi Nijat-i Afghanistan). This chapter covers the period up to August 1998, when the Taliban took control of most of the north of Afghanistan, greatly reducing the territory and population controlled by the ISA/UF.
- <sup>135</sup> Virtually all of Afghanistan's neighbors were assisting favored factions with arms and other support, even as they called for an end to the fighting.
- <sup>136</sup> Afghanistan Justice Project interviews with former commanders.
- <sup>137</sup> Afghanistan Justice Project interview with commander present at the time.
- <sup>138</sup> 1977 Geneva Protocol I, Chapter II, Article 51. Afghanistan has not ratified Protocol I; however, the standards it provides for the conduct of internal armed conflict have been generally accepted as part of customary international laws governing armed conflict.
- <sup>139</sup> Afghanistan is a party to the Geneva Conventions. Common Article 3 to the Conventions is automatically applicable as soon as an internal armed conflict exists within any party to the conventions. It imposes binding legal obligations on the parties to the conflict for the protection of persons who are *hors de combat*, including civilians, prisoners and other non-combatants. It prohibits "1. violence to life and person, in particular murder of all kinds, mutilation, cruel treatment and torture; 2. taking of hostages; 3. outrages upon personal dignity, in particular humiliating and degrading treatment; 4. the passing of sentences and the carrying out of executions without previous judgment pronounced by a regularly constituted court, affording all the judicial guarantees which are recognized as indispensable by civilized peoples."
- <sup>140</sup> Rape is a violation of the 1949 Geneva Conventions, the 1948 Genocide Convention, the 1984 Torture Convention, and a crime against humanity under the Nuremberg Charter. In June 1996, the U.N. International Criminal Tribunal for the Former Yugoslavia announced the indictment of eight Bosnian Serb military and police officers in connection with rapes of Muslim women in the Bosnian war, marking the first time sexual assault has been treated separately as a crime of war.
- <sup>141</sup> "Afghan Leader, Sworn In, Appeals for Unity," *New York Times*, January 3, 1993.
- <sup>142</sup> Interviews with former commanders.
- <sup>143</sup> "Scores Killed as Factional Battles Devastate Afghanistan's Capital," *New York Times*, June 3, 1994.
- <sup>144</sup> Afghan Army Ousts Foes from Capital, *New York Times*, June 27, 1994.
- <sup>145</sup> These events are described in detail in Anthony Davis, "How the Taliban became a Military Force, in William Maley, ed., *Fundamentalism Reborn? Afghanistan and the Taliban* (Lahore: Vanguard Books, 1988), pp. 50-53.
- <sup>146</sup> US Department of State, "Afghanistan," *Human Rights Practices*, 1995.
- <sup>147</sup> In interviews with the leadership and with soldiers.
- <sup>148</sup> 1977 Geneva Protocol I, Chapter II, Article 51. Afghanistan has not ratified Protocol I; however, the standards it provides for the conduct of internal armed conflict have been generally accepted as part of customary international laws governing armed conflict.
- <sup>149</sup> E/CN.4/1994/53 para. 16.
- <sup>150</sup> The commander says that on the northern front, they found T-62, T-52, artillery 76 of desert, DC artilleries, BM16, BM13 and Gharanai mortars and mid range mortars. They were on the high locations and some of them were along the Jalalabad road, the Bemaro hills, the hills around Khaja Rawash airport and the Military University. Also the armoured 60 Division 60, commanded by Mawlavi Sediqullah, who was with Harakat-i Inqilab Islami party of Mawlavi Mohammed Nabi Mohammadi.
- <sup>151</sup> AJP interview with former commander 2005.
- <sup>152</sup> AJP interview with former intelligence officer, 2005.
- <sup>153</sup> AJP interview May 2005.
- <sup>154</sup> AJP interview with analyst, 2005.
- <sup>155</sup> AJP interview, May 2005.
- <sup>156</sup> Military assessment by Afghanistan Justice Project.
- <sup>157</sup> US Department of State, "Afghanistan," *Human Rights Practices*, 1993 (Washington, D.C.: 1994).
- <sup>158</sup> "Up to 2,000 Killed in Kabul Last Month, Red Cross Says," *New York Times*, September 6, 1992.
- <sup>159</sup> AJP interview with former intelligence officer.
- <sup>160</sup> AJP interview with former battalion commander, May 2005.
- <sup>161</sup> AJP interview May 2005.
- <sup>162</sup> AJP interview 2004.
- <sup>163</sup> AJP interview in Kabul, 2005.
- <sup>164</sup> AJP interview in Kabul, May 2005.
- <sup>165</sup> AJP interview May 2005.

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- <sup>166</sup> AJP interview in Kabul, May 2005.
- <sup>167</sup> AJP interview in Kabul, May 2005.
- <sup>168</sup> AJP interview in Kabul, May 2005.
- <sup>169</sup> “Afghan Army Ousts Foes from Capital,” *New York Times*, June 27, 1994.
- <sup>170</sup> From interviews with former commanders and other eyewitnesses, including former residents of Afshar.
- <sup>171</sup> Shah was arrested in Kabul in April 2002 and charged with a number of crimes, including some war crimes from this period. He was executed on April 19, 2004. He had told human rights investigators that Sayyaf was in direct communication with senior commanders during all operations, and that he would be willing to show them the sites of mass graves of victims from Afshar and other operations at Sayyaf’s headquarters in Paghman. Under apparent pressure from Sayyaf, and despite appeals by human rights groups that Shah’s trial did not accord with international standards of due process, President Hamid Karzai signed the order for Shah’s execution.
- <sup>172</sup> Interviews with former commanders and intelligence operatives, 2003-4.
- <sup>173</sup> Interview with former commander, 2004.
- <sup>174</sup> Interviews with former commanders and intelligence operatives, 2003-2004.
- <sup>175</sup> Ibid.
- <sup>176</sup> Detailed testimony received by AJP
- <sup>177</sup> Interview with commanders and other witnesses, 2003-4. Bahrami is believed to have been arrested and released by the Taliban in 1995 after he told them he was only a simple cook; later however, it was reported that he was again arrested by the Taliban and disappeared after the fall of Bamyan.
- <sup>178</sup> Field research conducted by AJP.
- <sup>179</sup> All names have been changed to protect the identity of witnesses.
- <sup>180</sup> AJP interview, May 2005.
- <sup>181</sup> Brother of Ustad Shafaq who was a member of the Central Committee and is now believed to be in Australia.
- <sup>182</sup> AJP interview, May 2005.
- <sup>183</sup> Then a Harakat-i Islami commander and Deputy Minister in the Rabbani cabinet. Currently deputy in the Cabinet Secretariat (Department of Administrative Affairs).
- <sup>184</sup> Wali said his captors tried to take him to the other main prison at the Police Station in Zone 3, but when they arrived, “the people in charge told me and those who took me that they could not imprison anyone unless Mazari ordered them.”
- <sup>185</sup> As recalled by Wali, these included Khudadad Irfani, a senior Shia figure, Commander Wahid, who was with Hizb-i before allegedly cooperating with Shura-i Nazar and Ittihad-i Islami to allow their forces into Afshar, General Gharjai, who had fought with the Najib government before going over to Hizb-i and Tabish, who was Professor Rabanni’s secretary. Sami names, Muslih, Prof Rabanni’s secretary (later summarily executed), Khudadad Erfani, Shabir (a member of Harakat-i Islami) and the Commander, Tahir Toofan.
- <sup>186</sup> AJP interview, May 2005.
- <sup>187</sup> He is now living in Mazar-i Sharif.
- <sup>188</sup> AJP interview, May 2005.
- <sup>189</sup> AJP interview, May 2005.
- <sup>190</sup> Others include Nasir Diwana who headed a brigade and Daud Diwana, deputy of Haji Amini, commander of Division 096. Other epithets adopted by the lawless Wahdat commanders included Adam Khor (man eater), Shisha Khor (glass eater), Gao (cow) and Gunx (mad or drunk).
- <sup>191</sup> AJP interview, May 2005.
- <sup>192</sup> AJP interview, May 2005.
- <sup>193</sup> AJP interview, May 2005.
- <sup>194</sup> AJP interview, May 2005.
- <sup>195</sup> AJP interview, May 2005.
- <sup>196</sup> AJP interview, May 2005.
- <sup>197</sup> Andrew Roche, “Kabul fighting erupts again despite ceasefire,” *Reuters*, June 4, 1992; Sharon Herbaugh, “Civilians Tell of Captivity, Torture by Rebels,” *Associated Press*, June 6, 1992.
- <sup>198</sup> AJP interview, May 2005.
- <sup>199</sup> AJP interview, May 2005.
- <sup>200</sup> AJP interview, May 2005.
- <sup>201</sup> AJP interview 2005
- <sup>202</sup> AJP interviews in Kabul 2005.
- <sup>203</sup> Rubin, *Fragmentation*, p. 160.
- <sup>204</sup> Ibid.

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<sup>205</sup> The words, *Gilim Jan*, were first used about a Balkhi commander called Mawmur Amanullah whose family was wiped out in inter-mujahadin fighting. He was told that, “his gilm had been gathered up,” ie that he was wiped out, finished. He was subsequently recruited by the Ministry of National Security and established a unit centered on his fellow villagers who had also been displaced. The unit grew and became infamous and its name, Gilim Jam became a byword for violence and human rights abuses in much of Afghanistan.

<sup>206</sup> For example, Ismat Muslim Achikzai from Qandahar .

<sup>207</sup> See Rubin, *Fragmentation*, p. 270.

<sup>208</sup> Interview with the Afghanistan Justice Project.

<sup>209</sup> Paralleling the gravitation of defecting mujahidin commanders to his unit, a number of the small cadre of educated Uzbek, as well as some Tajik, professional officers within the army - eg. Gen. Majid Rozi, an Arab Uzbek artillery officer from Balkh province, Gen. Jura Beg, an Uzbek infantry officer from Jauzjan -, joined the 53rd Division. This served to professionalize it and increase its technical capacity, particularly in terms of armour and artillery. Among the group of officers drawn to Dostum, close and enduring personal relationships developed. Of these officers the majority were embers of the Parcham wing of the PDPA, as was Dostum, though Dostum was not ideologically inclined. Shiberghan was very much a Parchami town, and Dostum received the political support of the multi-ethnic group of Parchamis living and from there. Small numbers of officers were, however, members of the Khalq wing - eg. Sakhi Faizi, from Faryab - though this was not a politically salient issue. AJP interview and email communication with political analysts.

<sup>210</sup> AJP interview 2005.

<sup>211</sup> AJP interview 2005.

<sup>212</sup> AJP interview 2005.

<sup>213</sup> AJP interview 2005.

<sup>214</sup> AJP interview 2005.

<sup>215</sup> AJP interview 2005.

<sup>216</sup> AJP interview 2005.

<sup>217</sup> AJP interview 2005.

<sup>218</sup> Afghanistan Justice Project interview.

<sup>219</sup> Afghanistan Justice Project interviews with witnesses November 2003, and with political analyst June 2004.

<sup>220</sup> Afghanistan Justice Project interviews with political analyst 2004.

<sup>221</sup> Some Junbish commanders went along with Malik; others did not. As noted earlier, senior faction leaders and commanders did not always have full control over their subordinates, and the loyalty of commanders and their men was fungible. Thus, there was little incentive to discipline troops who were in any case rewarded for their “loyalty” by the measure of autonomy (including their ability to loot and engage in extortion and other abuses) that they enjoyed.

<sup>222</sup> AJP interview 2005.

<sup>223</sup> Afghanistan Justice Project interview October 2003.

<sup>224</sup> A number of prisoners reportedly were summarily executed in Kunduz by northern alliance forces. BBC World News South Asia, “Revenge killings in Kunduz,” November 27, 2001. [http://news.bbc.co.uk/2/hi/south\\_asia/1678723.stm](http://news.bbc.co.uk/2/hi/south_asia/1678723.stm).

<sup>225</sup> The incident is documented in Human Rights Watch, *The Massacre in Mazar-i Sharif*, November 1, 1998, Index C1007.

<sup>226</sup> Afghanistan Justice Project interviews with witnesses, February 2002.

<sup>227</sup> Afghanistan Justice Project interviews 2002; [BBC World South Asia](http://news.bbc.co.uk/2/hi/south_asia/2228754.stm), “UN to investigate Taleban deaths,” September 1, 2002, [http://news.bbc.co.uk/2/hi/south\\_asia/2228754.stm](http://news.bbc.co.uk/2/hi/south_asia/2228754.stm).; “Red Cross probes Taleban deaths,” December 12, 2001, [http://news.bbc.co.uk/2/hi/south\\_asia/1705708.stm](http://news.bbc.co.uk/2/hi/south_asia/1705708.stm).; “‘Threats’ to Afghan killings witnesses,” November 14, 2002, [http://news.bbc.co.uk/2/hi/south\\_asia/2476383.stm](http://news.bbc.co.uk/2/hi/south_asia/2476383.stm).

<sup>228</sup> Confidential communication to AJP.

<sup>229</sup> Interviews in Kabul May 2005.

<sup>230</sup> AJP interview 2005.

<sup>231</sup> AJP interview 2005.

<sup>232</sup> AJP interview 2005.

<sup>233</sup> Ibid.

<sup>234</sup> Ibid.

<sup>235</sup> Ibid.

<sup>236</sup> At the time, the afghani was trading at a rate that fluctuated between 17,000 to 25,000 to the US dollar.

<sup>237</sup> Interviews in Kabul May 2005.

<sup>238</sup> Ibid.

<sup>239</sup> Malik has long alleged that Dostum had Malik’s brother, Rasul Pahlawan, assassinated in June 1996.

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- <sup>240</sup> Afghanistan Justice Project interview 2004.
- <sup>241</sup> Afghanistan Justice Project interview with witness 2004.
- <sup>242</sup> Gen. Raouf Begi “From the victory of the Islamic Revolution to the fall of Mazar to the Taliban” (Farsi).
- <sup>243</sup> Interview with Gen. Abdul Malik Pahlawan, April 21, 2004.
- <sup>244</sup> Interviews with local commanders and Taliban survivors.
- <sup>245</sup> Afghanistan Justice Project interview with former Taliban official.
- <sup>246</sup> Afghanistan Justice Project interview 2001.
- <sup>247</sup> Afghanistan Justice Project interview 2004.
- <sup>248</sup> Afghanistan Justice Project interview with survivor, December 2003.
- <sup>249</sup> Interview in December 2001.
- <sup>250</sup> The Taliban proclaimed the Islamic Emirate of Afghanistan after they had taken control of Kabul in 1996. This background section also provides information about the emergence of the Taliban as a military force, and thus begins with their origins in 1994.
- <sup>251</sup> The word “taliban” means students, and in this context refers to students from private madrasas of Pakistan and rural Afghanistan. During the 1980s, Taliban had fought with a number of the mujahidin parties. However, this section covers the Taliban movement, a militant movement that arose in 1994 and, after taking control of Kabul in 1996, established the Islamic Emirate of Afghanistan.
- <sup>252</sup> See Barnett R. Rubin, *The Search for Peace in Afghanistan: From Buffer State to Failed State* (New Haven: Yale University Press, 1995) 139-140 for some specific instances of insecurity in Qandahar.
- <sup>253</sup> Rashid notes that there was “an entire factory of myths and stories to explain” the Taliban’s rise to prominence in Qandahar. See Rashid, p. 25.
- <sup>254</sup> Benazir Bhutto, who was then prime minister of Pakistan, together with her interior minister, Gen. Naseerullah Khan Babar, reportedly sought to secure trade routes to Central Asia. In October-November 1994, Colonel Imam of the ISI accompanied a trade convoy that was to travel from Quetta to Turkmenistan via Qandahar and Herat in order to determine the feasibility of constructing a rail line along the route. Imam was one of a handful of top ISI officers who ran the operation. On November 1 or 2, 1994, tribesman across the border in Qandahar province stopped the convoy. On November 3, the convoy was freed by the Taliban. See Anthony Davis, “How the Taliban became a military force,” in *Fundamentalism Reborn?* ed. Maley 45-46; <sup>254</sup> Rubin, *Search for Peace* 139. Also in October, the Taliban captured Spin Boldak from Hizb-i Islami (Hikmatyar) and possibly took over a cache of weapons there. The incident is described by Davis 45-46. There is some doubt as to whether there was a munitions dump there or if it had been looted long before. Davis argues that the Taliban either captured the dump, possibly with ISI support, or that they received military support at that point from the ISI through other means.
- <sup>255</sup> See Human Rights Watch, *Pattern of Impunity*. (NY: Human Rights Watch, July 2001).
- <sup>256</sup> Davis 61; Rashid 39.
- <sup>257</sup> Rashid 191, especially n. 12. Rashid discusses Pakistan’s role in supporting the Taliban at length in *Taliban* and in
- <sup>258</sup> Davis 47-48.
- <sup>259</sup> The Taliban’s policies with respect to women have been described in numerous publications, including the reports of the Special Rapporteur from 1994 on. See for example United Nations Economic and Social Council, Commission on Human Rights, “Report on the Situation of Human Rights in Afghanistan” (E/CN.4/1996/64).
- <sup>260</sup> Davis 53.
- <sup>261</sup> In August 1998, after the US accused bin Laden of responsibility for simultaneous bombings of US embassies in Kenya and Tanzania, the US fired missiles at camps in Khost, killing a number of members of the Pakistani militant group Harakat-ul-Ansar. The US imposed unilateral economic sanctions against the Taliban by executive order in January 1999. Then, on October 15, 1999, in support of its demand that the Taliban end the use of Afghanistan as a base for international terrorism and hand over bin Laden, the United Nations Security Council imposed limited sanctions on the Taliban through Resolution 1267. The specific measures included a freeze of Taliban assets and an international flights ban for Taliban-owned aircraft (i.e. Ariana, the national carrier). The Security Council strengthened its sanctions through the adoption of Resolution 1333 on December 19, 2000. The measures included in the second sanctions resolution were an arms embargo on the Taliban, a general flight ban, a travel ban on senior Taliban officials, and closure of Taliban missions abroad. However, there was little effort to enforce the arms embargo; between 1998 and 2001, truckloads of ammunition and weaponry crossed the border from Pakistan. In April and May 2001 Human Rights Watch sources reported that as many as thirty trucks a day were crossing the Pakistan border; sources inside Afghanistan reported that some of these convoys were carrying artillery shells, tank rounds, and rocket-propelled grenades. Such deliveries were in direct violation of UN sanctions. Human Rights Watch obtained this information from sources in Pakistan and Afghanistan. Interviews and email communication, April and May, 2001. Such reports are not new. A 1997 report of the UN Secretary-General cites

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“reliable eyewitnesses” who saw “numerous” such deliveries. United Nations Security Council, “The situation in Afghanistan and its implications for international peace and security,” Report of the Secretary-General (S/1997/894, November 14, 1997) para. 18.

<sup>262</sup> E/CN.4/1998/71, para. 1.

<sup>263</sup> E/CN.4/1998/71, para. 2.

<sup>264</sup> Patricia Gossman, director of the Afghanistan Justice Project, was senior researcher for South Asia at Human Rights Watch at the time. The Human Rights Watch report, *The Massacre in Mazar-i Sharif*, was published in November 1998. (Human Rights Watch, Vol. 10, No. 7 (C).)

<sup>265</sup> Interview with former UN staff who worked in Mazar, August 2004. See also Human Rights Watch, *Massacre in Mazar-i Sharif*.

<sup>266</sup> Confidential interview. by UNHCR, 1998.

<sup>267</sup> Human Rights Watch, *Massacre in Mazar-i Sharif*.

<sup>268</sup> Confidential interview by UNHCR, in *ibid*.

<sup>269</sup> Confidential interview by UNHCR, in *ibid*.

<sup>270</sup> Confidential interview by UNHCR, in *ibid*.

<sup>271</sup> United Nations Economic and Social Council, Commission on Human Rights, “Report on the situation of human rights in Afghanistan” (E/CN.4/1999/40) para 10.

<sup>272</sup> Confidential interview by UNHCR.

<sup>273</sup> Human Rights Watch. *Massacres of Hazaras in Afghanistan*. Human Rights Watch Publications (February 2001) Vol. 13, No. 1(C).

<sup>274</sup> *Ibid*.

<sup>275</sup> *Ibid*.

<sup>276</sup> *Ibid*.

<sup>277</sup> *Ibid*.

<sup>278</sup> *Ibid*.

<sup>279</sup> *Ibid*.

<sup>280</sup> *Ibid*.

<sup>281</sup> *Ibid*.

<sup>282</sup> The Ismailis are followers of the Agha Khan. In the eyes of some Sunnis, they are apostates, like the Shi’a. They lived just north of the Salang pass, around Doshi, and they had formed a regime militia under Najibullah to protect that segment of the Salang highway. They were led by the wealthy Sayyid Nadir of Kayyan. In January 1992 Sayyid Nadir joined with Dostum as one of the constituents of Junbish. When the Taliban reached his area, Sayyid Nadir fled with his family. Email communication with Rubin.

<sup>283</sup> Human Rights Watch, *Massacres of Hazaras in Afghanistan*.

<sup>284</sup> *Ibid*.

<sup>285</sup> *Ibid*

<sup>286</sup> *Ibid*.

<sup>287</sup> *Ibid*.. According to Rubin, this is a common form of torture in rural Afghanistan. Email communication from Rubin, July 2004.

<sup>288</sup> The photographs are available in the Human Rights Watch report, *Massacres of Hazaras in Afghanistan*.

<sup>289</sup> Human Rights Watch, *Massacres of Hazaras in Afghanistan*.

<sup>290</sup> Semple, “Compilation of Evidence on Human Rights Abuses.”

<sup>291</sup> The researcher who investigated the incident was able to access Taliban military radio communication to Nayak during the period when the men were being held.

<sup>292</sup> The following account is taken from Michael Semple, “Summary executions, arbitrary detention, torture, indiscriminate bombardments, and systematic destruction of means of livelihood of the civilian population of Yakaolang, February to September 2001,” unpublished paper.

<sup>cexciiii</sup> One senior U.N.official told AJP that the Bonn meeting had been dubbed “the original sin.”

<sup>cexciv</sup> Interview with BBC February 15, 2002.

<sup>cexcev</sup> Human Rights Watch, “Afghanistan: Killing and Torture by U.S. predate Abu Ghraib,” Press release, May 20, 2005.

<sup>cexcevi</sup> E/CN/4/1985/21 para. 76.

<sup>cexcevii</sup> Asia Watch and Helsinki Watch, *To Die in Afghanistan*, pp. 67–68. Testimony of former official of Pul-i Charkhi Prison; interviewed in Peshawar, August 25, 1985.

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<sup>ccxcviii</sup> Human Rights Watch press release “U.S.: Abu Ghraib Only the “Tip of the Iceberg,” April 27, 2005

<sup>ccxcix</sup> Human Rights Watch, “Afghanistan: Killing and Torture by U.S. predate Abu Ghraib,” Press release, May 20, 2005.