



## **Afghanistan – Researched and compiled by the Refugee Documentation Centre of Ireland on 13 and 14 January 2011**

**Are there any reports of individuals suspected by authorities of involvement with Taliban who surrender to authorities? What happens to them? Are people formerly associated with Taliban imprisoned or how are they treated? Any reliable reports.**

The most recent Eligibility Guidelines published by the *UN High Commissioner for Refugees*, in a section headed “Civilians Suspected of Supporting Armed Anti-Government Groups”, states:

“Civilians suspected of collaborating with, or otherwise supporting, armed anti-Government groups may face arbitrary detention, including detention without charge, and ill-treatment by ISAF or Afghan authorities. According to reports, persons detained by US forces are held for lengthy periods and denied due process rights, such as access to legal counsel. Allegations of ill-treatment, including sleep deprivation and physical abuse, have also been made by several former Bagram detainees. In response to criticism, the US authorities introduced, in November 2009, a detainee review procedure at Bagram. Concerns remain, however, as to the lack of access to legal counsel and the possibility of use of evidence obtained through duress before the review board. Persons detained on national security grounds by the Afghan National Directorate of Security (NDS) may also reportedly be subject to ill-treatment and torture. The NDS operates under an undisclosed legal framework, and independent monitors are not allowed regular access to its detention facilities. Detention of children by NDS on the ground of suspected association with, or support of, armed anti-Government groups is reported, as are incidents of ill-treatment and intimidation of child detainees during interrogation. The UK’s policy and practice of transferring suspected insurgents into NDS custody was challenged following allegations of ill-treatment and torture of detainees. Based on the available evidence, the UK High Court found UK transfers to NDS Kabul unlawful. It should be noted, however, that a committee to review the cases of suspected insurgents detained without evidence or charge was established by Presidential Decree on 5 June 2010, pursuant to recommendations during the Peace Jirga. In light of the foregoing, UNHCR considers that civilians suspected of supporting armed anti-Government groups may be at risk on the ground of (imputed) political opinion, depending on their individual profile and circumstances of the case. In view of the need to maintain the civilian and humanitarian character of asylum, combatants should not be considered as asylum-seekers unless it is established that they have genuinely and permanently renounced military activities. Claims by persons with the aforementioned profile, may, furthermore, give rise to the need to examine possible exclusion from refugee status.” (UN High Commissioner for Refugees (17 December 2010) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*, pp.16-17)

A *Radio Free Europe/Radio Liberty* report refers to the official policy of the Afghan government as follows:

“The reconciliation policy, more articulated by Karzai since April 2003, essentially maintains that other than between 100 to 150 former members of the Taliban regime are known to have committed crimes against the Afghan people; all others, whether dormant or active within the ranks of the neo-Taliban, can begin living as normal citizens of Afghanistan by denouncing violence and renouncing their opposition to the central Afghan government.” (Radio Free Europe/Radio Liberty (2 June 2005) *Afghanistan: Is Reconciliation With The Neo-Taliban Working?*)

A report from the *Afghanistan Research and Evaluation Unit*, in a section headed “Introduction and Background to the Study”, states:

“Indeed, the most recent initiative, the Afghanistan Peace and Reintegration Programme (APRP), proposed at the London Conference on 28 January 2010, comes at a critical point for Afghanistan, in US-Afghanistan relations, and in the relationship between Afghanistan and countries in south and central Asia as well as in Europe. The APRP is the latest in a series of efforts since 2001 to disarm insurgents and reintegrate them into Afghan society, and to bring an end to the violence.” (Afghanistan Research and Evaluation Unit (AREU) (October 2010) *Peace at All Costs? Reintegration and Reconciliation in Afghanistan*, p.1)

In a section headed “Grievance resolution, offers of amnesty and the question of human rights” this report states:

“Regarding the question of political pardons, the strategy states that the GoA will construct a legal framework for political amnesty and forgiveness. A legal team in the Joint Secretariat is charged with aligning the terms of amnesty and grievance resolution with the constitution and existing legislation. According to the strategy, “excombatants who agree to live within the laws of Afghanistan and renounce violence and terrorism will be granted political amnesty and receive an APRP ID card guaranteeing their freedom of movement and freedom from arrest for past political actions.” (ibid, p.19)

An article published by the Pakistani newspaper *Daily Times* states:

“Eighty Taliban on Saturday laid down their weapons and joined Afghanistan’s police force, accepting a government amnesty aimed at ending a vicious insurgency, police said. In a ceremony at police headquarters in the eastern city of Herat, the 80 men handed over their weapons and pledged to end their fight against the government, said Herat police chief Asmatullah Alizai. ‘Negotiations have been going on with their commander Solaiman, as we have been trying to absorb him into the government,’ he said, referring to Mula Solaiman, a former border guard commander who changed sides a number of times. The decision by the 80 Taliban came after Afghan President Hamid Karzai again offered an olive branch to the Taliban to reintegrate into Afghan society.” (Daily Times (22 November 2009) *Eighty Taliban surrender weapons, join Afghan police*)

A *Fort Bliss Monitor* article states:

“The reintegration program allows Taliban to come forward without fear of punishment and offers them a productive job in the community. In exchange, they must have their weapons registered and their fingerprints and retina scanned. The program is targeted toward mid- to lower-level insurgents with the hope of persuading them to join the general public, said Baryalai Helai, advisor to the minister of reintegration. The goal is to make peace with disenfranchised Afghans and drive

out foreign fighters like al-Qaeda, said Helai." (Fort Bliss Monitor (6 January 2011) *Peace council plans to bring former insurgents back into society*)

A *Xinhua General News Service* report states:

"Over 20 Taliban insurgents laid down arms and reintegrated to community in Badghais province, northwest Afghanistan, NATO-led forces said in a press release on Tuesday." "Twenty-one insurgents turned in their weapons to Afghan authorities in Qal'ah-ye Now, the capital of Badghis province, Sunday," the press release added." (Xinhua General News Service (24 August 2010) *21 militants lay down arms in NW Afghanistan*)

A *Wall Street Journal* article states:

"The reintegration program would offer incentives to individual insurgents and their communities to side with the government. Insurgents could be offered education, vocational training and jobs while their communities would see development projects such as roads and schools. The Afghan government expects that between 36,000 and 40,000 insurgents will join the reintegration program within five years, according to Gen. Jones. By wooing low-level fighters away from the battlefield, the Afghan government hopes to weaken the Taliban and other insurgent groups, forcing their leaders to sit at the negotiating table." (Wall Street Journal (17 June 2010) *Taliban Can Keep Weapons Under New Peace Initiative*)

See also *Wall Street Journal* article which states:

"The Afghan government and the U.S.-led coalition scored an unexpected success here half a year ago, turning around more than 50 insurgents and recruiting them to fight their former Taliban allies. What happened since then, however, offers a cautionary tale of how much can go wrong with the so-called "reintegration" process, a cornerstone of the coalition's war strategy. The reintegrated fighters' leader, Commander Sher, is now dead, possibly killed by a U.S. bomb last month. His militia is in disarray. And, to other potential defectors, the fate of these men serves as a vivid warning about the perils of picking the American side in this war. The U.S. has long favored reintegration—an effort to win over low- and mid-level insurgents with incentives such as jobs and cash—over the more controversial attempts to cut a deal with senior Taliban leaders, known as 'reconciliation,' which the U.S. has more recently facilitated. The reintegration drive, however, has been slow to take off, in part because potential defectors fear the coalition won't be able to protect them against Taliban retribution." (Wall Street Journal (1 November 2010) *Afghans face peril in switching sides*)

A report from the *Pajhwok Afghan News English* states:

"Former Taliban fighters, who surrendered to Afghan government in the western province of Herat, complain foreign soldiers continue to raid their houses, and the government has failed to keep its promise to implement reconstruction projects in their areas. Mullah Abdul Karim, who shunned the insurgency along with 30 fighters eight months back in Shindand district, said National Reconciliation Commission (NRC) officials had assured them foreign troops would no longer search their houses. But he regretted international soldiers had thrice raided his residence over the last 45 days." (Pajhwok Afghan News English (11 December 2010) *Ex-commanders say govt has failed to keep promises*)

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

### References:

Afghanistan Research and Evaluation Unit (AREU) (October 2010) *Peace at All Costs? Reintegration and Reconciliation in Afghanistan*

<http://www.unhcr.org/refworld/pdfid/4cb411692.pdf>

(Accessed 13 January 2011)

Daily Times (22 November 2009) *Eighty Taliban surrender weapons, join Afghan police*

[http://www.dailytimes.com.pk/print.asp?page=2009\11\22\story\\_22-11-2009\\_pg7\\_25](http://www.dailytimes.com.pk/print.asp?page=2009\11\22\story_22-11-2009_pg7_25)

(Accessed 14 January 2010)

Fort Bliss Monitor (6 January 2011) *Peace council plans to bring former insurgents back into society*

<http://fbmonitor.com/2011/01/06/peace-council-plans-to-bring-former-insurgents-back-into-society/>

(Accessed 14 January 2010)

Pajhwok Afghan News English (11 December 2010) *Ex-commanders say govt has failed to keep promises*

<http://www.lexisnexis.com>

(Accessed 14 January 2010)

Radio Free Europe/Radio Liberty (2 June 2005) *Afghanistan: Is Reconciliation With The Neo-Taliban Working?*

<http://www.rferl.org/articleprintview/1059087.html>

(Accessed 13 January 2011)

UN High Commissioner for Refugees (17 December 2010) *UNHCR Eligibility Guidelines for Assessing the International Protection Needs of Asylum-Seekers from Afghanistan*

<http://www.unhcr.org/refworld/pdfid/4d0b55c92.pdf>

(Accessed 11 January 2011)

Wall Street Journal (1 November 2010) *Afghans face peril in switching sides*

<http://online.wsj.com/article/SB30001424052702304741404575564122614380334.html#>

(Accessed 14 January 2010)

Wall Street Journal (17 June 2010) *Taliban Can Keep Weapons Under New Peace Initiative*

<http://online.wsj.com/article/SB10001424052748703513604575310982874634608.html#>

(Accessed 14 January 2010)

Xinhua General News Service (24 August 2010) *21 militants lay down arms in NW Afghanistan*

<http://www.lexisnexis.com>

(Accessed 13 January 2011)

**Sources Consulted:**

Afghanistan Independent Human Rights Commission

Amnesty International

Electronic Immigration Network

European Country of Origin Information Network

Google

Human Rights Watch

Immigration and Refugee Board of Canada

International Crisis Group

Lexis Nexis

Refugee Documentation Centre Query Database

UK Home Office

UNHCR Refworld

US Department of State