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1999 Country Reports on Human Rights Practices

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Afghanistan*

* The U.S. Embassy in Kabul has been closed for security reasons since January 1989. Information on the human rights situation is therefore limited.

Afghanistan continued to experience civil war and political instability for the 20th consecutive year. There was no functioning central government. The Pashtun-dominated ultra-conservative Islamic movement known as the Taliban controlled about 90 percent of the country, including the capital of Kabul, and all of the largest urban areas. A Taliban edict in 1997 renamed the country the Islamic Emirate of Afghanistan, with Taliban leader Mullah Omar as Head of State and Commander of the Faithful. There is a six-member ruling council in Kabul, but ultimate authority for Taliban rule rested in Mullah Omar, head of the inner Shura (Council), located in the southern city of Kandahar. Former President Burhanuddin Rabbani claimed to be the head of the Government and controlled most of the country's embassies abroad and retained Afghanistan's United Nations seat after the U.N. General Assembly deferred a decision on Afghanistan's credentials another time in December. Rabbani and his military commander, Ahmed Shah Masood, both Tajiks, also maintained control of some largely ethnic Tajik territory in the country's northeast. Masood's forces were within rocket range of Taliban-held Kabul until late July when the Taliban summer offensive pushed Masood's forces out of the Shomali plain, north of Kabul. Commander Masood and commanders under the United Front for Afghanistan (UFA), also known as the Northern Alliance, defended the last of the territories held by the Northern Alliance in the north and center of the country from Taliban attacks. The U.N. Special Envoy to Afghanistan, Lakhdar Brahimi, engaged in extensive discussions with the Afghan parties and other interested nations until his resignation in the fall. A group of representatives from the six nations bordering Afghanistan plus the United States and Russia met in Tashkent, Uzbekistan in July to seek an end the conflict. During the year, a process to convene a Loya Jirga, or Grand Assembly of traditional leaders, which was focused around former King Zahir Shah and based in Rome, slowly began to take shape. A number of provincial administrations maintained limited functions, but civil institutions were rudimentary. There is no

countrywide recognized constitution, rule of law, or independent judiciary.

The Taliban remained the country's primary military force. Taliban members committed numerous serious human rights abuses in areas they occupied.

Agriculture, including high levels of opium poppy cultivation, was the mainstay of the economy. During the year, Afghanistan became the largest opium producer in the world. Lack of resources and the war have impeded reconstruction of irrigation systems, repair of market roads, and replanting of orchards in some areas. The presence of millions of landmines and unexploded ordnance throughout the country has restricted areas for cultivation and slowed the return of refugees who are needed to rebuild the economy. There was some laying of new mines during the year, primarily by the Northern Alliance. Trade was mainly in opium, fruits, minerals, and gems, as well as goods smuggled to Pakistan. There were rival currencies, both very inflated. Formal economic activity remained minimal in most of the country, especially rural areas, and was inhibited by recurrent fighting and by local commanders' roadblocks in non-Taliban controlled areas. The country is also dependent on international assistance. Per capita income, based on World Bank figures, is about \$280 per year. Reconstruction was continuing in Herat, Kandahar, and Ghazni, areas that are under firm Taliban control. Areas outside of Taliban control suffered from brigandage. The overall human rights situation was extremely poor, and the Taliban continued to commit serious human rights violations. Citizens were precluded from changing their government or choosing their leaders peacefully. Taliban forces reportedly were responsible for political and other extrajudicial killings, including targeted killings, mass killings, summary executions, and deaths in custody. There were allegations that Taliban forces were responsible for disappearances. Prison conditions were poor. Summary justice was common. The Taliban imposed strict and oppressive order by means of stiff punishments for crimes in the areas that they controlled. The Taliban's Islamic courts and religious police, the Ministry for the Promotion of Virtue and Suppression of Vice (PVSV), enforced their ultra-conservative interpretation of Islamic law. They set punishments such as public executions for adultery or murder, and amputations of one hand and one foot for theft. For lesser infractions, Taliban militiamen often judged accused offenders and meted out punishments, such as beatings, on the spot. The Taliban arbitrarily arrested and detained persons and infringed on citizens' privacy rights. The United Nations reported in August that the Taliban used a scorched earth policy during its summer offensive, including the burning of homes, the killing of livestock, the uprooting of orchards, and the destruction of irrigation systems (see Section 1.g.). Many civilians were relocated forcibly by the Taliban during the offensive. Taliban forces were responsible for the indiscriminate bombardment of civilian areas. Civil war conditions and the unfettered actions of competing factions effectively limited the freedoms of speech, press, assembly, association. Freedom of religion is restricted severely and Taliban members vigorously enforced their interpretation of Islamic law. Freedom of movement is also limited. Years of conflict have left approximately 258,600 citizens as internally displaced persons, while more than 2.6 million of the country's population of approximately 25.8 million live outside the country as refugees. Although the continued fighting has discouraged many refugees from returning to their country, approximately 96,700 returned voluntarily with U.N. High Commissioner for Refugees (UNHCR) assistance during the year. All factions have harassed domestic and international NGO's.

The human rights situation for women was extremely poor. Violence against women

remained a problem throughout the country. Women and girls were subjected to rape, kidnaping, and forced marriage, particularly in areas outside of Taliban control. Taliban restrictions against women and girls remained widespread, institutionally sanctioned, and systematic. The Taliban imposed strict dress codes and prohibited women from working outside the home except in limited circumstances in the health care field and in some humanitarian assistance projects. The treatment of women and girls in Taliban controlled areas improved slightly. Although girls were prohibited formally from attending school, several organizations were able to run elementary schools and home schools with girls in attendance despite the formal prohibition. Nonetheless, there was widespread and widely accepted societal discrimination against women and girls throughout the country. The Taliban detained persons because of their ethnic origins. Worker rights were not defined. Child labor persists. There were reports that the Taliban used forced labor.

Masood's forces and the Northern Alliance members committed numerous, serious abuses. Masood's forces continued sporadic rocket attacks against Kabul. Anti-Taliban forces bombarded civilians indiscriminately. Various factors infringed on citizens' privacy rights. Armed units of the Northern Alliance, local commanders, and rogue individuals were responsible for political killings, abductions, kidnapings for ransom, torture, rape, arbitrary detention, and looting.

RESPECT FOR HUMAN RIGHTS

Section 1 Respect for the Integrity of the Person, Including Freedom From:

a. Political and Other Extrajudicial Killing

The Taliban forces committed a large number of political and other extrajudicial killings, both within the country and in the refugee community in Pakistan. According to press reports, on January 21, members of the Taliban killed six persons in Khost when they tried to ban a traditional game. The local population requested reparations for the deaths. On May 19, the Taliban reported an attempted uprising in the western city of Herat; the Taliban stated that eight persons were executed in connection with the incident. The Northern Alliance claimed that over 50 persons were executed by the Taliban.

On May 9, the Taliban recaptured Yakaolang, in Bamiyan province. According to reports received by Amnesty International (AI), persons who remained in the town after its recapture in May later were targets of systematic killings by the Taliban. Hundreds of men reportedly were taken away and killed (see Sections 1.b. and 1.g.). On May 9, the Taliban also recaptured Bamiyan, which previously had changed hands several times. There were reports that the Taliban carried out summary executions upon entering the city. Estimates of the number of civilians allegedly killed varies widely, but Amnesty International reported that hundreds of men, and in a few instances women and children, were separated from their families and taken away (see Sections 1.b. and 1.g.).

During the summer, the combat between the Taliban and the Northern Alliance intensified. On July 28, the Taliban launched a major military offensive. It was reinforced by 2,000 to 5,000 recruits, many of them non-Afghans and some below the age of 14. This offensive led to the capture of most of the Shomali Plains up to the entrance of the Panjshir Valley. Dozens of noncombatants were killed in a deliberate manner, according to Amnesty International. Combatants from neighboring countries who joined the Taliban

forces reportedly contributed to an increase in the level of atrocities against civilians, particularly against women (see Section 1.g). In the Bagram area, several groups of male civilians, ranging from 9 to 23 persons, reportedly were killed by the Taliban.

According to Amnesty International, over a dozen detainees died while in Taliban custody between early 1998 and early 1999. They include two former Nangarhar University lecturers and U.N. agency staff workers Pohandoy Mohammad Nazir Habibi and Pohanmal Mohammad Hashem Basharyar. Habibi and Basharyar were active in Afghan intellectual circles seeking peace through political means. The two men reportedly were forced into a car in July 1998 by members of the provincial internal security office. Their bodies were found several days later. Other detainees reportedly have died in a similar fashion, including Dagarwal Agha Mohammad, Sher Mohammad, General Solhmal, Abdul Ghani, Ghadim Shah, and Mohammad Khan Tudai. According to AI, Taliban officials arrested these persons, all of whom took active roles in discussions of options for a political settlement. Several days to one month after arrest, the bodies of these persons were discovered, often bearing signs of torture, in a field or hanging from tree.

According to an October 1998 report, members of the Turkmen community also have been arrested by the Taliban, tortured, and killed in detention, including Agha Mohammad Doktor, a Turkmen military commander, and Abdul Manan, a respected religious leader from the northern part of the country.

In 1998 there were credible reports that the Taliban executed large numbers of civilians during fighting with the National Islamic Movement of Afghanistan in Faryab province, and that the Taliban engaged in mass killings in Mazar-i-Sharif in August 1998; ethnic Hazaras and to a lesser extent ethnic Tajiks and Uzbeks reportedly were targeted. An estimated 2,000 to 5,000 persons reportedly were killed by the Taliban in Mazar-i-Sharif in 1998; the Taliban killed an estimated 500 persons in its recapture of Bamiyan in September 1998. In November 1998, there were reports that an estimated 300 civilians, including women and children, were killed by a Taliban official in the southeastern province of Zabol; he was reportedly arrested by the Taliban.

Political killings of moderate Afghan leaders residing in Pakistan continued during the year; many believed that these killings occurred at the direction of the Taliban. In January in Peshawar, unknown assailants killed the wife and child of Abdul Haq, a jihad-era commander and current moderate activist. Apparently, the killers expected to find Abdul Haq at home. Abdul Haq since has relocated from Pakistan. On February 10, the daughter of a former adviser to President Rabbani's Justice Ministry was killed in Pakistan. On April 1, an aide to Haji Qadir was killed in Peshawar. In July former Afghan senator Abdul Ahad Karzai, father of moderate activist Hamid Karzai, was killed outside of a mosque in Quetta, Pakistan. Both the Karzai and Abdul Haq family killings are widely believed to be part of a wider Taliban campaign against moderate activists, especially against those affiliated with the movement supported by former king Zahir Shah. Several Afghan moderates were killed in Pakistan in 1998, including Dagarwal Basir, General Nazar Mohammad, Dagarwal Latif, Hashim Paktyanai, General Shirin Agha; and General Rahim. Over the course of the year, a number of moderate activists in Pakistan resettled in third countries, in part as a result of these killings. In response to the concerns raised by Amnesty International about the killings of Afghan moderates in Pakistan, Taliban authorities in January denied Taliban involvement in such killings, stating that "other groups commit terrorist acts and violations and put the blame on the Taliban."

In July 1998, two Afghan U.N. employees were kidnaped and murdered. The alleged motive for the killings was that the two were former communists. The Taliban were implicated but denied any role in the murders. Other former Afghan communists, both in Afghanistan and Pakistan, also were killed under circumstances that implicated the Taliban. Mohammad Hashim Paktianai, a cousin of former Afghan Communist President Najibullah (who was executed by the Taliban when they took Kabul in 1996), was killed by unidentified gunmen near his home in Peshawar in November 1998.

The Taliban used swift summary trials and implemented strict punishments according to Islamic law; the Taliban ordered public executions, which sometimes took place before crowds of up to 30,000 persons at Kabul Stadium. The Taliban also ordered death by stoning for adultery, and by toppling walls on offenders for homosexual transgressions; five persons reportedly were killed by this method in 1998 (see Sections 1.c. and 1.e.).

The Taliban have used excessive force against demonstrators. In December 1998, two students at Nangarhar medical college reportedly were killed by members of the Taliban when they fired upon a crowd of students who were protesting their dean's misappropriation of hostel funds. Taliban leader Mullah Omar ordered an investigation of the incident, but it is not known whether an investigation took place or what the results of any investigation may have been.

During the year, Taliban planes bombed cities held by opposition forces, killing and injuring civilians (see Section 1.g.). Several cities and areas of Afghanistan in the north, west, and east changed hands between the Taliban and the Northern Alliance on more than one occasion; the continued warfare during the year between the Taliban and Northern Alliance factions resulted in the killings of civilians.

Opposition forces fired rockets into Kabul on a number of occasions. In many of these attacks, civilians were killed or injured (see Section 1.g).

In other areas, combatants sought to kill rival commanders and their sympathizers. The perpetrators of these killings and their motives were difficult to identify, as political motives often are entwined with family and tribal feuds, battles over the drug trade, and personal vendettas. During the year, a long-running feud among Northern Alliance members led to a number killings of prominent commanders, including Bahadur in November and Abdul Chesik in December.

On August 25, a truck bomb exploded near the home of Mullah Omar in Kandahar; seven persons, including three of Mullah Omar's bodyguards, reportedly were killed. At year's end, it was not clear who was responsible for the blast. On the November 13, a car bomb destroyed the vehicle of Taliban official Abdul Hai Mutmain.

Commander Masood on January 24 denied responsibility for the killing of the governor of Badakhshan, Mowlavi Khairadmand, a former member of the Hezb-i-Islami, who was killed in November 1998.

There were unconfirmed reports in 1998 that 10 unarmed demonstrators were killed in Mazar-i-Sharif in March 1998. Forces loyal to the local Jamiat strongman, Commander Atta, allegedly shot at up to 3,000 pro-peace demonstrators. Atta may have feared that the crowd intended to storm his headquarters.

In 1998, the U.N. found several mass graves connected with the massacre of Taliban soldiers near Mazar-i-Sharif in 1997, which contained evidence consistent with mass executions. Independent investigations of these mass and other killings, including killings by the Taliban, were hindered by the continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question. The Taliban leadership has indicated in several of these cases that investigations were under way or that investigations would be permitted. However, according to neutral observers, no real progress was made by the Taliban in facilitating investigations; mass and other killings from 1997 and 1998 have not been investigated fully. By year's end, six U.N. Civilian Affairs Officers were assigned to a civilian monitoring unit inside the country to help investigate the atrocities and to serve as an early warning mechanism for human rights abuses.

In August 1998, Lieutenant Colonel Carmine Calo, an Italian serving with the United Nations Special Mission, was killed in Kabul. There has been no investigation of the killing.

There were reports that as many as 2,000 Taliban soldiers were killed by the Northern Alliance, including the Hazara Hezb-i-Wahdat, near Mazar-i-Sharif as they retreated from the city in 1997. In December 1997, a U.N. team found several mass gravesites connected with the massacre of Taliban soldiers near Mazar-i-Sharif, which contained evidence consistent with mass executions.

b. Disappearance

The strict security enforced by the Taliban in areas under their control has resulted in a decrease in abductions, kidnapings, and hostage taking for ransom. However, there were allegations that the Taliban maintained private prisons to settle personal vendettas and that they were responsible for disappearances in areas under their control. There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August, and that women taken in trucks from the area of fighting were trafficked to Pakistan and to the Arab Gulf states. In 1998 there were credible reports that the Taliban detained hundreds of persons, mostly ethnic Hazaras, after the takeover of Mazar-i-Sharif; the whereabouts of many such persons remained unknown at year's end. There were unconfirmed reports that some Taliban soldiers abducted girls and women from Hazara neighborhoods in Mazar-i-Sharif in 1998; the whereabouts of some of these women also were unknown at year's end (see Section 5). Some of those who have disappeared are believed to have been killed after being arrested, but their bodies have not been found (see Section 1.a.). Since 1998 persons who have disappeared in this manner include: General Abdul Rahman; General Farooq; Moulvi Shabuddin; Waliullah Dagarwal; General Syed Agha Rayees; Engineer Nabi Shah; and Wolaswal Ismail.

Abductions, kidnapings, and hostage-taking for ransom or for political reasons also occurred in non-Taliban areas, but specific information was lacking. In northern areas, women were at risk of being raped and kidnaped, according to the U.N. There were unconfirmed reports that local commanders were kidnaping young women. Some of the women reportedly then were forced to marry their kidnapers. Others simply remained missing. To avoid this danger, some families reportedly sent their daughters to Pakistan or to Iran (see Section 5).

Groups in Russia listed nearly 300 Soviet soldiers formerly serving in Afghanistan as missing in action or prisoners of war (POW's). Most were thought to be dead or to have assimilated voluntarily into Afghan society, though some are alleged to be held against their will. A number of persons from the former Soviet Union missing from the period of the Soviet occupation are presumed dead.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment

The Taliban are believed to have used torture against opponents and POW's. Torture does not appear to be a routine practice in all cases. The Taliban reportedly beat a number of persons detained for political reasons between early 1998 and early 1999 (see Section 1.d.).

The Taliban ruled strictly in areas that they controlled, establishing ad hoc and rudimentary judicial systems, based on their understanding of Islamic justice. Taliban courts imposed their extreme interpretation of Islamic law and punishments following swift summary trials. Murderers were subjected to public executions, a punishment that at times was inflicted by the victims' families (see Section 1.a.). Thieves were subjected to public amputations of either one hand or one foot, or both. In 1998 the U.N. Special Rapporteur on Torture was particularly concerned about the use of amputation as a form of punishment by Taliban authorities. Adulterers were stoned to death or publicly whipped with 100 lashes. Those found guilty of homosexual acts were crushed by having walls toppled over them. During the year, this punishment was carried out on at least one occasion, although the victim reportedly survived. In 1998 at least seven such punishments were reported; five persons died after having walls toppled on them.

Taliban forces threatened and beat women, for what they considered "immodest dress." They threatened and beat men for "immodest dress" and for incorrect beard length.

Some of Masood's commanders in the north reportedly used torture routinely to extract information from and break the will of prisoners and political opponents.

All Afghan factions are believed to have used torture against opponents and POW's, though specific information generally is lacking. Torture does not appear to be a routine practice in all cases.

According to Amnesty International, between April 21 and May 9, while the Hezb-i-Wahdat held Bamiyan and surrounding areas, noncombatants suspected of collaborating with the Taliban were targeted for severe beatings and arbitrary detention.

Prison conditions are poor. Prisoners held by some factions are not given food, as normally this is the responsibility of prisoners' relatives, who are allowed to visit to provide them with food once or twice a week. Those who have no relatives have to petition the local council or rely on other inmates. Prisoners live in overcrowded, unsanitary conditions in collective cells.

There are credible reports that torture occurred in prisons under the control of both the Taliban and the Northern Alliance. Local authorities maintain prisons in territories under their control and reportedly established torture cells in some of them. The Taliban operate prisons in Kandahar, Herat, Kabul, Jalalabad, Mazar-i-Sharif, Pul-i-Khumri, Shibarghan,

Qala-e-Zaini, and Maimana. The Northern Alliance maintains prisons in Panjshir and Taloqan, and there also is a prison in the north at Faizabad, in Badakhshan province. According to Amnesty International, there have been reports that the Taliban forced prisoners to work on the construction of a new story on the Kandahar prison, and that some Taliban prisoners held by Masood were forced to labor in life-threatening conditions, such as digging trenches in mined areas.

There were reports that an Afghan human rights organization visited a Taliban prison in Mazar-i-Sharif in February. Intensified fighting and poor security for foreign personnel limited the ICRC's ability to monitor prison conditions, especially in and around Mazar-i-Sharif after that city fell to the Taliban. However, the ICRC's access improved toward the end of the year. The ICRC visited approximately 8,000 detainees in 50 different places of detention in 1998.

d. Arbitrary Arrest, Detention, or Exile

With the absence of formal legal and law enforcement institutions, justice was not administered according to formal legal codes, and persons were subjected to arbitrary detention. There are credible reports that both Taliban and Northern Alliance militia extorted bribes from civilians in return for their release from prison or to avoid arrest. Judicial and police procedures varied from locality to locality. Little is known about the procedures for taking persons into custody and bringing them to justice. In both Taliban and non-Taliban areas, the practices varied depending on the locality, the local commanders, and other authorities. Some areas have a more formal judicial structure than others.

In the spring the Taliban reportedly took approximately 550 persons in Bamiyan hostage and transferred them to different prisons in Parwan, Kabul, and Kandahar, according to U.N. reports. Among those arrested were Sayed Adil Kazimi Paykar from Fatmasti, Natiqi from Kushak, Sheikh Emami from Surmara, and Sheikh Zaki from Kalu, all members of the Council for National Understanding and National Unity of Afghanistan (see Section 1.g.). Amnesty International also reported that the Taliban have taken children hostage in an effort to compel their fathers to surrender; the fathers of such children generally are reported to be political opponents of the Taliban. Children detained in this manner include Farhad and Mohammad Sheikh-Fardin, sons of Noor Agha Rooyeen, a member of the Council of National Understanding and National Unity of Afghanistan; and Abdul Zahir, son of General Golrank, a former military commander under President Najibullah. The families of these children have been told that the children would be released when their fathers surrender to the Taliban.

Amnesty International also reported that as of March up to 200 prominent persons or local community leaders who supported peace efforts had been arrested in southern and eastern Afghanistan since early 1998; many reported beatings while in detention. Other estimates ranged from 25 to 400 persons detained. The majority of them reportedly were arrested in October 1998, mainly in Jalalabad. Among those arrested in Jalalabad in October 1998 were Kuhat Khan, a retired military officer and a Member of Parliament at the time of President Najibullah; and Bashir Mahmood, a Pashtun founding member of the Islamic Council for Freedom and Democracy. Some of those detained allegedly were arrested for planning to carry out a coup or other activities against the Taliban; however, the arrests appeared to be aimed at possible opposition figures and included tribal elders,

intellectuals, members of various parties or groups, and persons associated with prior regimes, particularly that of President Najibullah. Other persons reportedly detained by the Taliban for their political activity or past political affiliations included Mohammad Anwar Sultani, Malik Khan Arab; Dagarwal Mohammad Yasin; Alaghadar Nisar Ahmad; Abdul Quader Emami; Dagarwal Shah Mahmood Khan; Abdul Malik; Malik M. Amin; Zairat Gul; Mohammad Nazir; Soleiman Shah; Lawang; Jan Mohammad; and Rahemi. At least three Afghan staff members of the United Nations also were arrested. As of February approximately 100 persons were believed to remain in detention.

All factions probably hold political detainees, but no firm numbers are available. Thousands of prisoners of war are held by the Taliban and Masood. Masood reportedly holds a number of Pakistanis, along with several hundred Taliban soldiers, as POW's. Prisoner releases by all factions occurred during the year, often with the assistance of the ICRC, sometimes on the occasion of religious holidays. Generally, small numbers of prisoners were released at any given time. In January, the Taliban released 250 prisoners held at Pol-e-Charkhi prison on the occasion of Ramadan, according to press reports. Other prisoners were released in Kunduz. In February, the Taliban released approximately 70 prisoners from a prison in Mazar-i-Sharif on the recommendation of an Afghan human rights organization.

On January 15, Commander Masood freed 58 Taliban prisoners during Ramadan; there were similar releases to mark Ramadan in December. In February, the International Committee of the Red Cross facilitated prisoner exchanges between the Taliban and the Northern Alliance that resulted in the exchange of 62 persons. During 1998 the ICRC registered almost 4,400 prisoners of war across the country.

There was no information available on forced exile.

e. Denial of Fair Public Trial

With no functioning nationwide judicial system, many municipal and provincial authorities relied on some interpretation of Shari'a (Islamic) law and traditional tribal codes of justice.

The Taliban have Islamic courts in areas under their control to judge criminal cases and resolve disputes. According to the U.N., the Taliban assert that there is a lower court and a higher court in every province, and a Supreme Court in Kabul. In January Mullah Omar promulgated a decree asking the Supreme Court and military courts not to interfere with one another, according to press reports. The courts meted out punishments including execution and amputation, and reportedly heard cases in sessions that lasted only a few minutes. The courts reportedly dealt with all complaints relying on the Taliban's interpretation of Islamic law and punishments as well as traditional tribal customs (see Section 1.c.). In cases involving murder and rape, convicted prisoners generally were ordered executed, although relatives of the victim could instead choose to accept other restitution (see Section 1.a.). Decisions of the courts were reportedly final. According to Amnesty International, some judges in these courts were untrained in law, and at times based their judgments on a mixture of their personal understanding of Islamic law and a tribal code of honor prevalent in Pashtun areas.

Defendants do not have the right to an attorney.

Little is known about the administration of justice in the areas controlled by the Northern Alliance. The administration and implementation of justice varied from area to area and depended on the whims of local commanders or other authorities, who summarily execute, torture, and mete out punishments without reference to any other authority.

All factions probably hold political prisoners, but no firm estimates of numbers are available.

f. Arbitrary Interference With Privacy, Family, Home, or Correspondence

Interfactional fighting often resulted in the homes and businesses of civilians being invaded and looted by the opposing forces--whether victor or loser. Some armed gunmen reportedly acted with impunity given the absence of any legal protection or a responsive police force. It was unclear what authority controlled the actions of the Taliban militiamen who patrolled the streets of cities and towns. A number of incidents were reported in which Taliban soldiers, persons masquerading as Taliban, or foreign sympathizers fighting alongside the Taliban, entered private homes without prior notification or informed consent. In Kabul the soldiers allegedly searched homes for evidence of cooperation with the former authorities or for violations of Taliban religion-based decrees, including the ban on the possession of depiction of living things (photographs, stuffed animals, dolls, etc.). Members of the Ministry for the Promotion of Virtue and Suppression of Vice, the Taliban's religious police, beat individuals on the streets for infractions of Taliban rules concerning dress, hair length, and facial hair, as well as for the violation of the prohibition on women being in the company of men who were unrelated to them. The Taliban required women to wear a burqa, a tent-like outer garment that covers a woman from head to toe, when in public (see Section 5). Men are required to have beards of a certain length or longer, not to trim their beards, and to wear head coverings. Men whose beards did not conform to the guidelines on beard length set out by the Taliban were subject to imprisonment for 10 days and mandatory Islamic instruction. According to AI, the Taliban have taken children hostage in an effort to compel their fathers to surrender (see Section 1.d.).

According to press reports, on January 29, members of the Ministry for the Promotion of Virtue and Suppression of Vice threatened men in Kabul with punishment if they did not recite the five daily prayers, and called upon neighbors to turn in violators.

There were reports that some prisoners of the Taliban, including the sons of families that had opposed Taliban social restrictions, had been drafted forcibly and sent to the front. There were also reports that the Taliban forcibly conscripted or attempted to forcibly conscript persons in 1997 and 1998; some of these reports were unconfirmed.

In 1998 the Taliban prohibited satellite dishes, as part of an effort to ban music, television, and movies (see Section 2.a.); the ban continued through year's end. However, televisions reportedly are widely sold, and their use generally is ignored unless reported by a neighbor.

g. Use of Excessive Force and Violations of Humanitarian Law in Internal Conflicts

The continuing internal conflict resulted in many instances of the use of excessive force. After a lull in the early part of the year, the conflict intensified in the northern and central

areas of the country, and much of the fighting during the year took place in areas inhabited by non-Pashtun minorities.

In late April, the Taliban bombed cities held by the Northern Alliance, such as Taloqan, Dara-e-Suf, and Jebel-u-Seraj. In September, the Taliban bombed Taloqan again, resulting in the deaths of civilians, property damage, and the displacement of residents.

On May 9, the Taliban recaptured Bamiyan. Most of the population evacuated the city and took refuge in the mountains. The U.N. reported that 361 infants and 138 adults died as a result of cold and hunger following their escape to the mountains. According to reports received by Amnesty International, those who remained in Bamiyan later were targets of systematic killings (see Section 1.a.). There were reports of summary executions carried out by the Taliban after they entered the city. It was estimated by AI that hundreds of men and some women and children also were taken away by the Taliban after the capture of Bamiyan. On May 14, the Taliban took Yakaolang, the second largest city in Bamiyan province. Approximately 150 persons, including women and children, reportedly were taken captive by Taliban forces from Berson village and transferred to Parwan province. Hundreds of men, and in some instances women and children, reportedly were separated from their families and taken away from Yakaolang (see Section 1.c.). During the spring offensive, the U. N. estimated that 15 percent of the homes in Bamiyan province were destroyed systematically and another 21 percent were damaged heavily. According to the U.N., 66 percent of all cattle in the area reportedly were killed in the fighting. Household goods, commercial vehicles, and shops were sold, looted, or destroyed. As a result of the fighting and destruction, spring planting was not possible; this led to shortages of food in the province later in the year.

Most of the civilian population was displaced from the area of the conflict in Bamiyan province by mid-May. However, 66 percent returned by August, including Hazaras and Tajiks.

On July 28, the Taliban began a large-scale military offensive across the Shomali plains north of Kabul. Taliban forces used in the offensive reportedly included non-Afghans. The initial Taliban offensive led to the capture of most of the Shomali Plains up to the entrance of the Panjshir Valley. The Taliban also made gains in the northern part of the country along the Amu Darya River. However, on August 5 the Northern Alliance counterattacked and retook most of the territory lost the previous week. On August 11 the Taliban also launched a new attack in the Shomali plains north of Kabul.

After the initial offensive failed, the Taliban carried out a scorched earth policy in the Shomali plain area. Refugees from the Hazarajat area (in the Shomali plain) reported to the U.N. that the Taliban carried out summary executions of noncombatants, including women and children; arbitrarily detained persons; forcibly relocated the civilian population; burned of homes and crops; and used forced labor. Some of the Taliban field commanders allegedly responsible were named, including Abdul Wahid Ghorbandi.

The Northern Alliance claimed that 250,000 persons fled the Shomali plains in August and September and sought refuge in the Panjshir valley. Other estimates placed the number of persons who fled the Shomali plains at 100,000 to 150,000 persons, of whom over 50,000 reportedly were relocated by Taliban forces. During a 4-day period in August, the U.N. estimated that over 20,000 persons fled to Kabul, bringing the total to

40,000 over a 2-week period. Approximately 800 families reportedly sought refuge in the abandoned Soviet embassy compound in Kabul; 70 percent of persons taking refuge there were reported to be women and children. Some families initially relocated to Jalalabad, but reportedly later were allowed to go to Kabul, where their needs could more easily be met and which was closer to the homes they had fled. There were reports that dozens of trucks used to relocate displaced persons were filled only with women and children, indicating that adult men may have been separated from their families by the Taliban. Both men and women reportedly were separated from their families by the Taliban; according to one international human rights organization, some 1,000 ethnic Tajik men were separated from their families during the exodus and detained by the Taliban. The whereabouts of most of those separated from their families remained unknown at year's end. The towns of Istalif, Farza, Kalakan and Gul dara were affected most by the offensive; Qarabagh and parts of Bagram were affected to a lesser degree (see Section 1.a.).

The Taliban claimed that opponents conducted attacks from the homes of civilians in the Shomali area, making them legitimate military targets. Later in the year, Taliban leader Mullah Omar criticized the burning of homes, but no action is known to have been taken against those responsible for the abuses that occurred during the offensive in the Shomali plains.

In September the Taliban increased pressure on Northern Alliance positions north of Kunduz city and to the east of Khanabad in Takhar province. On September 25, the Taliban launched a major offensive in northern Kunduz province, near the Tajikistan border. They recaptured the Amu Darya river port of Sher Khan Bandar and the nearby districts of Imam Sahib and Dasht-e-Archi.

In August 1998, the Taliban captured Mazar-i-Sharif. There were reports that as many as 5,000 persons, mostly ethnic Hazara civilians, were massacred by the Taliban after the takeover of Mazar-i-Sharif. In September 1998, the Taliban captured Bamiyan; during the fighting an estimated 200 civilians were killed. There were also credible reports of a massacre of 45 civilians in a village near Bamiyan by Taliban commanders in September 1998. Amnesty International reported that the Taliban massacred 70 Hazara civilians, including children, in Qezelabad, near Mazar-i-Sharif in 1997. There were also reports that Taliban forces in Faryab province killed some 600 civilians in late 1997.

In general, independent investigations of alleged killings were hindered by continuing warfare and the unwillingness of local commanders to allow investigators to visit the areas in question (see Section 1.a.). The Taliban denied charges that its forces massacred or committed atrocities against civilians and claimed that civilian deaths, if any, resulted from combat.

On April 11, the Northern Alliance began firing rockets on Kabul; the firing continued sporadically until the Taliban offensive in late July drove the Northern Alliance out of rocket range. On April 16 heavy fighting broke out around Khenjan, north of the Salang tunnel in Baghlan province, as well as in various localities of Faryab province in the northwest. On April 21 anti-Taliban forces seized the city of Bamiyan in the central part of the country. Bamiyan is inhabited mainly by Hazaras, and was the stronghold of the Hezb-i-Wahdat until September 1998. By late October, the Northern Alliance drove the Taliban back more or less to the positions held earlier in the year.

The discovery of mass graves near Shibarghan in the northern part of the country in 1997 was widely reported. The graves allegedly contained 2,000 corpses, reportedly those of Taliban forces captured near Mazar-i-Sharif in mid-1997 and executed by Northern Alliance forces.

There were reports that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid (see Section 4).

Continued warfare also resulted in massive forced displacement of civilians (see Section 1.g.). Over the course of the year, it is estimated that up to 200,000 persons may have fled the fighting. An estimated 258,600 Afghans remain internally displaced following years of conflict. More than 2.6 million Afghans are living as refugees in Pakistan and Iran. A much larger number over the twenty years has sought refuge abroad. Women and children constituted the majority of those in need of humanitarian assistance.

Afghanistan is the most heavily mined country in the world, according to U.N. mine clearing experts. The U.N. estimates that there are 5 to 7 million landmines and over 750,000 pieces of unexploded ordinance throughout the country, sown mainly during the Soviet occupation. Some NGO's estimate that there may be less than 1 million. The landmines and unexploded ordinance cause deaths and injuries, restrict areas available for cultivation, and slow the return of refugees. The mines covered more than an estimated 420 square miles at year's end, including over 285 square miles of grazing land; over 100 square miles of agricultural land; almost 25 square miles of roads; 7.5 square miles of residential area; and over 2 square miles of irrigation systems and canals, according to the NGO Halo Trust. From 1995 to 1997 new mines are believed to have been laid over 90 square miles of land, reportedly mainly by the Northern Alliance in the western provinces of Badghis and Faryab. Additional newly mined areas have been reported but not confirmed in the frontline areas north of Kabul, including Parwan, Kapisa, and the Panjshir Valley, and in the northern provinces of Kunduz and Takhar in 1999 offensives. These reportedly were laid by the Northern Alliance in response to the Taliban's late summer offensive. Taliban leader Mullah Omar reportedly banned the use, production, trade, and stockpiling of mines in 1998.

An estimated 400,000 Afghans have been killed or wounded by landmines. Currently, casualties caused by landmines and unexploded ordinance are estimated at 10 to 12 per day. In some parts of the country, including in Herat and Kandahar, almost 90 percent of households are affected by the presence of landmines. Ninety-six percent of civilian mine and unexploded ordinance casualties are male. Fifty-three percent occur in the 18 to 40 age group, while 34 percent of the casualties involve children, according to the U.N.'s Mine Action Center. Landmines and unexploded ordinance resulted in death in approximately 30 percent of cases, and in serious injuries and disability, including amputation and blindness, in approximately 20 percent of cases.

With funding from international donors, the United Nations has organized and trained mine detection and clearance teams, which operate throughout the country. Nearly all areas that have been cleared are in productive use, and approximately 1.53 million refugees and internally displaced persons have returned to areas cleared of mines and unexploded ordinance. Nevertheless, the mines are expected to pose a threat for many

years. In 1997 the 4,000 mine clearers suffered from an accident rate of 1 per week. However, clearance rates and safety have increased for clearance teams assisted by dogs. U.N. agencies and nongovernmental organizations (NGO's) have instituted a number of mine awareness campaigns and educational programs for women and children in various parts of the country, but many were curtailed as a result of Taliban restrictions on women and girls.

Section 2 Respect for Civil Liberties, Including:

a. Freedom of Speech and Press

There are no laws that effectively provide for freedom of speech and of the press, and senior officials of various warring factions allegedly attempted to intimidate journalists and influence their reporting. The few newspapers in the country, all of which were published only sporadically, were for the most part affiliated with different factions. Various factions maintain their own communications facilities. The Taliban selectively ban the entry of foreign newspapers into their territory. Many foreign books are prohibited. The Taliban radio station, the Voice of Shariat, broadcasts religious programming and Taliban pronouncements.

All factions have attempted to pressure foreign journalists who report on the Afghan conflict. The Taliban initially cooperated with members of the international press who arrived in Kabul, but later imposed restrictions upon them. During the year, foreign journalists were forbidden to film or photograph persons or animals, were not allowed to interview women, and were required to be accompanied at all times by a Taliban escort to ensure that these restrictions were enforced. In 1998 foreign journalists were not permitted into Mazar-i-Sharif after the Taliban took the city and reportedly massacred as many as 5,000 persons (see Section 1.g.). However, by year's end, few journalists cited problems in reporting from Afghanistan.

The Taliban reportedly require most journalists to stay at the Intercontinental Hotel in Kabul (allegedly for security and economic reasons). Journalists also reported that the Taliban attempted to control who could act as drivers and interpreters for them.

In August 1998, Iranian journalist Mahmoud Saremi was killed after being abducted by Taliban soldiers in Mazar-i-Sharif, along with eight Iranian diplomats. Saremi was the Afghanistan bureau chief for the official Iranian news agency, IRNA. Taliban officials stated that those responsible for Saremi's killing were not acting under official orders and would be punished; however, no action was known to have been taken regarding the case by year's end.

The Taliban continue to prohibit music, movies, and television on religious grounds. In August 1998 television sets, videocassette recorders, videocassettes, audiocassettes, and satellite dishes were outlawed in order to enforce the prohibition. However, televisions reportedly are widely sold, and their use generally is ignored unless reported by a neighbor.

The Taliban severely restrict academic freedom, particularly education for girls (see Section 5).

b. Freedom of Peaceful Assembly and Association

Civil war, tenuous security, and likely opposition from local authorities seriously inhibited freedom of assembly and association.

It is unknown whether laws exist that govern the formation of associations. Many domestic NGO's continue to operate in the country, and many international NGO's also continue to operate (see Section 4). There were reports that the Taliban require NGO's to go through burdensome registration procedures in order to be allowed to operate, and attempted to exert control over NGO staffing and office locations, especially in Kabul.

c. Freedom of Religion

Freedom of religion is restricted severely, and Taliban members vigorously enforced their interpretation of Islamic law. Afghanistan's official name, according to both the Taliban (Islamic Emirate of Afghanistan) and the Northern Alliance (the Islamic State of Afghanistan), reflects the desire of the factions to promote Islam as a state religion. Some 85 percent of the population is Sunni Muslim, and Shi'a Muslims constitute most of the remainder. The Hazara ethnic group is predominantly Shi'a; Hazaras are among the most economically disadvantaged persons in the country. The Hazara Shi'a minority want a national government to give them equal rights as citizens. There are unconfirmed reports that the Taliban have occupied and "cleaned" Shi'a mosques for the use of Sunnis.

The Taliban sought to impose their extreme interpretation of Islamic observance in areas that they control. Prayer is mandatory for all, and those who are observed not praying at appointed times or who are late attending prayer are subject to beatings. Members of the Ministry for the Promotion of Virtue and Suppression of Vice, which was raised to the status of a ministry in May 1998, regularly check passersby to see that men's beards and apparel meet Taliban requirements, to ensure that women are dressed in strict traditional Taliban-approved garb, and to ascertain that women are not in the company of men who are unrelated to them (see Section 5). There have been reports that PVSV members in Kabul stopped persons on the street and quizzed them to determine if they knew how to recite various Koranic prayers. According to regulations, a man who has shaved or cut his beard may be imprisoned. Beards must protrude farther than would a fist clamped at the base of the chin. All students at Kabul University reportedly are required to have beards in order to study there (no female students are allowed). There also are credible reports that Taliban members gave forced haircuts to males in Kabul. Enforcement of Taliban social strictures is much stricter in the cities, especially Kabul.

The small number of non-Muslim residents in the country may practice their faith, but may not proselytize. Almost all of the country's small Hindu and Sikh population, which once numbered about 50,000, has emigrated or taken refuge abroad. There were reports that Hindus are required to wear a piece of yellow cloth attached to their clothing to identify their religious identity; Sikhs reportedly were required to wear some form of identification as well. This rule allegedly was imposed to spare non-Muslims from the enforcement of rules that are mandatory for Muslims and from harassment by the PVSV. Human Rights Watch reported that in September, the Taliban issued decrees that forbade non-Muslims from building new places of worship; prohibited non-Muslims from criticizing Muslims; ordered non-Muslims to identify their homes by placing yellow cloth on their rooftops; and required non-Muslim women to wear a yellow dress with a special

mark.

In November 1998, Taliban officials accepted responsibility for the defacing of one of two historic statues of Buddha near Bamiyan during their takeover of that city earlier in the year. The Taliban claimed that the vandalism was the result of an unauthorized act by one of their soldiers, and that the statues were being protected by the Taliban from further harm. Some Taliban leaders claimed tolerance of religious minorities, although there reportedly have been restrictions imposed upon Shi'a Muslims in Taliban-controlled territory. Such restrictions have not been imposed on a uniform basis.

d. Freedom of Movement Within the Country, Foreign Travel, Emigration, and Repatriation

Although in principle citizens have the right to travel freely both inside and outside the country, their ability to travel within the country was hampered by warfare, brigandage, millions of landmines, a road network in a state of disrepair, and limited domestic air service, complicated by factional threats to air traffic. Some Afghans reported difficulty in receiving necessary permits to leave the country for tourism or business purposes, while others reported no such difficulty. The Taliban's restrictions on women further curtail freedom of movement (see Section 5). Despite these obstacles, many persons continued to travel relatively freely, with buses plying routes in most parts of the country. However, due to intermittent fighting in various areas, international aid agencies often found that their ability to travel, work, and distribute assistance was hampered. International travel continued to be difficult as both the Taliban and Masood threatened to shoot down any planes that flew over areas of the country that they controlled, without their permission.

Commercial trade was impeded in certain non-Taliban areas, as local commanders and criminals continued to demonstrate their control over the roads by demanding road tolls and sometimes closing roads. There were reports in 1998 that some Taliban commanders, who previously gained popularity by sweeping away the checkpoints that local warlords used to shake down travelers, were setting up checkpoints themselves and demanding tolls for passage, but there were no such reports during the year.

There also have been instances of the forcible expulsion of individuals on ethnic grounds. During the year, there were reports of forced expulsions of ethnic Hazaras and Tajiks from areas newly occupied by the Taliban.

Afghans continued to form one of the world's largest refugee populations. According to the U.N. High Commissioner for Refugees, about 2.6 million Afghans remain outside the country as registered refugees: 1.4 million in Iran, 1.2 million in Pakistan, 20,000 in Russia, 17,000 in India, and 9,000 in the central Asian republics. Women and children constitute 75 percent of the refugee population. In addition, there are more than 300,000 Afghans who are internally displaced following years of fighting. A total of 4,069,000 Afghan refugees have been repatriated since 1988, with over 1.5 million returning to Afghanistan in the peak year of 1992. Although the continued fighting has discouraged many refugees from returning to their country, 88,000 returned between January and October 1998. As many as 10,000 Afghans in Iran were repatriated to the country between December 1998 and January; it is not known how many of these persons were refugees or how many were repatriated forcibly. Many were reportedly ethnic Hazara or Tajik. However, by year's end, some 75,000 Afghans reportedly were repatriated forcibly.

to Afghanistan from Iran, without a determination as to refugee status.

There was no available information on policies regarding refugees, asylum, provision of first asylum, or the forced return of refugees.

Section 3 Respect for Political Rights: The Right of Citizens to Change Their Government

There was no functioning central government in the country. The continuing struggle for political power among the major armed groups prevented citizens from changing their government or choosing their leaders peacefully and democratically. Most political changes came about through shifting military fortunes. No faction held elections or respected citizens' right to change their government democratically.

The Taliban movement's authority emanates from its leader, Mullah Omar, who carries the title Commander of the Faithful, and from the Taliban's military occupation of most of the country. Governmental functions are exercised through the key Taliban governing body, the Inner Shura (Council) based in Kandahar, and by ministries based in Kabul.

The Northern Alliance, headed by nominal President Rabbani, holds power with de facto Defense Minister Masood as Rabbani's primary military backer. Rabbani received nominal support from General Dostam, and a faction of the Shi'a Hazara Hezb-i-Wahdat. Another faction of the Hezb-i-Wahdat nominally allied with the Taliban early in the year. Rabbani and Masood control the northeastern, largely Tajik, portion of the country, including the strategic Panjshir valley north of Kabul.

Discontent with the Taliban's strictures and rural village values was strong in large, non-Pashtun cities such as Herat, Kabul, and other northern cities. The Taliban's military successes did not encourage the group's leaders to engage meaningfully in political dialog with opponents. Efforts in 1998 to convene a national body of Muslim scholars (ulema) to discuss the future of the country broke down when both the Taliban and the Northern Alliance disagreed over the possible membership and sequence of the talks. Peace talks convened in April 1998 in Ashgabat, Turkmenistan, but broke down quickly. Moderate and neutral Afghans, mostly living outside of the country, continue their efforts to organize a traditional Grand National Assembly (Loya Jirga), and held meetings in Rome in July and November. The former King supports this process. Another group of moderates met several times during the year in Cyprus and Tehran.

The United Nations and the international community continued their efforts to help Afghans reach a political settlement. U.N. Special Envoy Lakhdar Brahimi announced late in the year that he had "frozen" his work as a consequence of the non-responsiveness of Afghanistan's neighbors.

Section 4 Governmental Attitude Regarding International and Nongovernmental Investigation of Alleged Violations of Human Rights

There are many NGO's, both domestic and international, in the country. Some are based in neighboring countries, mostly Pakistan, with branches inside Afghanistan; others are based in Afghan cities and rural areas. The focus of their activities is primarily humanitarian assistance, rehabilitation, health, education, and agriculture.

All factions harassed domestic and international NGO's. The Taliban have interfered consistently with the operation of the United Nations and NGO's. Tactics used have included threatening to impound the vehicles of NGO's that do not work on projects preferred by the Taliban, threatening to close projects that do not include Taliban supervisors or workers, and, in the case of one local NGO, the detention of its director and the impounding of all of its equipment in an effort to increase Taliban control of the organization. The Taliban announced in March 1998 that foreign Muslim women, including U.N. workers, would be allowed to perform their jobs only if accompanied by a male relative, a move that hampered NGO and relief operations. The United Nations withdrew its personnel from southern Afghanistan in late March 1998 to protest the assault on a U.N. worker by the Taliban governor of Kandahar province and the interference with its work by the Taliban. After reaching agreements with local officials, the U.N. returned to Kandahar in May. In April 1998, Taliban authorities rejected the participation of a U.N. official on the U.N. team selected to negotiate with the Taliban on the travel restrictions for foreign Muslim women and other issues, because he was perceived to be "anti-Taliban". In June 1998, the Taliban required all NGO's in Kabul to relocate to a single location in a bomb-damaged former school; those who refused were threatened with expulsion from the country. However, the order was not enforced. In November 1998, the U.N. World Food Program (UNWFP) accused the Taliban of looting 1,364 tons of food, stealing trucks from the UNWFP's compound in Bamiyan, and occupying UNWFP offices in Bamiyan and Yakaolang.

In June and July 1998, several Afghan workers for international NGO's were detained for questioning by the Taliban, but most were released within a few days. In July 1998, two Afghan U.N. workers were abducted and killed by unknown assailants; one of the bodies bore signs of torture. In August 1998, Lieutenant Colonel Carmine Calo, who was serving with the United Nations Special Mission, was killed in Kabul, triggering the departure of most foreign U.N. and NGO staff members from the country.

However, the working environment for the U.N. and humanitarian community improved somewhat during the year. U.N. and other expatriate workers began returning early in the year following normalization of the security environment. However, on June 15 staff members of an international NGO were detained and beaten by members of the Taliban in Bamiyan province. After the June incident, Mullah Omar issued an edict stating that any person causing annoyance to a foreign worker could face punishment of up to 5 years in prison. However, in November U.N. properties were targeted in organized demonstrations in several cities when U.N. sanctions related to terrorism were imposed on the country. Certain key issues, including the mobility of international female Muslim staff and access by Afghan women and girls to programs, remain largely unresolved.

For much of 1998, Northern Alliance and autonomous commanders also prevented NGO's and international organizations from delivering humanitarian assistance. There were reports that Masood's commanders in the northeast were "taxing" humanitarian assistance entering Afghanistan from Tajikistan, harassing NGO workers, obstructing aid convoys, and otherwise hindering the movement of humanitarian aid.

The Afghan League of Human Rights operated both in Afghanistan and Pakistan; it produces an annual report. The Cooperation Center for Afghanistan (CCA) is an Afghan NGO that operated in both Pakistan and Afghanistan. The CCA maintains an office in Peshawar, where it produces a monthly newsletter on the Afghan human rights situation.

It also monitors and documents the human rights situation from several offices in both Taliban-controlled and Northern Alliance-controlled cities. The National Commission on Human Rights in Afghanistan began operations during 1998 in Pakistan, conducting seminars on human rights issues, issuing press statements criticizing specific instances of human rights abuses, and placing articles in Pashtu and Dari newspapers. The Afghanistan Commission for Human Rights, founded in 1997 after discussions with Taliban authorities on Islamic aspects of human rights, also started activities in Pakistan in 1998, focused on the plight of Afghan prisoners in Pakistani prisons and on children's rights. However, the civil war and lack of security continued to make it difficult for human rights organizations to monitor adequately the situation inside Afghanistan. Section 5
Discrimination Based on Race, Sex, Religion, Disability, Language, or Social Status

There is no functioning constitution, and therefore there are no constitutional provisions that prohibit or protect against discrimination based on race, sex, religion, disability, language, or social status. It is not known whether specific laws prohibit discrimination; local custom and practices generally prevail. Discrimination against women is prevalent throughout the country. Its severity varies from area to area, depending on the local leadership's attitude towards education for girls and employment for women and on local attitudes. Historically, the minority Shi'a faced discrimination from the majority Sunni population. There has been greater acceptance of the disabled as the number of persons maimed by landmines increased, and the presence of the disabled became more widespread. During the year, the Taliban on at least one occasion sought to execute a homosexual by toppling a wall to crush the victim; however, the person reportedly survived (see Sections 1.a. and 1.c.).

Women

As lawlessness and interfactional fighting continued in some areas, violence against women occurred frequently, including beatings, rapes, forced marriages, disappearances, kidnappings, and killings. Such incidents generally went unreported and most information was anecdotal. It was difficult to document rapes, in particular, in view of the social stigma that surrounds the problem. Although the stability brought by the Taliban to most of the country acted in general to reduce violence against women, particularly rapes and kidnappings, Taliban members continued to threaten or beat women to enforce the Taliban's dress code for women. There were unconfirmed reports that the Taliban or foreign "volunteers" fighting alongside the Taliban abducted women during the August military offensive in the Shomali plains; there were also unconfirmed reports that Taliban soldiers raped and abducted women from Hazara neighborhoods in Mazar-i-Sharif in August 1998. The whereabouts of some of these women were unknown at year's end. The enforced seclusion of women within the home greatly limited the information available on domestic violence and marital rape. In a climate of secrecy and impunity, it is likely that domestic violence against women remained a serious problem.

Women accused of adultery offenses also are subjected to violence. Adultery is punishable by death through stoning. At least one accused adulteress was sentenced to 100 lashes in 1998; her sentence was carried out publicly (see Section 1.c.). One woman convicted of killing her husband in 1997 was executed publicly by a firing squad in the Kabul sports area in November.

Overall, the situation of women and girls remained mostly unchanged, as the Taliban

generally continued the application of their ultra-conservative interpretation of Islamic law.

In 1992 a new government was installed and the previous trend towards increasing numbers of women working outside of the home was reversed. Since the advent of the Taliban in 1994, the trend towards excluding women from employment has intensified.

The treatment of women under Taliban rule has been particularly harsh, although there was marginal improvement in some areas during the year. In the areas where they took control, the Taliban initially excluded women from all employment outside the home, apart from the traditional work of women in agriculture; women were forbidden to leave the home except in the company of a male relative. In urban areas, and particularly after the Taliban took Kabul in 1996, the Taliban forced almost all women to quit their jobs as professionals and clerical workers, including teachers, doctors, nurses, bank tellers, and aid workers. In a few cases, the Taliban relented and allowed women to work in health care occupations under restricted circumstances. The prohibition on women working outside of the home has been especially difficult for the large numbers of widows left by 20 years of civil war; there are an estimated 30,000 widows in Kabul alone. Many women reportedly have been reduced to selling all of their possessions and to begging to feed their families.

However, during the year, restrictions on women's employment reportedly eased somewhat. The Taliban allowed Afghan women to work in the medical sector as doctors and nurses, treating other women. Medicins Sans Frontieres and other international NGO's reported that they were able to recruit both male and female health care staff without administrative obstacles, and that the main difficulty faced in recruitment of medical staff was the lack of qualified female personnel. However, during the year there were reports that the Taliban reopened schools for doctors and nurses, and that women were allowed to attend. A limited number of women were allowed to work for international agencies and NGO's, but they were not allowed to work in the offices of their employers; they were required to go directly from their homes to the project sites on which they worked. A Taliban edict issued during the year allowed needy widows with no other means of support to seek employment; but many widows reportedly were unaware of the change, and there is little work available. Women reportedly were allowed to claim international assistance directly rather than through their close male relatives, as a 1997 edict stipulated; the Taliban's edict had required that international assistance be provided to women through their close male relatives rather than directly. However, male relatives still were required to obtain the permission of the Ministry for the Promotion of Virtue and Suppression of Vice for female home based-employment.

Girls were formally prohibited from attending school. Formal restrictions against the education of girls remain, apart from instruction provided in mosques, which is mainly religious in content. However, there are a growing number of girls educated by international NGO's in formal schools, community-based schools, and home schools (see Section 5).

Most Afghans lack any access to adequate medical facilities, and the provision of health care under Taliban rule remains poor. Life expectancy rates are estimated at 44 years for women and 43 years for men. In most regions, there is less than one physician per 10,000 persons. Health services reach only 29 percent of the population and only 17 percent of

the rural population. Clean water reaches only about 12 percent of the population. Health care for both men and women was hampered by the Taliban's ban on images of humans, which caused the destruction of public education posters and made the provision and dissemination of health information in a society with high levels of illiteracy more difficult. Tuberculosis rates for women and maternal mortality rates are extremely high. However, the Taliban significantly reduced women's access to health care, although it has since loosened restrictions somewhat. In 1997 the Taliban announced a policy of segregating men and women in hospitals; this policy reportedly continued at year's end. In 1997 in an attempt to centralize medical care for women, the Taliban also directed most hospitals in Kabul to cease services to women and to discharge female staff. Services for women were to be provided by a single hospital still partially under construction, which resulted in a drastic reduction in access to, and the quality of, health care for women. Later, women were permitted to seek treatment from female medical personnel working in designated women's wards or clinics; since June 1998 they have been permitted to seek treatment from male doctors only if accompanied by a male relative. In practice women were excluded from treatment by male physicians in most hospitals. These rules, while not enforced universally, made obtaining treatment extremely difficult for most women, and especially for Kabul's widows, many of whom have lost all such male family members. Further, even when a woman was allowed to be treated by a male doctor, he was prohibited from examining her except if she were fully clothed in Taliban-approved garb, and from touching her, thus limiting the possibility of any meaningful treatment. The participants in a 1998 survey of 160 Afghan women reported poor or no access to health care in Kabul. Most of the participants also reported a decline in their mental health. However, there were credible reports that the restrictions on women's health care were not applied in practice at year's end, and that there were some improvements in access to health care for women during the year. At year's end, all Kabul hospitals apart from the military hospital reportedly treated women. Rabia Balkhi Women's Hospital in Kabul provided a full range of health services to women, but there was only one maternity hospital in the country.

The Taliban decreed what women could wear in public. Women in public spaces were required to wear a burqa, a loose, head-to-toe garment that has a small cloth screen for vision. While in many, particularly rural, areas of the country, the burqa was the customary women's outer garment, the requirement for all women to wear the burqa represented a significant change in practice for many women, particularly in urban areas. According to a decree announced by the religious police in 1997, women found outside the home who were not covered properly would be punished severely along with their family elders. In Kabul and elsewhere women found in public who were not wearing the burqa, or whose burqas did not cover their ankles properly, reportedly have been beaten by Taliban militiamen. Some poor women cannot afford the cost of a burqa, and thus are forced to remain at home or risk beatings if they go out without one.

During the year, there were reports of differences in the enforcement of the requirement for women to wear the burqa. Enforcement reportedly was relatively lax in rural and non-Pashtun areas, and there were reports that some women in Herat and in rural areas cover their heads with large scarves that leave the face uncovered and have not faced reprisals. The Taliban's dress code for women apparently is not enforced strictly upon the nomad population of several hundred thousand or upon the few female foreigners, who nonetheless must cover their hair, arms, and legs. Women in their homes must not be visible from the street; the Taliban require that homes with female occupants have their

windows painted over.

Women were expected to leave their homes only while escorted by a male relative, further curtailing the appearance and movement of women in public even when wearing approved clothing. Women appearing in public without a male relative ran the risk of beatings by the Taliban. Some observers reported seeing fewer and fewer women on the streets in Taliban-controlled areas. Women are not allowed to drive, and taxi drivers reportedly are beaten if they take unescorted women as passengers. Women only may ride on buses designated as women's buses; there are reportedly not enough such buses to meet the demand, and the wait for women's buses can be long. In December 1998, the Taliban ordered that bus drivers who take female passengers must encase the bus in curtains, and put up a curtain so that the female passengers cannot see or be seen by the driver. Bus drivers also were told that they must employ boys under the age of 15 to collect fares from female passengers, and that neither the drivers nor the fare collectors were to mingle with the passengers.

Amnesty International has reported that the Taliban have ordered the closure of women's public baths.

Women are also forbidden to enter mosques or other places of worship unless the mosque had separate sections for men and women. Most women pray at home alone or with other family members. Women also reportedly have been prohibited from appearing on the streets for certain periods during the month of Ramadan. The Taliban's restrictions regarding the social behavior of men and women were communicated by edicts and enforced mainly by the Ministry for the Promotion of Virtue and Suppression of Vice. The United Nations and numerous other interlocutors noted that the edicts are enforced with varying degrees of rigor throughout the country. The restrictions were imposed most heavily in urban areas, where women had enjoyed wider access to educational and employment opportunities before the Taliban gained control. The U.N. Special Rapporteur on Violence Against Women noted after her September visit some improvements in the status of women, including the existence of home schools as well as limited primary educational institutions for girls run by the Religious Ministry in Kabul; increased access of women to health care; and the permission given for widows to work. The Special Rapporteur on Violence Against Women also noted continuing violations of the physical security of women and the practice of lashings and public beatings; violations of the rights to education, health, employment, freedom of movement, and freedom of association, and of family rights, including the existence of polygyny and forced marriage. She also noted that minority women sometimes were subject to forced displacement and that there were some cases of trafficking in women and children (see Section 1.f.).

Children

Local administrative bodies and international assistance organizations undertook to ensure children's welfare to the extent possible; however, the situation of children is very poor. Infant mortality is 250 out of 1,000 births and Medicins Sans Frontieres reports that 250,000 children per year die of malnutrition. One quarter of children die before the age of 5. Approximately 45 percent of the population is made up of children age 14 or under. The Taliban's restrictions on male-female medical treatment have had a detrimental effect on children. Physicians for Human Rights has reported that children sometimes are denied medical care when the authorities do not let male doctors visit children's wards, which

may be located within the women's ward of a hospital, or do not allow male doctors to see children accompanied only by their mothers. A UNICEF study also reported that the majority of children are highly traumatized and expect to die before reaching adulthood. Some 90 percent have nightmares and suffer from acute anxiety, while 70 percent have seen acts of violence, including the killing of parents or relatives.

Taliban restrictions on the movement of women and girls in areas that they controlled hampered the ability of U.N. agencies and NGO's to implement effectively health and education programs aimed at both boys and girls.

The educational sector currently is characterized by limited human and financial resources; the absence of a national educational policy and curriculum; the unpreparedness of the authorities to rehabilitate destroyed facilities; and discriminatory policies banning the access of females to all levels of education, according to a report by the Gender Advisor to the U.N. System in Afghanistan. Female literacy is approximately 4 percent, compared with an overall literacy rate of 30 percent. There have been reports that the ban on women working outside of the home has hampered the education of boys, since a large percentage of the country's teachers were women prior the advent of Taliban rule.

The Taliban have eliminated most of the formal opportunities for girls' education that existed in areas that they have taken over; however, some girls' schools still operate in rural areas and some towns. Some girls also are receiving an education in informal home schools, which are tolerated to varying degrees by the Taliban authorities around the country. During the year, there were reports that the number of children that these home schools reach was increasing, and that there has been an increase in the attendance of girls in various educational settings, including formal schools. However, in June 1998, more than 100 NGO-funded girls' schools and home-based women's vocational projects were closed by the Taliban in Kabul. In 1998 the Taliban also stated that schools would not be allowed to teach girls over the age of 8, that schools teaching girls would be required to be licensed, and that such schools would be required to limit their curriculums to the Koran. However, the Taliban's implementation of educational policy is inconsistent and varies from region to region, as well as over time.

In September the U.N. Special Rapporteur on Violence Against Women noted the existence of home schools and also of limited primary educational institutions for girls run by the Religious Ministry in Kabul. The U.N. Special Rapporteur on Violence Against Women was told by the Taliban in September that primary education is available to girls between the ages of 6 and 10, and that this was dispensed in mosque schools under the Ministry of Religious Affairs. About three-quarters of the curricula in the Ministry of Religious Affairs schools reportedly deals with religious and moral subjects. Taliban-sponsored public schools, at both the elementary and secondary levels, provide education only to boys, and emphasize religious studies. However, schools run by NGO's and international donors are mostly open to both boys and girls.

Despite the limitations on education and the Taliban's restrictions on female education, approximately 25 to 30 percent of boys were estimated to be enrolled in school and up to 10 percent of girls were estimated to attend some form of school, whether NGO-run, mosque schools, or home schools, according to UNICEF. This represents a modest increase in both boys' and girls' school enrollment over the last 5 years. Prior to the

Taliban takeover in 1996, more than 100,000 girls reportedly attended public school in Kabul in grades kindergarten to 12, according to a U.N. survey. During the year, approximately 300,000 to 350,000 school-age children attended schools run or funded by various assistance agencies and NGO's. The Swedish Committee for Afghanistan (SCA) reported that it served 175,000 students in 567 schools; most these were formal schools, but 39 were home schools. In a few areas, over 50 percent of students reportedly were girls. The SCA reported that 20 percent of the students in its formal schools, mostly located in rural areas, are girls. Many boys also were being educated in home schools, because of administrative problems in the Taliban-run schools, including problems in the payment of teachers' salaries. A high proportion of the students in Northern Alliance-controlled territory reportedly were girls. In areas newly captured by the Taliban, such as Hazarajat, the community successfully petitioned Taliban representatives to reopen the schools. In Herat, which was captured by the Taliban in 1995, girls' schools have remained closed except in the refugee camps maintained by international NGO's. Nonetheless, approximately 5 percent of girls were enrolled in school in Kandahar; approximately 20 percent of girls were enrolled in Herat. During the year, demand for education reportedly is increasing among refugees and returnees to Afghanistan, but some families have sent girls abroad for education in order to evade the Taliban's prohibitions on females attending school.

There have been unconfirmed reports that the Taliban use child soldiers. There were some cases of trafficking in children (see Section 6.f.).

The Taliban have banned certain recreational activities, such as kite flying and playing chess. Dolls and stuffed animals are prohibited due to the Taliban's interpretation of religious injunctions against representations of living beings.

People with Disabilities

There are few measures to protect the rights of the mentally and physically disabled or to mandate accessibility for them. Victims of landmines continued to be a major focus of international humanitarian relief organizations, which devoted resources to providing prostheses, medical treatment, and rehabilitation therapy to amputees. It is believed that there was more public acceptance of the disabled because of the increasing prevalence of the disabled due to landmines or other war-related injuries. There are reports that disabled women, who need a prosthesis or other aid to walk, are virtually homebound because they cannot wear the burqa over the prosthesis or other aid.

National/Racial/Ethnic Minorities

It is estimated that thousands of members of the ethnic Hazara minority may have been killed by the Taliban in 1998 (see Section 1.a.).

During the year, there were reports of forced expulsions of ethnic Hazaras and Tajiks from areas newly occupied by the Taliban.

There were reliable reports that individuals were detained by both the Taliban and Northern Alliance because of their ethnic origins and suspected sympathy with opponents. Ethnic Hazara, who are overwhelmingly Shi'a, reportedly have been targeted for ethnically-motivated attacks, in particular by the overwhelmingly Sunni and ethnic

Pashtun Taliban forces.

Section 6 Worker Rights

a. The Right of Association

Little is known about labor laws and practices, although only an insignificant fraction of the work force has ever labored in an industrial setting. There were no reports of labor rallies or strikes. Labor rights are not defined, and in the context of the breakdown of governmental authority there is no effective central authority to enforce them. Many of Kabul's industrial workers are unemployed due to the destruction or abandonment of the city's minuscule manufacturing base. The only large employer in Kabul is the governmental structure of minimally functioning ministries.

Workers in government ministries reportedly have been fired because they had received part of their education abroad, or because of contacts with the previous regimes, although certain officials in previous administrations still are employed under the Taliban. Others reportedly have been fired for violating Taliban regulations concerning beard length.

b. The Right to Organize and Bargain Collectively

Afghanistan lacks a tradition of genuine labor-management bargaining. There are no known labor courts or other mechanisms for resolving labor disputes.

There are no export processing zones.

c. Prohibition of Forced or Compulsory Labor

Little information is available on forced or compulsory labor, including child labor. There have been reports that the Taliban forced prisoners to do construction work at Kandahar prison (see Section 1.c.). There have been credible reports that Masood forced Taliban prisoners to work on road and airstrip construction projects. There were some cases of trafficking in women and children (see Section 6.f.).

d. Status of Child Labor Practices and Minimum Age for Employment

There is no evidence that authorities in any part of the country enforce labor laws, if they exist, relating to the employment of children. Children from the ages of 6 to 14 often work to help support their families by herding animals in rural areas, and by collecting paper and firewood, shining shoes, begging, or collecting scrap metal among street debris in the cities. Some of these practices expose children to the danger of landmines.

e. Acceptable Conditions of Work

There is no available information regarding a statutory minimum wage or the enforcement of safe labor practices. Many workers apparently are allotted time off regularly for prayers and observance of religious holidays.

f. Trafficking in Persons

There is no available information regarding legislation prohibiting the trafficking in persons. The U.N. Special Rapporteur on Violence against Women reported that there were some cases of trafficking in women and children (see Section 5). There were unconfirmed reports that some Taliban soldiers (often reported to be foreigners) abducted girls and women from villages in the Shomali plains during fighting in August, and that women taken in trucks from the area of fighting were trafficked to Pakistan and to the Arab Gulf states.

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