Introduction

1.1 This Bulletin has been produced by the Country Information and Policy Unit, Immigration and Nationality Directorate, Home Office, from information about Afghanistan obtained from a wide variety of recognised sources. It does not contain any Home Office opinion or policy.

1.2 This Bulletin has been prepared for background purposes for those involved in the asylum / human rights determination process. The information it contains is not exhaustive. It concentrates on the issues most commonly raised in asylum / human rights claims made in the United Kingdom.

1.3 The Bulletin is sourced throughout. It is intended to be used by caseworkers as a signpost to the source material, which has been made available to them. The vast majority of the source material is readily available in the public domain.

1.4 This Bulletin is intended to cover major developments that have taken place in Afghanistan since publication of the Afghanistan Country Report in October 2004 and must be read in conjunction with that. The Bulletin is intended to cover the Afghan Presidential election, which took place on 9 October 2004 and the inauguration of the President and new government. It also gives information on the current human rights situation based on reports published since 1 September 2004, the cut off date for information included in the October 2004 Country Report. The Bulletin only includes reports considered to be relevant to those involved in the asylum/human rights determination process.

1.5 This Bulletin and the accompanying source material are publicly disclosable. Where sources identified in the Bulletin are available in electronic form the relevant link has been included. The date that the relevant link was accessed in preparing the Bulletin is also included. Paper copies of the sources have been distributed to nominated officers in Asylum Caseworking Directorate and all Presenting Officer Units.

Recent Political Developments

The Run Up to the Presidential Election

2.1 On 14 September 2004, the Institute for War and Peace Reporting (IWPR) reported that

"In an apparent move to bolster his position ahead of the October leadership election, President Hamed Karzai last weekend removed Ismail Khan as military governor of the western province of Herat. The September 11 decision sparked two days' of violent clashes by Khan supporters that left as many as 7 dead and over 50 wounded, according to news reports...Karzai, who faces 17 challengers in next month's presidential election, replaced Khan with Sayed Mohammad Khairkhwa, a Herat native, a former mujahedin fighter and member of the same political faction as Khan - Jamiat-e-Islami. Khan accepted Karzai?s move, but rejected the president's offer to take up the post of minister of mines and industry....Ibrahim Malikzada, the governor of Ghor, was also sacked over the weekend. Malikzada, however, accepted a new position offered by Karzai as an advisor to the interior ministry." [1a]

2.2 On 14 September 2004, IRIN News noted that Herat was reported to be calm following the violent clashes and the Afghan National Army (ANA), supported by US-led security forces, was controlling the situation on the ground. According to the report, hundreds of people, angered by Ismail Khan's dismissal had burned and looted the compounds of the United Nations and some other international aid agencies. The UN moved 76 staff, including 38 international employees to Kabul. The UN deputy special representative for Afghanistan said the attacks were evidently targeted at UN premises. Local staff, together with 15 international aid workers remained in Herat.
2.3 On 14 September 2004, the Institute for War and Peace Reporting reported that:

"Some 150 commanders affiliated with Hizb-i-Islami, a mujahedin political faction whose leader the US has designated a terrorist, have declared their support for President Hamed Karzai in the upcoming October presidential elections. Gulbuddin Hekmatyar, the party's leader, could not be reached for comment. He was designated a terrorist by the US State Department in February 2003 for participation in and support for terrorist acts committed by al-Qaeda and the Taleban, and is currently in hiding. It is unclear whether the commanders still retain their allegiance to the party leader, or whether their move reflects a split in Hizb-i-Islami between a moderate group who want to deal with the government and hardliners around Hekmatyar with links to the Taleban....

The commanders affiliated with the party come from all the country's ethnic groups, and from more than 20 provinces. Engineer Mohammed Nasim Mehdi in Faryab, in the north of the country, Hamidullah Danishi from Badakhshan in the northwest, General Feruzoddin from Hazarajat in the center [sic] of the country, and Hamidullah Tukhi from Zabul in the south are included in this group."

2.4 Prior to the presidential election scheduled for 9 October 2004, Human Rights Watch (HRW) published two reports, which suggested that a number of factors could affect the implementation of a free and fair presidential election. In a report of September 2004, entitled 'The Rule of the Gun', HRW reported that military commanders and their armed factions were involved in widespread intimidation aimed at influencing the poll results. According to the HRW report:

"The political rights of Afghans are not being adequately protected or promoted in the run-up to the October 9 election. The overall process has been severely affected by the overriding atmosphere of threats, harassment, and fear. Because of this environment, an indeterminable number of politically active Afghans have decided against taking part in the process, and many voters are not free to enjoy their right to participate actively in politics. Many voters simply may not be able to vote as they wish, not trusting the secrecy of the ballot and fearing the consequences if they do not follow instructions."

2.5 In a further report of 5 October 2004, entitled "Between Hope and Fear: Intimidation and Attacks against Women in Public Life in Afghanistan", HRW noted that many positive steps had been taken by UNAMA, the Joint Electoral Management Body (JEMB), international donors and NGOs to encourage female voter registration. According to HRW, "These efforts helped generate commendable results: according to official tallies, 41 percent of all registered voters in the country are women." However, the HRW report also noted that "In some places, multiple registrations have likely significantly inflated voter registration figures; in others, women have faced violence and intimidation during the registration process and few have registered." HRW noted that poor security conditions, partly due to attacks by insurgent forces including the Taliban, had contributed to very low female registration rates in the south of the country of only 9 percent in Uruzgan, 10 percent in Zabul and 16 percent in Helmand provinces. The HRW report also noted other constraints that may have prevented some women from voting freely and independently including fear of warlords and lack of permission from their husband or head of family to vote.

2.6 A report by the Human Rights Research and Advocacy Consortium (HRRAC) published in September 2004 also noted possible constraints to voting for women including being required to vote for the same candidate as their husbands and having to obtain permission to vote. HRRAC research showed that 84% of the people surveyed had registered to vote but of the 110 people in our sample who have not registered, two-thirds are women, living mostly in Kandahar, Kabul and Jalalabad. When people explain their reasons for not registering, there are clear differences between the responses from women and men. The most frequent answer given by women is "No permission" - something none of the men say.

2.7 The HRW report of 5 October 2004 noted that the lone female candidate in the presidential election, Massouda Jalal, had experienced obstacles during her campaign. According to HRW,

"In March 2004, Habibullah Habib, the dean of Balkh University, prevented Jalal from speaking at the university. She was also barred from speaking at an Afghan New Year celebration at the central shrine in Mazar-e Sharif, the Rowza Hazrat Ali, although government officials and other..."
potential political candidates spoke, including Defense Minister Mohammed Fahim and General Rashid Dostum. Jalal has also reported that police in the first district of Kabul prevented her from campaigning. [3b] (p28)

2.8 A report by the Afghanistan Independent Human Rights Commission (AIHRC) and the United Nations Assistance Mission in Afghanistan (UNAMA) on the verification of political rights prior to the election, which covered the period 24 August to 30 September 2004, noted that Masuda [Massouda] Jalal and the two female vice presidential candidates had been actively campaigning. Masuda Jalal was seen to be one of the most active candidates travelling outside of Kabul and engaging in campaign activities. According to the AIHRC-UNAMA report

"In meetings with the verification team, the presidential and two vice-presidential female candidates noted that their campaign experiences were generally positive, and that the people who attended their meetings and expressed support for their efforts were largely men. They had also held a number of public events and press briefings. A number of political parties and candidates have also organized women in order to broaden their support base.

On 24 August [2004] Junblish inaugurated a provincial shura of Junbesh women. In Taloqan, the female chapter of Karzai?s campaign has commenced activities. Women in Kandahar are also seen to be actively campaigning in support of candidate Karzai.

Despite these positive signs, some problems have been encountered. Massuda Jalal has complained that she has difficulty finding a venue for campaign purposes because she is denied access to mosques due to her gender. In addition to the already mentioned risks involved in traveling [sic], she is reluctant to campaign in open spaces such as parks because of security concerns. Women candidates have also noted that their female supporters are fearful of reprisals because of their political activities." [5] (p12-13)

2.9 The AIHRC report also noted that "Discrimination has not been cited as an important factor in the campaign process. While there have been some reports of candidates using ethnicity and sectarianism as a means of rallying supporters, there has been no evidence of anyone using such issues to incite tensions or engaging in activities to prevent any ethnic, religious or minority group from partaking in political activities." [5] (p12)

2.10 Commenting on intimidation, the AIHRC report noted that

"The general trend shows that forms of intimidation and violence vary regionally. Intimidation and violence related to antigovernment forces are prevalent in the South, and those involving factional authorities are more common in the rest of the country, particularly in the East, Northeast, North and in the Central Area....

Since the end of the registration process, the number of election-related incidents of violence has generally diminished. However, violence and intimidation tactics carried out by the Taliban and other anti-government forces have escalated in the South, particularly in the border district of Maruf and in the districts of Shawalikot and Mia Nishin in Kandahar province as well as in the provinces of Zabul and Uruzgan. They have been increasingly targeting civilians and government officials. In the last month, they have created a climate of fear by confiscating voter registration cards of entire villages and warning people not to participate in the upcoming elections." [5] (p13)

2.11 On 28 October 2004, an Amnesty International (AI) report noted that the security situation in the anti-government strongholds of Uruzgan, Zabul and Helmand had resulted in voter registration staff having restricted access to potential voters in those areas and multiple registrations were also reported. AI also noted that although the UN voter registration teams did have female staff members, security of staff and attacks by anti-government groups meant that it was difficult to register women in remote areas. According to the AI report

"Amnesty International (AI) noted a pervasive lack of security during its mission to Afghanistan in August and September 2004. Women felt unsafe outside their homes in the presence of warlords, guns and the absence of rule of law. The UN was not completely successful in its attempts to recruit a large number of female polling staff across the country, which would have probably encouraged more women to come to the polling stations. The fact that men were staffing the sites may have prevented some women from voting. Combined with a lack of adequate monitoring or
security, it is likely that many of the registered women did not vote." [6b]

Presidential Election - 9 October 2004

2.12 On 11 October 2004 the Institute for War and Peace Reporting reported that,

"At 4 pm on October 9, as many polling stations were closing, 15 of the 17 candidates standing in opposition to Karzai issued a statement urging their supporters to boycott the vote, alleging widespread fraud.... The statement, read by [candidate] Sirat, said that the ink used to mark voters' thumbs, which was supposed to have been indelible to prevent people voting more than once, rubbed off easily, allowing cases of repeat voting where people had acquired more than one voter registration card. The statement also charged that foreign nationals had been allowed to vote; that foreign and domestic election observers had pressured voters; and that candidates' representatives had been expelled from some polling stations. In addition, the candidates alleged that Karzai supporters were using various forms of manipulation, such as closing polling stations where voters were not voting for the "right man", and fraudulently filling out ballot papers." [1g]

2.13 The same IWPR report also reported that two of the fifteen candidates, Massouda Jalal and Haji Mohammad Mohaqiq, had disassociated themselves from the boycott the same day. It was also reported that the head of the Organisation for Security and Co-operation in Europe (OSCE) mission to Afghanistan which had provided a limited team of observers for the ballot, said that the poll should not be cancelled and that although some irregularities had occurred, they were not significant. [1g]

2.14 IRIN News reported on 11 October 2004 that "On Monday [11 October 2004] election authorities announced a suspension in vote counting while accusations that the vote had not been free and fair were investigated." [2a]

2.15 According to the final report of the Impartial Panel of Election Experts, published on 1 November 2004, "On October 11, 2004, the Joint Electoral Management Body (JEMB), the institution ultimately responsible for the conduct of the election, requested the United Nations to nominate international election experts to serve on a Panel. This Expert Panel would investigate complaints submitted by presidential candidates and present findings to the JEMB." [7] (p8)

2.16 On 12 October 2004, the Independent reported that "Mr. Karzai's chief rival, the Tajik, Younis Qanooni, said yesterday he was withdrawing his call for the results of Saturday?s election to be cancelled and the vote to be held again, after the United Nations announced it would hold an inquiry into alleged irregularities....Another warlord, the Hazara candidate Mohammed Mohaqiq, withdrew his support for the boycott on Sunday [10 October 2004]." [8]

2.17 On 13 October 2004, BBC News announced that General Abdul Rashid Dostum, one of the 15 candidates who had originally called for a boycott, also said that he was now supporting the UN investigation into complaints about the voting. According to the report, candidates like General Dostum had been under intense pressure to abandon their boycott and negotiations had involved Western diplomats as well as Afghan figures. According to a BBC journalist in Kabul, another factor in the candidates' change of mind has been the widespread anger of ordinary Afghans at what they see as candidates obstructing a popular process for short-term political gain. [9]

2.18 On 14 October 2004, BBC News reported that the Afghan Independent Human Rights Commission (AIHRC) had criticised the UN decision not to appoint any Afghans to the panel set up to investigate alleged irregularities. The senior spokesman of the AIHRC said that the AIHRC had recommended an Afghan expert from their commission but this was rejected. A UN spokesman dismissed the AIHRC's concerns, saying that they felt it was better for the transparency of the investigation to have three international experts. [9b]

2.19 The report of the Impartial Panel of Election Experts published 1 November 2004 recorded that

"The 2004 Afghan Presidential Election took place 9 October 2004, in a relatively calm and secure environment, with high turnout and much enthusiasm, and substantial participation of women. Many voters made personal sacrifices and braved difficult conditions to cast their ballot on 9 October. The Afghan population is justified in the pride it has overwhelmingly expressed in this election. There were fewer problems on Election Day than many experts had anticipated."
However, following alleged problems at some polling centres, many presidential candidates raised complaints relating to alleged Election Day irregularities. As a result the JEMB decided to form an independent Expert Panel, nominated by the United Nations, to investigate these complaints. The Panel's mandate was to investigate the complaints and to report to the JEMB. The formal complaints contained 661 different allegations. These fell almost exclusively into one or more of the following subject areas -

- Ink
- General Procedural Issues
- Materials
- Voter Access Issues
- Allegation of Bias or Intimidation

These formed the major part of the Panel's investigations." [7] (p5)

2.20 The report of the Impartial Panel of Election Experts further noted that

"The Panel finds the inking problem on polling day was as a result of a series of errors within the JEMB and the JEMB Secretariat. Most were at the time, minor, but the cumulative effect was significant resulting in the ink becoming the most widespread issue on Election Day. The Panel also finds that the misuse or misapplication of ink on Election Day was not politically motivated. But the Panel finds that multiple voting was not a significant problem on Election Day." [7] (p5)

2.21 Regarding procedural issues, the Panel found that

"Many minor irregularities took place, as might be expected in a population where most were experiencing a first election. Some real or perceived problems were as a result of errors or omissions in voter registration. Proxy voting, although disallowed, was precipitated in some locations by actions on behalf of communities that considered it a cultural norm. It is also clear that underage voting occurred in some locations. The JEMBS Training Department was not regularly consulted during decision-making processes relating to the training of polling staff, and certain decisions came too late to allow for training throughout the cascade. These problems were not on a scale that would undermine the credibility of the election process." [7] (p6)

2.22 The Panel's report also noted that "Ballot paper shortages occurred in a few locations, largely as a result of technical difficulties related to the lack of a voter register. The Panel finds that there was provision to supply additional ballot papers but in some cases the system was unable to respond. There is no evidence of political motive." Furthermore, "The allocation of polling stations, although not perfect, was the result of the best policies available in the circumstances. As there was no voter register and registered voters could use any available polling centre there was no way to guarantee that the polling centres would be placed exactly where voters would require them. There was an imbalance of polling stations in some areas, and isolated communities were disadvantaged. The number of voters affected would not have influenced the overall result." [7] (p6)

2.23 The Panel also found that

"Sixty per cent of candidates' complaints alleged bias and intimidation against voters and agents. By contrast, observers did not report large numbers of such cases. In general polling station staff took their duties seriously and performed well in difficult circumstances. However there were cases of workers assisting voters; in most cases, it was not mal-intentioned. Some party agents were excluded from polling centres or stations. This was often for legitimate reasons, including limits on numbers of agents in a station. Many party and candidate agents were accredited too late, and were not well informed of Election Day procedures, complaints procedures and adjudication mechanisms. There were attempts at electoral fraud such as ballot box stuffing but this was neither widespread nor limited to the supporters of any one political candidate." [7] (p6)

2.24 The Panel concluded, "In summary, this was a commendable election, particularly given the very challenging circumstances. There were shortcomings, many of which were raised by the candidates themselves. These problems deserved to be considered, to ensure the will of the voters was properly reflected, and to help shape improvements for future elections. The Panel
concludes, however that these concerns could not have materially affected the overall result of the election." [7] (p7)

**Presidential Election Results**

2.25 On 3 November 2004, the Joint Electoral Management Body (JEMB) in Afghanistan announced Mr. Hamid Karzai the winner of the 9 October 2004 presidential election, based on the following results:

<table>
<thead>
<tr>
<th>Candidate</th>
<th>Party</th>
<th>Votes</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamid Karzai</td>
<td>Independent</td>
<td>4,443,029</td>
<td>55.4%</td>
</tr>
<tr>
<td>Yonous Qanooni</td>
<td>Hezb-e-Nuhzhat-e-Mili Afghanistan</td>
<td>1,306,503</td>
<td>16.3%</td>
</tr>
<tr>
<td>Haji Mohammad Mohaqiq</td>
<td>Independent</td>
<td>935,325</td>
<td>11.7%</td>
</tr>
<tr>
<td>Abdul Rashid Dostum</td>
<td>Independent</td>
<td>804,861</td>
<td>10.0%</td>
</tr>
<tr>
<td>Abdul Latif Pedram</td>
<td>Hezb-e-Congra-e-Mili Afghanistan</td>
<td>110,160</td>
<td>1.4%</td>
</tr>
<tr>
<td>Massooda Jalal</td>
<td>Independent</td>
<td>91,415</td>
<td>1.1%</td>
</tr>
<tr>
<td>Syed Ishaq Gailani</td>
<td>Nuhzat-e-Hambastagee Mili Afghanistan</td>
<td>80,081</td>
<td>1.0%</td>
</tr>
<tr>
<td>Ahmad Shah Ahmadzai</td>
<td>Independent</td>
<td>60,199</td>
<td>0.8%</td>
</tr>
<tr>
<td>Abdul Satar Serat</td>
<td>Independent</td>
<td>30,201</td>
<td>0.4%</td>
</tr>
<tr>
<td>Hamayon Shah Asifi</td>
<td>Independent</td>
<td>26,224</td>
<td>0.3%</td>
</tr>
<tr>
<td>Ghulam Farooq Nijrabi</td>
<td>Hezb-e-Istiqlal-e-Afghanistan</td>
<td>24,232</td>
<td>0.3%</td>
</tr>
<tr>
<td>Syed Abdul Hadi Dabir</td>
<td>Independent</td>
<td>24,057</td>
<td>0.3%</td>
</tr>
<tr>
<td>Abdul Hafiz Mansoor</td>
<td>Independent</td>
<td>19,728</td>
<td>0.2%</td>
</tr>
<tr>
<td>Abdul Hadi Khalilzai</td>
<td>Independent</td>
<td>18,082</td>
<td>0.2%</td>
</tr>
<tr>
<td>Mir Mohammad Mahfouz Nedaee</td>
<td>Independent</td>
<td>16,054</td>
<td>0.2%</td>
</tr>
<tr>
<td>Mohammad Ebrahim Rashid</td>
<td>Independent</td>
<td>14,242</td>
<td>0.2%</td>
</tr>
<tr>
<td>Wakil Mangal</td>
<td>Independent</td>
<td>11,770</td>
<td>0.1%</td>
</tr>
<tr>
<td>Abdul Hasseb Aryan</td>
<td>Independent</td>
<td>8,373</td>
<td>0.1%</td>
</tr>
</tbody>
</table>

| Valid Votes                      | 8,024,536                                  | 100.0% |
| Invalid Votes **                 | 104,404                                    |        |
| Total Votes *                    | 8,128,940                                  |        |

* Total votes estimate equal to sum of votes from polling stations checked in plus projected votes for outstanding polling stations.
** Invalid votes account for 1.3% of total votes. [10]

2.26 On 4 November 2004, BBC News reported that "Hamid Karzai’s main rivals have accepted his victory in Afghanistan’s landmark presidential election....Mr. Karzai’s main rival, Younis Qanuni, who finished second with 16% of the votes, said he would accept the result, despite allegations of irregularities....Mohammed Mohaqeq, another rival and a leader of the ethnic Hazara community, and the running mate of the ethnic Uzbek leader and rival Abdul Rashid Dostum also said they would accept Mr Karzai as president." [9c]
2.27 BBC News reported on 7 December 2004 that Hamid Karzai had been sworn in as Afghanistan's first elected president amid tight security at the former royal palace in Kabul. President Karzai then swore in Ahmad Zia Massood and Karim Khalili, members of the country's two largest ethnic minorities (Tajik and Hazara respectively), as his two deputies. [9d]

2.28 On 24 December 2004, BBC News reported that the new Afghan cabinet, announced the previous day, had been sworn in at the presidential palace in Kabul and that the line-up replaced some key warlords with reformers and technocrats. The report noted that "Defence minister General Mohammed Fahim, a veteran warlord, has been dropped, as has Yunus Qanuni, the runner-up in the October poll. Mr. Karzai said he had asked Mr. Qanuni to form a national political party to stand in parliamentary elections due to be held in April [2005]." [9e]

2.29 The Institute for War and Peace Reporting (IWPR) reported on 27 December 2004 that President Karzai's new cabinet had been generally well received by most people in Afghanistan and by international observers. The IWPR report noted that "Karzai appears to have heeded calls for him to sideline warlords from top positions - including the defence minister - and created a new post to oversee the fight against opium production... The appointments must still be confirmed by a parliament that is due to be elected sometime next year [2005]....However, at least one regional strongman will be joining the new cabinet. General Ismail Khan, the powerful western warlord whom Karzai removed as governor of Herat earlier this year, was given the position of water and energy minister.... Cabinet appointments were complicated by the constitutional requirements that all ministers have at least an undergraduate college degree and that those with dual citizenship renounce their links with foreign countries." [1i]

2.30 The Afghan Ministry of Foreign Affairs web site on 4 January 2005 showed the 27 new Cabinet Ministers announced by President Karzai, which includes two women, Masouda Jalal and Sediqa Balkhi. [16] However, news reports from the BBC on 24 December 2004 [9e] and the Institute of War and Peace Reporting (IWPR) on 27 December 2004, reported that the new government includes three women. According to the IWPR "There will be three women in Karzai's new government, including Dr Masouda Jalal - the only female candidate in the recent presidential election - as minister of women's affairs, Amena Afzali, as minister of youth affairs and Sidiqa Balkhi as minister of martyrs and the disabled." [1i] Amena Afzali is not currently shown as a Cabinet Minister on the Afghan Ministry of Foreign Affairs web site.

(See Annex A for a list of the new Afghan Cabinet)

Post Election Overview

2.31 On 11 October 2004, IRIN News reported that "Security had been the leading concern in the run-up to the election. Although around 100,000 Afghan and international security personnel were overseeing the historic poll, the worst had been expected. "There was very good coordination between the Afghan national police together with the Afghan national army, the coalition [US-led forces] and the ISAF [international peacekeeping forces based in Kabul]," Lutfullah Mashal, an Interior Ministry spokesperson, told IRIN.

Mashal said they had impounded three trucks loaded with explosives in Kandahar and arrested an unspecified number of people trying to launch attacks against polling stations in various parts of the country. "We also arrested six people in Kabul who were intimidating people to vote for a particular candidate," he added. A convoy carrying ballot papers was attacked in Uruzgan province and three policemen were killed, but elsewhere the feared violence by Taliban insurgents failed to materialise. ? [2a]

2.32 A report of 11 October 2004 by the Institute of War and Peace Reporting (IWPR) also noted that the level of violence feared had not materialised. According to the report, "Violent incidents directly related to the voting process do not appear to have been widespread. There were reports of clashes between the Afghan National Army and militants south of Kabul, and between Coalition forces and suspected Taleban in the central Oruzgan region, resulting in a number of casualties. Rocket attacks on a number of urban centres left at least two people injured." [1g]

2.33 Also on 11 October 2004, the Guardian newspaper reported that "The election marked a
setback for the Taliban, which managed just a few skirmishes and landmine attacks on polling days. "The Taliban made very limited attacks," the US commander, Lt Gen David Barno, told Associated Press. "Yesterday was a huge defeat for the Taliban." The insurgent force had issued warnings of bombings, beatings and rocket attacks. But millions of Afghans were undeterred, flooding into bullet-pocked schools, mosques and clinics to cast their ballot." [11]

2.34 The Guardian report also noted that local and international observers had declared the vote prone to blunders but generally fair. According to the report, "In an initial assessment, the Free and Fair Election Foundation of Afghanistan (Fefa) said that despite many errors and some deliberate rigging the poll was largely successful. The Organisation for Security and Cooperation of Europe, which deployed 40 experts, gave a similar verdict." [11]

2.35 On 12 October 2004, the International Organization for Migration reported that 850,000 Afghans living in Pakistan and Iran had voted in the presidential election and the election had been a great success in both countries. In Pakistan, 590,000 (figure rounded to even thousands, based on 98% of preliminary reports from polling stations) Afghans voted, representing 80% of the 738,000 who had registered. In Iran, 260,000 Afghans voted which represented around half of those estimated to be eligible to vote. [12b]

2.36 In a press release of 12 October 2004, the UN Assistant Secretary-General reported to the Security Council that an important element in enhancing the election?s credibility had been the presence of observers. According to the source,

"In Afghanistan, 5,321 domestic and 121 international observers were present on polling day. The European Union and the Organization for Cooperation and Security in Europe (OCSE) had sent election support teams, both of which had issued generally positive preliminary statements. He welcomed, in particular, the participation of domestic observers through the Free and Fair Elections Foundation of Afghanistan. Equally important for the process' credibility had been the presence of political party and candidate agents. There had been 22,000 party agents and 52,000 candidate accredited agents, and agents were present in every province. Many continued to observe the polling even after their candidates had called a boycott and had requested them to leave the polling stations." [13] (p2)

2.37 The Assistant Secretary-General also noted that many international observers had feared that the election would be marred by violence. The report continued,

"The fact that it had not been was a tribute not only to the Afghan voters, but also to the national army and police who had provided a safe environment, with the assistance of international forces. The elections, of course, were not perfect, including the troubling experience with the application of indelible ink, of allegations of intimidation and of other irregularities.... In most ways, the elections had been a very well run operation, given the constraints of geography and security. Almost every polling station had opened on time. Polling staff acted professionally and were properly equipped. There had been no major security incidents and no Afghan voter had been killed during the polling. Individual Afghans reflected a high level of popular satisfaction with the conduct of polling" [13] (p2)

2.38 On 22 October 2004, the IWPR reported that in Faryab, Daikundi and Nuristan provinces, more women than men had voted in the presidential election. According to the report,

"Sadiq Mudabir, a member of the Afghan election commission secretariat, said both voter education and local customs contributed to a high turnout of women in some provinces. In Daikundi, he said, society is relatively open, and husbands encouraged their wives to vote. In Nuristan and Faryab, he added, civic education contributed to the high turnout.... Local customs and family traditions appear to have kept some women from polling centres elsewhere. In Helmand and Oruzgan provinces, turnout by women was only two and seven per cent, respectively. Participation by women voters defied expectations in some other provinces. "In Kabul, female turnout was lower than expected, whereas in Herat, Nangarhar and Bamian provinces the turnout was very good," said Mudabir." [1b]

The IWPR report also noted that "In regions where female voter turnout was lower, security was a significant factor. Religious concerns and basic gender discrimination were also obstacles preventing women from participating." [1b]
2.39 In another IWPR report of 22 October 2004, the associate director of HRW's Asia Division was reported as saying that the voter turnout was a major triumph. According to the report,

"The Taleban, for instance, had vowed to disrupt elections, but were unable to launch coordinated attacks on voting day. Zarifi credited the presence of international peacekeeping forces with preventing the Taleban from sabotaging the election. "The Taleban did not have the power to carry out any organised attack in the presence of security forces," said Zarifi. "So election day must count as the Taleban's day of defeat, because it showed they have neither military power nor the people's support."

However, Zarifi added that many of the same threats that existed prior to elections remain in place. "Although election day was pretty much peaceful, and more people participated than expected, warlords still intimidated people prior to elections, especially women," he said. "[1c]

2.40 A further IWPR report of 22 October 2004, noted that although the rules had stated that accredited journalists would be allowed to observe the ballot process, some journalists were refused entry to voting centres. According to the report,

"Mohammad Zia Bomia, a founding member of a new union of independent journalists in Afghanistan, condemned the actions, calling them a violation of freedom of speech. "I was an eyewitness to this problem," he said. "The security forces didn't permit [some] journalists to reach the election centres."... Lutfullah Mashhal, spokesman for Afghanistan's interior ministry, said conflicting orders may have caused the confusion. But he said that journalists had only been denied access to a limited number of centres.

Originally, he said, the ministry had ruled that only voters would be allowed in polling centres, in order to streamline the voting process....However, he added, "After that, we issued another order allowing journalists as well as domestic and international observers into polling centres to monitor the election process and do their reports. But since we were not able to get the message out to all the polling centres in time, in some places soldiers thought that journalists were barred from election centres. It happened in just four and five places, but in other centres, the journalists went in and were able to report on election day."

Qutbuddin Qayim, a member of the media commission for the UN-Afghan Joint Electoral Management Body, JEMB, said miscommunications seemed to be the cause of the problems. "This action [restricting journalists' access] was against our orders and we will support journalists if they file a complaint," he said....Thus far, no journalists have formally complained." [1d]

2.41 The IWPR published a further two reports on 26 October 2004. One reported that some voters in the north had said they were forced by local commanders to vote for General Dostum, citing examples in Sayed Abad district in Sar-e-Pul province. According to the report, "Azizurrahman Rasikh, head of an independent human-rights organisation funded by the United Nations Assistance Mission in Afghanistan, said his office had received reports of voter intimidation from other areas in the north as well. "According to the information we have received from those areas, most districts reported incidents where commanders and militia groups forced people to vote for General Dostum on election day," he said." [1f]

2.42 The report also noted that the person in charge of the JEMB in the five northern provinces had acknowledged there was a lack of monitors in some remote areas, with election sites being monitored by local residents and regional elders. He was unaware of any problems and no complaints had been forwarded to the JEMB. According to the IWPR report, "There is speculation, however, that both ordinary voters and local JEMB representatives may have failed to file such complaints out of fear of reprisal. In an interview with IWPR, General Majid Rozi, Dostum's deputy, said his candidate was the victim of a smear campaign." [1f]

2.43 The second IWPR report of 26 October 2004 noted that

"The security operation on presidential election day is seen as a major triumph for Afghanistan's burgeoning national police force. Deputy interior minister Helaluddin Helal - whose ministry was the lead agency on security - credits effective training, the deployment of extra security forces to unsecured areas, and air patrols by Coalition forces for the peaceful election.
He paid tribute to the cooperation achieved through a joint commission, specially constituted for the election, comprising representatives of the Joint Election Management Body, JEMB, the United Nations, Coalition forces and the International Security Assistance Force, ISAF, plus the national army and national police.

These groups had worked together for some time, and developed a close relationship that yielded results on October 9, he said. Coordination between the Afghan National Army, ANA, and the interior ministry meant that the military was able to provide support in areas not covered by the police force.... Effective policing and intelligence led to several foiled attacks, according to the interior ministry and other official sources. These included 25 separate attempted attacks using explosives; the arrest of two people in the Zurmat district of Paktia province accused of firing a rocket at a UN mine clearance group; and the ANA's arrest of two individuals in Jalalabad with explosives strapped to their backs." [1e]

2.44 The same IWPR Report also noted that

"Despite the heightened security, there were still a number of violent incidents related to the election. These included an attack by a gunman on a voting centre in the Adraskhan district of Herat province, injuring one voter; a rocket attack on local government offices in Kunar that caused no injuries; an attempted suicide attack on General Saifullah, a corps commander in Kandahar province, that left one person dead and another injured; and a clash between Taieban and police forces in Mes Ainak in Logar province that left one police officer dead and three insurgents injured." [1e]

2.45 On 9 November 2004, the United Nations Under-Secretary for Peacekeeping Operations reported to the Security Council that the election of Hamid Karzai as Afghanistan’s first elected President showed that Afghans had a strong national denominator in their common embrace of the democratic process, irrespective of ethnic origin or political affiliation. According to the UN report

"Against a backdrop of continued challenges posed by narcotics, extremism and factionalism, that momentous development was one of the most encouraging features of Afghanistan today. Over 8 million ballots had been cast, representing about 70 per cent of registered voters, of which 40 per cent were women, he noted. After considering the results of the counting, the report of the impartial panel and the work of their own complaints and investigations mechanism, the Joint Electoral Monitoring Body (JEMB) had declared that Hamid Karzai had secured an outright majority of 55.4 per cent of the vote.

Noting that the successful conduct of the presidential election might result in an unrealistic expectation that elections in Afghanistan were not difficult, he said parliamentary elections would be much more complicated and fraught with security concerns than the presidential elections. The influence of local commanders, the widespread and tangled web of narcotics and arms, and the absence of an efficient local civil administration constituted serious obstacles to holding legitimate parliamentary and local elections, he continued....

Indeed, security remained a significant concern, he said, noting that a suicide bombing in the centre of Kabul on 23 October might have signalled the end of the period of relative calm that had prevailed during the election. A few days later, on 28 October, three electoral staff had been abducted in the Kart-e-Parwan district of Kabul in broad daylight." [12a] (p1-2)

2.46 According to the Under-Secretary-General's report, the 8,128,940 ballots cast represented about 70 per cent of registered voters, of which 40 per cent were women. The report also noted that

"After considering the results of the counting, the report of the impartial panel and the work of their own complaints and investigations mechanism, the JEMB had declared that Hamid Karzai had secured an outright majority of 55.4 per cent of the vote....

Overall, ethnic considerations appeared to have played an important role in determining people’s votes. Electoral support for the four main contenders, President Karzai, Qanooni, Dostum and Mohaqeq, had strongly correlated with the areas where Pashtuns, Tajiks, Uzbeks and Hazaras were, respectively, the majority group. Amongst refugees in Iran, Karzai and Mohaqeq had split the vote, each receiving 40 per cent. In Pakistan, 80 per cent had voted for Karzai.
He said that pattern confirmed one of the features of the Constitutional Loya Jirga, namely, the assertion of ethnic identities. While ethnic considerations had an impact in rural areas, President Karzai and other candidates had received multi-ethnic support in major cities. That might be attributable to the fact that, since ethnic identity had not been exploited aggressively during the campaign, candidates had been able to operate widely outside their core constituencies. As a result, all candidates had received votes in all provinces of the country. More importantly, beyond ethnicity, Afghans showed that they were united in their rejection of violence, their support for a peaceful political process and the affirmation of their right to participate in it.” [12a] (p2-3)

Update on Human Rights Situation

General

3.1 On 21 September 2004, the first report of the independent expert of the Commission on Human Rights on the situation of human rights in Afghanistan was published. The report is based on research and consultations undertaken during a mission to Afghanistan in August 2004. It reports on some of the major issues that have a determining impact on the human rights situation in Afghanistan. Extracts from the report are given in the sections below and the complete report can be accessed via the relevant link given in Annex B, source reference [14]. Information from recent reports by Human Rights Watch, Amnesty International and the United States State Department (USSD) is also included below and the full reports can be accessed through the links given in Annex B.

Women

3.2 According to the report of the independent expert of the Commission on Human Rights dated 21 September 2004, "The human rights situation of women in Afghanistan remains of serious concern. Particularly worrisome is the detention of women for offences against social mores, women and couples under threat of being killed by their families for "honour crimes" and death threats that often follow a woman?s escape from a forced or arranged marriage. Complaints and reports of forced marriages, including of girl children, have not decreased. Additionally, the absence of a legal and social support system has left many women trapped in abusive situations and has possibly led to an increased incidence of suicides, in particular through self-immolation." [14] (p18)

3.3 The HRW report "Between Hope and Fear" published on 5 October 2004 reported on the current situation for women's rights activists. The report noted that "Politically powerful military factions, the Taliban, and conservative religious leaders continue to threaten and intimidate women who promote women's rights. Human Rights Watch interviewed a wide range of women targeted for intimidation and harassment. These women had chosen to participate in public life as journalists, potential political candidates, aid workers, teachers, and donors. Women whose behavior [sic] challenged social expectations and traditional roles also faced harassment. In other cases, factional leaders or Taliban have launched rockets and grenades against the offices of women's development projects, such as those providing health, literacy, and rights awareness programs. Such symbolic attacks sent a clear message that women and girls seeking to claim the most basic rights could face retaliation.

Continuing violent attacks and threats against women in the public sphere have also created an environment of fear and caution. Women's rights activists and journalists carefully word their statements or avoid publishing on some topics because they are afraid of violent consequences. Many women, ranging from community social workers to Afghan U.N. officials, told Human Rights Watch they wore burqas when traveling [sic] outside of Kabul. These decisions were made not out of choice, but compulsion due to the lack of safety guarantees. Many women blamed the failure of disarmament, the entrenchment of warlords in both regional and central governments, and the limited reach of international peacekeeping troops as the reasons why they felt unsafe." [3b] (p11)

3.4 The HRW report continued, "Using threatening phone calls, "night letters," armed confrontations, and bomb or rocket attacks against offices, factional and insurgent forces are attempting to scare women into silence, casting a shadow on the Afghan women's movement and governmental attempts to promote women's and
girls' development. [Note: "Night letters" refer to threats or letters that arrive at night, often directly to the recipient's home or office, demonstrating that whoever is threatening her knows where to find her.]

Women rights activists expressed frustration at the inadequate security provided to them by the central government and international peacekeeping forces. After facing an attack, one women's rights activist who had been unable to obtain adequate security from the central government said, "After that, I said I am not going to the provinces anymore. I used to be involved in election [campaigining], but not anymore. Why should I care who wins the presidential elections, Karzai or Jalal, if they do not care for my life or protection?" [3b] (p12)

3.5 The HRW report also noted that, "Armed groups have targeted prominent women government officials who have been active in promoting women's rights. In mid-July, 2004, an official with the Ministry and Rehabilitation and Rural Development and prominent women's rights activist, Safia Sidiqui, was traveling [sic] in Nangarhar province. As her convoy left a gathering where she had been the key speaker, her vehicle came across three men who were apparently trying to plant a landmine ahead of her convoy. After a gun battle, one man committed suicide and the other two escaped. She echoed the frustration of many other women about the government's inability to provide adequate security:

Sometimes the government cannot intervene and that is a fact. The [central] government does not have full authority in Afghanistan. The gun is still leading the people. The people with guns are the ones who cause problems...especially for women." [3b] (p12)

3.6 The HRW report also noted that, "The dominance of armed political factions and continuing attacks by the Taliban and other insurgent forces have greatly impeded women's participation in the public sphere, and also present grave obstacles to implementing desperately needed women's development projects, including education, health, and income-generating programs. When insurgent forces or armed factions attack a women's rights NGO staff member or the office of a women-focused development project - they affect the provision of services and opportunities to dozens and sometimes hundreds of women. This intimidation is often symbolic, as with attacks on girls' schools, and it creates an atmosphere of fear sending a message to women, girls, and their families that they may be targeted if they participate in these programs. Local commanders, Taliban, and other insurgent forces have attacked dozens of girls' schools in the past two years.

The presence of international security forces makes a critical difference. In places with greater assurances of safety and where NGOs feel safe to work, for example, Kabul, Afghan women and girls have participated enthusiastically in education, rights awareness programs, and other activities. In other locations, threats and harassment of staff working on women's development projects, intimidation of beneficiaries, and attacks on offices and vehicles has contributed to premature closure of projects or has prevented projects from even getting started." [3b] (p16)

3.7 The October 2004 HRW report also gives detailed examples of the types of threats and intimidation experienced by Afghan women, including women's rights advocates and women's development projects, in the previous twelve months. [3b]

3.8 On 12 October 2004, Amnesty International (AI) reported that women continued to face the threat of rape and abduction by armed men. According to AI, "Seventeen-year-old Zarmina (not her real name) was abducted by three armed men from her aunt's home in Kapisa province in May 2004. Her uncle was shot and wounded as he tried to stop the men. Zarmina was returned to her parents in Kabul after they filed a complaint with the authorities, police, courts and the Afghan Independent Human Rights Commission. She said she had refused to marry one of the gunmen, and fears they could track her down in Kabul... No figures exist for the number of women abducted, raped or killed by armed groups, but the threat alone limits women's rights and freedoms. The lack of security for girls and women is cited by their male relatives as grounds for denying them access to education and jobs." [6a]

3.9 On 28 October 2004, AI reported that...
"The New Constitution guarantees fundamental equality for men and women. However, implementing legislation is not yet in place and there is a lack of both understanding and implementation of those rights that are protected by law. Women rarely report rape and sexual abuse due to the social stigma attached to the victim and her family, ineffective investigation mechanisms and almost complete failure of the state to provide justice to victims.

Kabul has four shelters operating to provide assistance to survivors of sexual violence, but these remain almost non-existent outside the capital. Measures to protect women remain ineffective with a justice system that is weak and ineffectual. The general population has little confidence in the independence of the judiciary. This is particularly the case for women, who have reported being further victimised by the legal system, through the application of "customary law" that violates women's human rights....

A large number of women in Afghanistan continue to be imprisoned for committing so-called "zina" crimes. A female can be detained and prosecuted for adultery, running away from home or having consensual sex outside marriage, which are all referred to as zina crimes. The major factor preventing victims of rape complaining to the authorities is the fear that instead of being treated as a victim, they themselves will be prosecuted for unlawful sexual activity.

During its recent visit, AI found that a large number of female inmates in prisons across Afghanistan are incarcerated for the crime of "running away" and for adultery, as well as for engaging in unlawful sexual activity. Amongst many judges and judicial officials, there was a prevailing lack of knowledge about the application of zina law. In many instances, there was a lack of basic legal skills among legal professionals interviewed. In addition, in relation to many offences, sentencing is left to judges' unfettered discretion and they often had down arbitrary sentences to women. A majority of imprisoned women have been charged or are imprisoned for transgressing social norms and mores.

There is no effective mechanism for investigation of crimes against women and no confidence-building measures have been implemented to encourage women to come forward and report abuse. As a result, women do not report crimes committed against them because they fear imprisonment (especially in rape cases), harassment and discrimination from the police; violent reaction from the family; lack of support from the community and the lack of services for victims.

Violence against women is widespread, but it is still seen as a private matter. There is a debilitating stigma attached to women seeking justice for sexual crimes, in particular. The state's institutions remain weak and the real power in the community is exerted by males. Prosecutions for violence against women are rare and with limited resources for investigation, prosecutors mostly argue cases on the basis of allegations rather than evidence. In addition, the majority of women remain unaware of their legal rights and do not have the support of the community to pursue their cases." [6b]

3.10 The AI report also noted that

"The United Nations Development Fund for Women (UNIFEM) began to coordinate a working group on violence against women in 2004. This group was created in order to facilitate and coordinate with various inter-governmental organizations (IGOs), non-governmental organizations (NGOs) and government bodies on gender-based violence. UNIFEM is also guiding and funding the Ministry of Women's Affairs, which is looking into the areas of legal research for women, legal education and advocacy. Representatives of Afghan civil society are also part of the UNIFEM Coordination group. Judges and prosecutors from the Ministry of Justice are currently being trained by the International Development Law Organisation (IDLO), whose primary donor is the Italian government.

However, a lack of action from the Afghan Transitional Administration (ATA) in enforcing protection of women and girls remains. Armed groups have not been held to account for their actions, they exert power in key regional and provincial institutions, further eroding the confidence of women in the justice system. Perpetrators of violence against women are rarely prosecuted and AI has evidence of judges making discriminatory remarks and humiliating women during court proceedings. There has been little noted pressure on the judiciary to uphold the rights of women and both opportunities and rights of women continue to be severely restricted throughout the country." [6b]
Religious Minorities


"The Government has stressed reconciliation and cooperation among all citizens. Although the Government primarily is concerned with ethnic reconciliation, it also has expressed concern about religious tolerance. The TISA responded positively to all international approaches on human rights, including religious freedom. The Government emphasized ethnic and intra-faith reconciliation indirectly through the creation and empowerment of the Judicial, Constitutional, and Human Rights Commissions, comprised of members of different ethnic and Muslim religious (Sunni and Shi'a) groups. The Constitutional Commission also included a Hindu member to represent non-Muslim religious minorities. Sikh and Hindu leaders were consulted regularly during the preparation of the draft Constitution and elected three delegates, including a woman, to the CJ....

The Human Rights Commission also advocated for the rights of Sikhs and Hindus, when this community complained in late 2003 that it was being denied access to its traditional cremation ground in Kabul by local residents. The Ministry of Hajj and Religious Affairs was also sympathetic and responded to this complaint. In March [2004] Kabul municipal authorities allocated an alternative cremation site to the Sikh-Hindu community; however, by the end of the reporting period, this community had not yet assumed control of the allocated site. During the reporting period, the Government provided guards for the five or six unused Sikh gurdwaras in Kabul, as well as a shuttle for worshippers."

3.12 The same USSD Report also noted that "Non-Muslim minorities such as Sikhs and Hindus continue to face social discrimination and harassment, but this circumstance is not systematic and the Government is trying to address their concerns."

3.13 According to the USSD Report, "In at least one instance, U.S. officials met with and assisted an Afghan Christian allegedly being persecuted for his faith."

Influence of Warlords and Commanders

3.14 The first report of the independent expert of the Commission on Human Rights dated 21 September 2004 noted that

"Most human rights violations occur at the hands of warlords, local commanders, drug traffickers and other actors who wield the power of force and who exercise varying degrees of authority in the different provinces and districts. These actors' control and influence is in some provinces and districts absolute, while in others, it is partial or marginal. The Government is for the most part unable to exercise effective control over these actors, and has in that respect limited support from the Coalition forces and the International Security Assistance Force (ISAF). Thus, despite the Government's best intentions, it cannot with the 10,000-15,000 troops of the fledgling Afghanistan National Army (ANA) effectively oppose the estimated 100,000 armed and battle-tested forces loyal to the warlords and local commanders."

3.15 The report also noted that the security forces, comprising the ANA, the Afghan police services and the National Security Directorate (NSD), are unable to exercise control over the warlords, local commanders, drug cultivation and trafficking, common criminality and human rights abuses, resulting in a situation where gross violations of fundamental human rights are commonplace. The report notes that "The Government desires a stable society founded on human rights principles, as do the people, yet the nation faces threats from oppressive and violent groups. Afghans find it particularly disturbing to see the leaders of such groups, who are known to have committed gross violations of fundamental human rights, war crimes and crimes against humanity, benefit from impunity, and even become part of what is deemed the legitimate Government." According to the source, "The presence and authority of these warlords is evidenced at every level of the Government of Afghanistan, from the Cabinet to regional and local positions throughout the country."

(But see also section on Presidential Election Results paragraphs 2.28 - 2.29 and Annex A for...
According to the independent expert’s report, the situation regarding human rights violations is not uniform throughout the country. The report notes that “In Kabul, where the Government’s strength is concentrated and where ISAF and the international community are headquartered, violations are the fewest in number and improvements are most visible. Other regions also have more security and fewer human rights violations. As political tensions ebb and flow in different regions, the human rights situation worsens or improves. Consequently, any regional reporting will differ, not only according to place, but also to time and circumstances.” [14] (p17)

**Detention and Prison Conditions**

3.17 The report of the independent expert of the Commission on Human Rights dated 21 September 2004 noted that

"The inability of national prisons to provide those detained with conditions that meet minimal international standards is shocking. The independent expert visited the Pol-e Charkhi prison outside of Kabul, and found overcrowding and unhealthy conditions. The independent expert has heard reports that jails in the countryside are often in an appalling state, with crumbling walls, no water and limited access to nutritious food. Prisoners are seldom allowed out of their cells, in the best of cases for between less than one hour to three hours a day. Medical facilities are almost non-existent. Bribery is rampant and physical abuse is routine. It should be noted that the Government of Italy offered to build a prison facility, but the Ministry of Justice has so far (six months) not identified an available parcel of land. The independent expert brought this matter to the attention of President Karzai, who indicated that he would take corrective measures....

Individuals held in Government-controlled prisons are frequently held for months without being charged. Persons who are charged are held for extended periods of time without being tried. In some cases, pre-trial detentions exceed the sentence for the alleged crimes. These individuals, who may well be innocent of any crime, are held in detention with hardened criminals. In addition, children and juveniles are commonly held in the same cells as violent adult criminals. Corruption throughout the system is rampant.” [14] (p19)

3.18 The report of the independent expert also noted that the women’s detention centre in Kabul holds 40 women and these women are often held for unsubstantiated crimes. According to the report,

"They [the women] live in the prison with their children in a situation, though far better than that of Pol-e Charkhi, which is nonetheless below contemporary standards. The women must share their cramped living space and food with their children, as no food is provided for them....

Another abhorrent situation throughout the country has to do with the confinement of women in the custody of tribal elders. Because of the absence of detention facilities for women in the districts (there are only three detention facilities for women in the country), women found to be guilty of acts that may not constitute legal offences are confined to the personal custody of tribal leaders and others. These women are sometimes forced into slave-like conditions outside the reach of the law and are reportedly subject to sexual and physical abuse. The charges brought against them are reported to arise in large part out of allegations of "immoral conduct", which does not, however, constitute a legal violation. In addition, some cases allegedly involve crimes committed by spouses and fathers for which the women are forced to accept responsibility.” [14] (p19)

3.19 The same report also noted that

"The independent expert has received reports of serious violations, such as torture committed in secret detention centres run by NSD, and has notified the Attorney-General....The independent expert has received reports of numerous informal prisons located around the country, which are generally run by warlords and local commanders. They exist outside the control of the State and beyond the reach of the law.” [14] (p20)
September 2004 commented on the situation for refugees returning to Afghanistan and IDPs. The report noted that

"With the fall of the Taliban, large numbers of refugees have returned to Afghanistan.... As these individuals return to the country, whether to their original homes or to new settlement areas, they face an array of problems and, as highly vulnerable populations, they are often the victims of serious human rights violations. Returning refugees and resettled IDPs are commonly subjected to acts of violence, including killing; arbitrary arrest and detention; illegal occupation and confiscation of their land by warlords, commanders and others; forced labour, extortion, illegal taxation and other abusive economic practices; discrimination and persecution based on ethnic identity; and sexual violence and gender-related discrimination.

There are thousands of reported cases of returnees being subjected to these violations in many communities. One such case, which UNHCR has verified and brought to the attention of the independent expert, is that of approximately 200 Hazara families (about 1,000 individuals) displaced from Daikundi [Oruzgan Province] over the last decade by local commanders and now living in Kabul. Some members of the community arrived during the past year, having fled ethnically based persecution, including the expropriation of land and property, killings, arbitrary arrests and a variety of acts of severe intimidation perpetrated by warlords and local commanders who control the Daikundi districts and who are directly linked to a major political party whose leader occupies a senior governmental post. Some of the displaced families have petitioned the Ministry of the Interior, AIHRC, UNAMA and UNHCR, requesting intervention on their behalf. The newly appointed governor has pledged to tackle the ongoing human rights violations and the monopoly of power by warlords and commanders in the region. However, the fact that the main protagonists reportedly enjoy the support of a senior member of the Government means that a satisfactory solution is highly unlikely unless there is concerted and meaningful pressure exerted by the international community in tandem with internal actors." [14] (p22)

Annex A: New Afghan Cabinet (announced 23 December 2004) [16]

President: H.E. Hamid Karzai
Vice Presidents: Ahmad Zia Massoud
          Karim Khalili
Defense Minister: General Abdurrahim Wardak
Foreign Minister: Dr. A. Abdullah
Interior Minister: Ali Ahmad Jalali
Finance Minister: Anwar-ul Haq Ahadi
Education Minister: Noor Mohmamad Qarqin
Borders & Tribal Affairs Minister: Abdul Karim Brahui
Economics Minister: Dr. M. Amin Farhang
Mines and Industries Minister: Engineer Mir Mohmmad Sediq
Women's Affairs Minister: Dr. Masouda Jalal
Public Health Minister: Dr. Sayed Mohammad Amin Fatemi
Commerce Minister and Senior Advisor to the President: Hedayat Amin Arsala
Agriculture Minister: Obaidullah Ramin
Justice Minister: Sarwar Danish
Communications Minister: Engineer Amirzai Sangeen
Information & Culture: Dr. Said Makhdooam Rahin
Refugees Affairs Minister: Dr. Azam Dadfar
Haj and Religious Affairs Minister: Professor Nematullah Shahrani
Urban Affairs Minister: Eng. Yusuf Pashtun
Public Work Minister: Dr. Suhrab Ali Safari
Social and Labor Affairs Minister: Sayed Ekramuddin Masoomi
Energy Minister: General Mohammad Ismael [Khan]
Martyrs and Disabled Minister: Sediqa Balkhi
Higher Education Minister: Sayed Amir Shah Hassanyar
Transportation Minister: Dr. Enayatullah Qasemi
Rural Development Minister: Hanif Atmar
National Security Advisor: Dr. Zalmai Rassoul
Supreme Court Chief Justice: Sheikh Hadi Shinwari
Counter-Narcotics Minister: Habibullah Qadery

Annex B: References to source material

[1] Institute for War and Peace Reporting www.iwpr.net

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