



## Examples of human rights perpetrators in the Parliament

### Abdul Rabb al-Rasul Sayyaf, current member of the Parliament and candidate for the upcoming elections

A setback for Afghan justice. Karzai's error International Herald Tribune, 6 May 2004

<http://www.afghanistanjusticeproject.org/advocacy.htm>

«I have also interviewed women who describe in detail the actions of Sayyaf's troops in the civil war: one saw her small son die while militia members raped her. I have interviewed men held in makeshift jails at Sayyaf's headquarters in Paghman, west of Kabul. Those who survived say they bought their way out. These survivors describe how their less lucky fellow prisoners were forced to dig their own graves before being shot.»

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**Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001  
The Afghanistan Justice Project, 2005**

<http://www.afghanistanjusticeproject.org/index.htm>

«During the Afshar operation, Sayyaf's Ittihad-i Islami forces used rape and other assaults on civilians to drive the civilian population from the area [...]. Witness M. (see statement above) was injured in the hand and leg when Ittihad soldiers shot her son. She stated: "While I was still bleeding they raped me." She stated that three soldiers held her down while the fourth raped her in the basement of her own house».

[...] Z. said he spent the next year in captivity, passed from one Ittihad commander to another, beaten and tortured in a number of ways, including sleep and food deprivation, not being allowed to go to the toilet when he had diarrhea, having his hands and feet tied at night with nylon rope that left visible scars, being threatened with death and tormented with the bodies of dead Hazara prisoners, and asked where his house was as Ittihad soldiers launched rockets into his area of Dasht-i Barchi.»

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**Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity** Human Rights Watch, 6 July 2005

[www.hrw.org/en/reports/2005/07/06/blood-stained-hands](http://www.hrw.org/en/reports/2005/07/06/blood-stained-hands)



«An Afghan journalist described what he saw in April 1992: “I saw with my own eyes Sayyaf’s troops and Massoud’s troops looting as they entered the city, breaking windows, stealing whatever they wanted. They were acting like animals, doing whatever they wanted [...]” Abdul Rabb al-Rasul Sayyaf, the overall leader of Ittihad, is implicated in the war crimes documented above either directly or indirectly, as a matter of command responsibility [...]. As a senior leader of Ittihad, Sayyaf controlled all Ittihad commanders [...]»

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## **Mohammad Muhaqiq, current member of the Parliament and candidate for the upcoming elections**

**Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001  
The Afghanistan Justice Project, 2005**

<http://www.afghanistanjusticeproject.org/index.htm>

«[...] Hizb-i Wahdat was headed by Abdul Ali Mazari. The party leadership was organized into a eighty-two person central committee that included the leaders of numerous Shia factions. Also serving on the Central Committee were Abdul Karim Khalili, who was selected to take over as leader after the Taliban killed Mazari in 1995, and Mohammad Muhaqiq, who emerged as the leader of Hizb-i Wahdat in northern Afghanistan, a position of key significance when Hizb-i Wahdat lost its control of west Kabul in 1995.

[...] In Northern Afghanistan, commanders who were affiliated to Hizb-i Wahdat commanders used their control over territory and ability to operate without any effective constraint and terrorized the civilian population. These actions took place largely apart from any relation to factional conflict. The Afghanistan Justice Project has received detailed testimony about the mass murder of Pashtun civilians on three separate occasions by Hizb-i Wahdat forces.

[...] Members of several families from the Tasadi area of Balkh described the killing of nine

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



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

*Read more...*

## **Burhanuddin Rabbani, current member of the Parliament**

**Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001  
The Afghanistan Justice Project, 2005**

<http://www.afghanistanjusticeproject.org/index.htm>

«Shura-i Nazar/Jamiat-i Islami officials have attempted to justify the bombing of Kabul carried out by their forces from 1992 onwards by saying that their troops represented the forces of the legitimate government and acted to defend that government Kabul from anti-government attacks [...]. However, regardless of any claim to legitimacy by any party to the conflict—or indeed any claim that another party attacked first—under international humanitarian law (the laws of war), indiscriminate attacks are prohibited [...]»

*Read more...*

**Scores killed as factional battles devastate Afghanistan’s capital  
New York Times, 3 January 1994**

<http://www.nytimes.com/1994/01/03/world/scores-killed-as-factional-battles-devastate-afghanistan-s-capital.html>

«Factional battles raged for a second day in the Afghan capital of Kabul today, killing more than 70 people and wounding around 700, officials said. Spokesmen for President Burhanuddin Rabbani called the figures a conservative estimate of the casualties from fighting that erupted at dawn on New Year's Day between Mr. Rabbani's forces and fighters led by Gen. Abdul Rashid Doestam [...]. Speaking from the presidential palace, which has been hit by a dozen rockets and shells in the past two days, the President called the fighting the latest phase of a holy war that could not be distinguished from the 14 years of civil war that rebel groups waged against the Soviet-installed Government that fell in April 1992.»

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## Examples of human rights perpetrators in the Government

### Mohammad Qasim Fahim, current vice president

**Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001  
The Afghanistan Justice Project, 2005**

<http://www.afghanistanjusticeproject.org/index.htm>

«Shura-i Nazar were a particularly deadly fighting force and a significant proportion of the

destruction of the Afghan capital was caused by its rockets and artillery.

Witnesses from within Shura-i Nazar testify to a particularly strong chain of command, in terms of deciding where to attack and giving direct orders [...].

Mohammad Qasim Fahim, then in charge of intelligence, is also named many times as a crucial link in advising where to target. [...]

One of the totemic abuses of the Kabul war came in 1371/1992 when a young woman, N., jumped to her death from an upper storey of one of the Microrian blocks in order to avoid being raped [...]. The next morning, the family brought the body home. “The people in the area were all demonstrating,” said the grandfather, “chanting slogans against the chief of intelligence, Fahim.”»

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**Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan’s Legacy of Impunity**

**Human Rights Watch, 6 July 2005**

[www.hrw.org/en/reports/2005/07/06/blood-stained-hands](http://www.hrw.org/en/reports/2005/07/06/blood-stained-hands)

«General Fahim was chief of the Afghan intelligence service and controlled several military posts in Kabul [...]. Fahim was involved in the planning of the Afshar campaign and took part in negotiations with Harakat commanders to gain their cooperation before the attack, and was directly involved in the Afshar attack. [...] There is credible and consistent evidence of widespread and systematic human rights abuses and violations of international humanitarian law during and after the Afshar operation, including intentional killing of civilians, beating of civilians, abductions based on ethnicity, looting and forced labour. The widespread and deliberate nature of these attacks suggests that some of the commanders involved in these abuses could be liable for crimes against humanity.»

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## **Abdul Karim Khalili, current vice president**

**Casting Shadows: War Crimes and Crimes against Humanity: 1978-2001  
The Afghanistan Justice Project, 2005**

<http://www.afghanistanjusticeproject.org/index.htm>

«Hizb-i Wahdat was headed by Abdul Ali Mazari. The party leadership was organized into a eighty-two person central committee that included the leaders of numerous Shia factions

Also serving on the Central Committee were Abdul Karim Khalili, who was selected to take over as leader after the Taliban killed Mazari in 1995 [...].

“They hung me upside down by my feet and burned petrol below me. And from above, they threw water. They beat me with pieces of wood and fired pistols next to my head”.

[...] A civilian whose son was arrested, detained and murdered by Wahdat forces is Gul, who is Tajik. She described how her son, Mohammed Haroun, then in his last year of school, disappeared on 15 Dalwa 1371 (February 2, 1993). “They burned him and took his eyes out.” said his cousin. “It is impossible to say the reason why the commanders of Wahdat committed such crimes,” said his cousin.

[...] Research carried out by the Afghanistan Justice Project does not indicate that the Wahdat senior command and leadership ordered the abuses against civilians [...]. Indeed, even though they were unable to enforce discipline among their subordinates, Wahdat leaders continued to recognize them as legitimate commanders within the faction and even acknowledged that the commanders had engaged in these abductions and other abuses in retaliation for similar actions by other factions. Thus, in some cases the Wahdat leadership condoned the abuses as part of the interfactional rivalry [...]. In either instance, they share culpability for the abuses that occurred.»

*Read more...*



## **Ismail Khan, current minister of Energy**

**All Our hopes are crushed: violence and repression in western Afghanistan**  
**Human Rights Watch, 5 November 2002**

<http://www.hrw.org/en/reports/2002/11/05/all-our-hopes-are-crushed>

«Ismail Khan directs and is aware of much of this activity. There is convincing evidence that he personally ordered some of the political arrests and beatings [...]. In the Herat police station, special rooms have been set up to carry out torture. Electric shock is commonplace. Human Rights Watch heard testimony from witnesses and victims about the use of crank electrical generators with wires [...]. Other sources told Human Rights Watch that police at the Herat police station regularly torture and beat detainees.»

[...] A local humanitarian worker familiar with Herat prison told Human Rights Watch about several cases involving children accused of “vice crimes.” The children were reportedly tortured by police troops at the station and then shown on Herat television.

[...] Pashtuns have been especially targeted for military and police brutality—particularly on the streets and roads around Herat. Several sources described a pattern of arbitrary arrests, usually followed by beatings.»

*Read more...*

**«We want to live as humans»: repression of women and girls in western Afghanistan**

**Human Rights Watch, 17 December 2002**

<http://www.hrw.org/en/news/2002/12/16/afghanistan-women-still-not-liberated>

«[...] police under Ismail Khan's command have questioned women and girls seen alone with men, even taxi drivers, and arrested those who are not related. Human Rights Watch said that men caught in such circumstances are usually taken to jail; women are brought to a hospital, where police force doctors to conduct medical exams on the women to determine whether they have had recent sexual intercourse, or if unmarried, whether they are virgins.»

*Read more...*



## **Abdul Rashid Dostum, current chief of staff to the Commander in chief of Afghan National Army**

**Women in Afghanistan. A human rights catastrophe Amnesty International, 1995**

<http://www.amnesty.org/en/library/asset/ASA11/003/1995/en/942a70a6-eb60-11dd-b8d6-03683db9c805/asa110031995en.pdf>

«A family who left Afghanistan in mid-1994 told Amnesty International how one night in March that year, members of General Dostum's forces had entered their house in Old Myrorayan area of Kabul and killed their daughter. "There were about 12 of them all carrying Kalashnikovs rifles with their faces covered. They asked us to give them our daughter. We refused. They did not accept that, and asked us to bring our daughter to talk to them. We asked her and she came and told them she did not want to go with them. One of them then lifted his Kalashnikov and shot my daughter dead in front of our eyes. She was only 20 and was just about to finish her high school.»

*Read more*

**Blood-Stained Hands: Past Atrocities in Kabul and Afghanistan's Legacy of Impunity Human Rights Watch, 6 July 2005**

[www.hrw.org/en/reports/2005/07/06/blood-stained-hands](http://www.hrw.org/en/reports/2005/07/06/blood-stained-hands)

«Abdul Rashid Dostum, a former General in Soviet-backed Afghan army in the 1980's, was and is the overall leader of the Junbish party [...]. Junbish, along with the other factions discussed in this report, are implicated in numerous murders, pillage, and looting. Many of these abuses amount to serious violations of international humanitarian law, and the failure by Junbish commanders to stop or prevent the abuses could make them responsible as a matter of command responsibility [...] (Junbish was also involved in numerous serious abuses in Kabul in 1994-1995, but this period is not the subject of this report.)»

*Read more...*

**Notorious Afghan warlord returns to help Karzai. McClatchy, 16 August 2009**

<http://www.mcclatchydc.com/2009/08/16/73809/notorious-afghan-warlord-returns.html>

«A notorious Afghan warlord accused of allowing the murder of hundreds, if not thousands, of prisoners and then destroying the evidence returned to Afghanistan Sunday night as part of what appears to be a political deal brokered with President Hamid Karzai [...]. Gen. Abdul Rashid Dostum arrived from Turkey just four days before the Afghan presidential elections, in which his support could be key to Karzai's chances of securing more than 50 percent of the vote - the threshold for avoiding a second round of elections. [...] Karzai has come under criticism for consolidating his position by striking deals with warlords like Dostum.»

*Read more...*



## Impunity and amnesty

**Report 2010, the state of the world's Human Rights  
Amnesty International, 2010**

<http://thereport.amnesty.org/regions/asia-pacific>

«Despite a public outcry, President Karzai's post re-election cabinet included several figures facing credible and public allegations of war crimes and serious human rights violations committed during Afghanistan's civil war, as well as after the fall of the Taleban.»

*Read more...*

**The cost of war. Afghan experiences of conflict, 1978-2009  
Oxfam, November 2009**

<http://www.oxfam.org/en/policy/cost-war-afghanistan-experiences>

«Many individuals saw a link between warlords continuing to hold positions of power, at all levels of government, spreading insecurity and a lack of confidence in the government [...]»

*Read more...*

**The State of Transitional Justice in Afghanistan  
Afghanistan Research and Evaluation Unit (AREU), April 2010**

<http://www.areu.org.af/>

«The international community consequently has a responsibility to urge the Government of Afghanistan not to forget its commitments to implement the Action Plan and to the victims of the Afghan wars. Nevertheless, many of Afghanistan's major international partners remain conspicuously silent on issues of accountability for war crimes [...]»

*Read more...*

**Afghanistan says it enacted law to pardon war crimes  
Reuters, 16 March 2010**

<http://www.reuters.com/article/idUSTRE62F2LU20100316>

«Afghanistan confirmed for the first time publicly on Tuesday that it had enacted into law a blanket pardon for war crimes and human rights abuses that took place before 2001 [...]. President Hamid Karzai of Afghanistan had promised not to sign the measure, known as the National Stability and Reconciliation Law, when it was passed by Parliament in 2007 [...]. During Mr. Karzai's eight years in power, he has included former commanders of armed factions in his government and inner circle, including a number of former warlords who have been accused by the West of war crimes and other abuses.»

*Read more...*



**A Call for justice: National Consultation on Past Human Rights Violations in Afghanistan**

**Afghanistan Independent Human Rights Commission (AIHRC), 2005**

[http://www.aihrc.org.af/rep\\_Eng\\_29\\_01\\_05.htm](http://www.aihrc.org.af/rep_Eng_29_01_05.htm)

«Although most people were primarily concerned with justice, many participants saw a link between security and justice. A full three quarters of all respondents (76%) indicated they thought that bringing war criminals to justice in the near future would increase the security in Afghanistan, while only 8% felt it would decrease security (13% said they did not know) [...]

The atrocities that were committed in Afghanistan are of an enormous scale, and the sense of

victimization among the people we spoke to is widespread and profound.

Almost everyone had been touched by violence in some way.»

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**ICTJ statement on Afghanistan amnesty law**

**International Center for Transitional Justice, 17 February 2010**

<http://www.ictj.org/en/news/features/3456.html>

«[...] the method for reconciliation promoted in the law is an amnesty for all involved in the Afghan conflict, regardless of whether they merely took up arms or were responsible for war crimes or crimes against humanity. Amnesties are frequently part of peace negotiations, but international law forbids amnesties for serious war crimes.»

*Read more...*

**Final report on the presidential and provincial council elections, 20 August 2009**

**EU Election Observation Mission to the Islamic Republic of Afghanistan, 16 December 2009**

[www.reliefweb.int/rw/rwb.nsf/db900sid/SNAA-7Z28FN?OpenDocument](http://www.reliefweb.int/rw/rwb.nsf/db900sid/SNAA-7Z28FN?OpenDocument)

«The Constitution and the Electoral Law provide a legal basis for the vetting of candidates.

The Electoral Law disqualifies nominees with close links to Illegal Armed Groups (IAG), while the Constitution excludes candidates who have been convicted of crimes. In a context of general impunity for past crimes, however, the number of individuals affected by these provisions was extremely low, even where past abuses were documented by the United Nations, civil society groups and national and international human rights groups [...]. All of the EU EOM's interlocutors have stressed the importance and sensitivity of vetting process in view of 2010 legislative elections [...].»

*Read more...*