
Afghanistan

Despite some improvements, Afghanistan continued to suffer from serious instability in 2004. Warlords and armed factions, including remaining Taliban forces, dominate most of the country and routinely abuse human rights, particularly the rights of women and girls. The international community has failed to contribute adequate troops or resources to address the situation, and basic human rights conditions remain poor in many parts of the country, especially outside of Kabul.

Progress was made in stabilizing Afghanistan's system of governance. Afghans began exercising their right to participate in the political process by approving a new constitution in January 2004, and selecting Hamid Karzai to a five-year term as president in a generally peaceful election in October—the country's first universal suffrage, direct vote for the presidency. Afghans, including notable numbers of women, participated widely in both processes, but the legitimacy of both processes suffered due to inadequate preparation by the international community and the absence of sufficient security and monitoring.

These advances are offset by the blossoming Afghan drug economy and the continuing effects of widespread poverty. Afghanistan was the largest worldwide producer of opium and heroin in 2004. Escalating drug profits stifle efforts to reestablish rule of law and increase reconstruction and development efforts. Average per capita expenditures for Afghans—the amount of money an average Afghan spends on food and essential non-food items in one year—is only U.S. \$165. Literacy rates and school enrollment rates countrywide climb, but still remain extremely low, especially for women. And the country continues to suffer from extremely high levels of preventable morbidity and health problems.

U.S. forces operating against Taliban insurgents continue to generate numerous claims of human rights abuses against the civilian population, including arbitrary arrests, use of excessive force, and mistreatment of detainees, many of whom are held outside the protection of the Geneva Conventions.

Warlordism and Insecurity

Political repression, human rights abuses, and criminal activity by warlords—the leaders of militias and remnants of past Afghan military forces, who were brought to power with the assistance of the United States after the Taliban's defeat—are consistently listed as the chief concerns of most Afghans. However, the marginalization of two major warlords—Marshall Fahim, the first vice president and defense minister, and Ismail Khan, self-styled Emir of Herat—raised hopes that President Karzai and the international community had begun to reverse their policy of relying on warlords to provide security.

Local military and police forces, even in Kabul, have been involved in arbitrary arrests, kidnapping, extortion, torture, and extrajudicial killings of criminal suspects. Outside Kabul, commanders and their troops in many areas have been implicated in widespread rape of women, girls, and boys, murder, illegal detention, forced displacement, and other specific abuses against women and children, including human trafficking and forced marriage. In several areas, Human Rights Watch documented how commanders and their troops seized property from families and levied illegal per capita “taxes” (paid in cash or with food or goods) from local populations. In some remote areas, there are no real governmental structures or activity, only abuse and criminal enterprises by factions.

In July 2004, President Karzai dropped Mohammad Qasim Fahim from the vice president’s spot on his presidential ticket. The first vice president and minister of defense for most of 2004, Marshall Fahim, is a factional leader and for the last three years has resisted many efforts to disarm his forces or to replace factional commanders whom he appointed to high-level positions in the ministry.

The western city of Herat descended into violence on two occasions after President Karzai dismissed the main warlord there, Ismail Khan, from his post in September 2004. The factional violence led to the temporary suspension of U.N. and NGO humanitarian operations. Ongoing factional rivalries impede aid delivery and development in several provinces in the north and west of the country.

Many districts remain insecure because of violence caused by factions ostensibly affiliated with the government. The medical aid organization Médecins Sans Frontières (MSF, Doctors Without Borders), decided to pull out of Afghanistan after five MSF workers were killed in the northwest of the country in June 2004—a momentous decision given that MSF worked in Afghanistan through the worst violence of the early 1990’s. Overall, nearly fifty aid workers and election officials were killed in 2004, far higher than in any previous period.

In the south and southeast of the country, Taliban remnants and other anti-government forces outside Afghanistan’s political framework have continued to attack humanitarian workers and coalition and Afghan government forces. As a result of attacks, international agencies suspended many of their operations in affected areas, and development and humanitarian work has suffered as a result. In some areas—like Zabul and Kunar province—whole districts are essentially war zones, where U.S. and Afghan government forces engage in military operations against Taliban and other insurgent groups. Hundreds of Afghan civilians were killed in 2004 during these operations—in some cases because of violations of the laws of war by insurgents or by coalition or Afghan forces.

In many areas around Afghanistan, poppy production has reached record highs, and many factions—including Taliban and anti-government forces—are suspected of engaging in drug trafficking. U.N. and U.S. officials estimated that in 2004 Afghan-produced opium and heroin accounted for approximately 75 percent of the entire world supply, and approximately 90 percent of that consumed in Europe. The drug revenue amounts to approximately U.S.\$2.5 billion—half of Afghanistan Gross Domestic Product. The

inflated profits provide warlords with an independent source of income which make it especially difficult to establish rule of law.

The Presidential Election and the Bonn Process

On October 9, 2004, Afghanistan held its first-ever presidential election. Surprisingly few problems occurred on election day and over eight million votes were cast. But the international community failed to supply adequate numbers of international monitors to observe the election, and the majority of election sites were not adequately monitored. In many cases Afghans were able to vote relatively freely, but in many other places—especially rural areas—voters did not receive adequate civic education about the secrecy of the ballot and were likely threatened by local leaders how to vote. Independent political organizers unaffiliated with factions or their militia forces faced death threats and harassment and in many areas struggled just to organize. In the months before the election, Human Rights Watch documented continuing political repression by local factional leaders.

The presidential elections represented another major milestone in the political process initiated by the 2001 Bonn Agreement, an accord signed by representatives of the militia forces who fought with the U.S.-led coalition against the Taliban, representatives of the former King of Afghanistan, Zahir Shah, and representatives of various other exiled Afghan groups. The agreement brought President Karzai to power as the first interim leader of Afghanistan. Two national Loya Jirgas (grand councils) were held in 2002 and 2003, and a constitution approved, but both processes were marked by widespread threats and political repression by warlord factions.

There has been some progress in realizing the aspirations of the Bonn Agreement. The Afghan government has gradually re-built some of the apparatus of state power in Kabul. Development efforts have begun in provinces outside of Kabul, including construction of roads, schools, and hospitals, contributing to the growth of Afghanistan's economy. And although the majority of school-age girls lack adequate educational opportunities, millions of girls have returned to school, and universities are functioning. Training has begun of a new Afghan army and central police force. The Afghan Independent Human Rights Commission, created under the Bonn Agreement, expanded its activities. Limited legal reform processes and training of judges and lawyers have begun.

However, many of the Bonn Agreement's most important provisions have been either forgotten or ignored. Militia forces occupying Kabul were never withdrawn from the city, no significant disarmament of militia forces nationwide has taken place (demobilization goals were reduced to a target of less than 40 percent before the October elections, which in any case was not met), and many militia leaders have retained their autonomous leadership over what are essentially private armies.

Women and Girls

Women and girls continue to suffer the worst effects of Afghanistan's insecurity. Conditions are better

than under the Taliban, but women and girls continue to face severe governmental and social discrimination, and are struggling to take part in the political life of their country.

Afghan women who organize politically or criticize local rulers face threats and violence. Soldiers and police routinely harass women and girls, even in Kabul city. Many women and girls continue to be afraid to leave their homes without the burqa. Because many women and girls continue to fear violence by factions, many continue to spend the majority of their time indoors and at home, especially in rural areas, making it difficult for them to attend school, go to work, or actively participate in the country's reconstruction. The majority of school-age girls in Afghanistan are still not enrolled in school.

U.S. Military Operations

U.S. and coalition forces active in Afghanistan under Operation Enduring Freedom since November 2001, continue to arbitrarily detain civilians, use excessive force during arrests of non-combatants, and mistreat detainees. There are also credible reports of Afghan soldiers deployed alongside U.S. forces beating and otherwise mistreating people during arrest operations and looting homes or seizing the land of those being detained.

Ordinary civilians caught up in military operations and arrested are unable to challenge the legal basis for their detention or obtain hearings before an adjudicative body. They have no access to legal counsel. Release of detainees, where it did occur, is wholly dependent on decisions of the U.S. military command, with little apparent regard for the requirements of international law—whether the treatment of civilians under international humanitarian law or the due process requirements of human rights law. Generally, the United States does not comply with legal standards applicable to their operations in Afghanistan, including the Geneva Conventions and other applicable standards of international human rights law.

Key International Actors

Without adequate international support, the government has continued to struggle in addressing Afghanistan's security and human rights problems. The central government has acted to sideline several abusive commanders, but in most cases the government has negotiated and cooperated with leaders implicated in abuses, as have U.S. government officials in the country, who continue to be influential actors in Afghanistan's political processes.

In late 2003 NATO took over the U.N.-mandated International Security Assistance Force (ISAF), fielding between six thousand and eight thousand security troops. ISAF is still mostly limited to Kabul city, with a small outpost in the northern city of Kunduz. NATO leadership has repeatedly stated that it wants to expand its geographic scope, but member nations have not contributed enough additional troops and logistical support. As a result, planned expansion stages have been repeatedly postponed.

The United States, along with coalition partners including Germany, New Zealand, and the United Kingdom, has been expanding small Provincial Reconstruction Teams (PRTs) of fifty to one hundred

troops to several areas, but they have had only limited successes in improving human rights protections and security. The small size of the teams, their vague mandates, and their sometimes close working relationship with local Afghan militias—the very forces who are creating abusive and insecure environments in the first place—have stymied further progress.

The United States, the most important and involved international actor in the country, has started addressing Afghanistan's security problems more seriously, but has not taken the steps necessary to lead other nations in providing security, troops, funding, and political leadership to secure Afghanistan's future. NATO member states and other potential troop contributors are also to blame for not providing more troops to ISAF and adequate overall funding for international efforts in Afghanistan.

The general failure of U.N. member states to provide an underlying security framework for reconstruction in Afghanistan has made it impossible for the United Nations Assistance Mission in Afghanistan (UNAMA) to carry out many parts of its mandate.

But the leadership of UNAMA has also limited its criticisms of Afghan warlords and its efforts to monitor human rights and security. As a result of these decisions, there is little detailed and comprehensive human rights reporting by the international community in Afghanistan.