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www.afgazad.com

afgazad@gmail.com

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پورتال AA-AA

HUMAN RIGHTS VIOLATIONS BY ELEMENTS OF THE AFGHAN RESISTANCE

A number of factions of the *mujahidin* are responsible for human rights abuses in the areas they control inside Afghanistan and also for abuses committed inside Pakistan. These abuses include kidnappings and murders of Afghan intellectuals who have been outspoken in their independent political views, Afghans associated with Western relief agencies based in Pakistan, and other Afghan refugees, particularly those associated with political groups who support a secular or moderate political position. Most of these killings have been carried out by the more "fundamentalist" *mujahidin* parties. These parties have also imprisoned and tortured members or supporters of rival *mujahidin* parties. Journalists who have attempted to investigate these abuses have been threatened; foreign representatives of relief organizations and Afghan women working for these agencies have also been threatened and attacked.

Despite the fact that many of these abuses occur inside Pakistan,⁶ Pakistani authorities have failed to investigate them properly, and have prosecuted no one for any of these crimes. Pakistan's failure to investigate these crimes and bring those responsible to justice amounts to a policy of complicity in human rights abuses committed by these groups within Pakistani territory. In a number of cases, Pakistani authorities, especially the ISI, have participated in abuses, including the detention of Afghan refugees suspected of opposing some of the parties favored by Pakistan, or handing over suspects to the parties for interrogation and torture.

Within the Afghan refugee community in Pakistan, disputes are generally resolved and justice dispensed in accordance with traditional norms adhered to by these same groups inside Afghanistan. At the same time, the political pressures that have been created by the war have given rise to other kinds of crimes, including the politically motivated kidnapping and murder of Afghan refugees. The *mujahidin* parties believed responsible for many of these abuses are those which receive Pakistan's support and the bulk of weapons supplied by the U.S. and Saudi Arabia.

All of the *mujahidin* parties maintain prisons either inside Pakistan or across the border inside Afghanistan, or both. For most of the parties, the prisons are used to detain prisoners taken in

combat. However, some of the parties also use these prisons to detain members of rival *mujahidin* parties and Afghan refugees who are members of parties that are not recognized as Islamic or of secular parties. Torture of detainees is reportedly common in the latter case. Pakistani officials also engage in illegal detentions, using a colonial regulation permitting administrative detention to arrest Afghans deemed to be "security risks" and to hold them without trial for up to six years.

Asia Watch was unable to visit areas inside Afghanistan under the control of the *mujahidin*. However, the delegation was able to interview a number of *mujahidin* commanders from areas inside Pakistan, as well as relief workers, refugees and others who travel frequently inside Afghanistan. Trial procedures vary greatly in the areas under *mujahidin* control, and in many cases, *mujahidin* commanders have as much say in the verdict as the Islamic judges appointed to hear cases.

The International Committee of the Red Cross has access to some of the prisoners held by commanders inside Afghanistan, but neither the ICRC nor anyone else has been able to visit prisoners held by the *mujahidin* in Pakistan, where there are reported to be thousands and where torture is reportedly widespread.

Mujahidin Prisons

All of the parties in the resistance maintain prisons either inside Pakistan or across the border in Afghanistan. Some do both.⁷ In addition, commanders in the field sometimes detain captured Afghan government soldiers. Control of these prisons, and detention procedures is entirely in the hands of the commander or the party; the treatment of prisoners varies depending on the practices of individual commanders and party leaders. International humanitarian organizations have access to some of the jails in Afghanistan and in the Tribal Agencies, but not to those in Pakistan. No uniform standards govern detention procedures, and there are few if any safeguards against ill-treatment and torture of prisoners. Even the location of these prisons and detention centers is difficult to confirm, as are numbers of those detained. The detention centers under the control of the *mujahidin* parties, not including several small jails in private houses in University Town and Jahangirabad, are as follows:

Shamshatoo. (Hekmatyar) The prison is located 10-15 kilometers east of Peshawar, in the Shamshatoo refugee camp. It is reportedly a two-story prison, part of which is underground. According to some reports, it is located behind a clinic in the camp. Torture is reported to be routine, including severe beatings and the use of electric shock. The prison reportedly includes a section for women prisoners.⁸

Shamshatoo 2. (Khaless)

Warsak Micini. Shagai, 25 kilometers north of Peshawar. It is at a Hezb-e Islami (Hekmatyar) military camp and may hold 1200 detainees.⁹

Mohammad Gart. Kunar Province in Afghanistan, on the Pakistan border (Hekmatyar and Sayyaf).

Bagzai No. 1. Khar Dand, Kurram Agency. (Hekmatyar and Sayyaf).

Jhawar. It is run by Jalaluddin Haqqani, a commander loosely affiliated with Khales, and is located inside Afghanistan. Prisoners there are reportedly kept in chains in dark, crowded cells, and torture is reportedly routine.

Khund Bachelor. Spina Shega, near Teri Mangal, Kurram Agency (Hekmatyar).

Sadda Shasu. (Sayyaf), Kurram Agency.

In Jaji, various groups have prisons, including some Arab groups, Sayyaf, Hekmatyar and Rabbani.

It is not known how many prisoners may be held in any of these detention centers, but estimates range into the hundreds. Asia Watch has received reports of a number of disappearances of Afghan refugees in Pakistan and Afghanistan, some of whom may be detained in these prisons. In addition to those cases listed below¹⁰, several *mujahidin* commanders who have disappeared may be imprisoned in rival *mujahidin* jails, including two who were kidnapped in May 1990:

- **General Abdul Baqi**, chief of the military department of Harakat-e Inqilab-e Islami, was kidnapped in Pandoo, Peshawar, on May 25, 1990, allegedly by Hekmatyar's Hezb-e Islami.

- **Engineer Ghaffar**, a deputy commander under Commander Abdul Haq of Khales' Hezb-e Islami, was reportedly kidnapped in Peshawar by Harakat-e Inqilab-e Islami.

As noted above, conditions of detention vary by individual commanders and are not governed by any uniform standard. Restraining devices, including leg irons, appear to be widely used. The Hezb-e Islami guerrillas captured by Jamiat-e Islami forces after the Fakhar massacre were required to wear them during exercise periods twice a day, according to an American journalist who visited the site.¹¹ In another case from the Qandahar area, detainees were kept in leg irons with their hands handcuffed behind the backs for 24 hours while awaiting sentencing.¹²

Due Process

Common Article 3 prohibits "the passing of sentences and the carrying out of executions without previous judgement pronounced by a regularly constituted court affording all the judicial guarantees which are recognized as indispensable by all civilized peoples."

Judicial practices vary among individual commanders. In some cases, Afghan government soldiers who have surrendered or have been captured have been held until they could be traded for imprisoned *mujahidin* prisoners. Commanders also sometimes try captured soldiers. The objective of the trial appears to be to determine whether the captured soldier is an "unrepentant communist" or whether he might be "converted" to Islam and inducted into service for the *mujahidin*. One *mujahid* from the Jalalabad district told Asia Watch that it was customary within his *mujahidin* faction to hold a prisoner on probation for up to one year. He states that those who do not "accept Islam" may be executed.¹³

In some "liberated" zones where commanders have established control over an area and have introduced a minimal administration, local courts have been established to try criminal and

political cases. Asia Watch obtained information about trial procedures by Jamiat-e Islami commanders, who apparently attempt to enforce a consistent legal code among commanders affiliated with the party. In this respect, the Supervisory Council of the North, under Ahmad Shah Massoud, is unique in that it has a more evolved system of civilian administration and justice than is found elsewhere in *mujahidin*-controlled territory in Afghanistan.

According to a Jamiat-e Islami spokesman, Massoud's system recognizes both political and ordinary crimes. A local judicial system generally handles petty cases, but murder and serious political crimes are tried by a central judge, who is an *alim*.¹⁴ The organization also appoints a judge for each district, chosen from among other *ulama* for his experience and knowledge of law. The organization uses the jails that were previously used by the government in addition to others it has constructed. Not all political cases go before the court. In cases of suspected government agents, including women and children who are being used as infiltrators by the government, the organization tries to contact the family and get them to take custody of the suspects and guarantee their good behavior.¹⁵

Judicial Proceeding Following the Fakhar Valley Massacre

Following the massacre of Jamiat-e Islami commanders by Hezb-e Islami forces in the Fakhar valley in August 1989,¹⁶ Massoud reportedly captured some 100 Hezb-e Islami guerrillas, and their commander **Sayyed Jamal**, who had been allegedly involved in the killings. A judicial investigation conducted under magistrates in Massoud's organization reportedly spent several weeks investigating the case.¹⁷ According to the investigators, Sayyed Jamal confessed to the killings but stated that he was acting under orders.

The case against Sayyed Jamal was ultimately decided by a 43-member court of *maulvis*, or religious scholars, who sentenced him and his brother, Eshan Mirza, also a Hezb-e Islami commander, his brother-in-law, Babor Shah, and his deputy, Syed Fakhiruddin, to execution by hanging. The execution was reportedly carried out in a public square on December 24, 1989.¹⁸ According to Engineer Es'haq, a Jamiat-e Islami representative, "The only thing that could have saved them was forgiveness from the families of the victims, but they weren't prepared to forgive."¹⁹ To Asia Watch's knowledge, the remaining Hezb-e Islami guerrillas involved in the massacre remain in custody.

Another refugee described to Asia Watch the system of justice in an area controlled by Hezb-e Islami near Jalalabad:

If anyone was caught in a crime, the *mujahidin* determine the sentence. If you steal, you're killed. There are *mullahs* who sit as judges, but they're approved by the *mujahidin*. If people are found to be KHAD, they're sentenced to death. In liberated areas, the *mujahidin* use the government prison as their jail. If the captured men come over to their side, they are sent to Pakistan.²⁰

Asia Watch learned of one case in which a *mujahidin* judicial proceeding was subjected to interference by the Pakistani ISI. According to Asia Watch sources, the collapse of the Qandahar *shura*²¹ was detrimental to the functioning of the local court that had jurisdiction for *mujahidin*-controlled territory around Qandahar. The polarization that resulted from the collapse of the *shura* eroded the credibility of the court because it was then widely believed to have collaborated with the ISI. A second court has since formed which is considered to have more legitimacy.²² It consists of a commander who functions as chief judge, a number

of other commanders, persons from district administration, and the head of the *shura*.[23](#) According to one Qandahar commander, each *mujahidin* headquarters appoints a *maulvi* as a judicial authority, who bases his decisions on the *sharia*.[24](#)

Detentions in Pakistan

Most if not all of the factions carry out intelligence operations and maintain their own internal security forces. The Hezb-e Islami (Hekmatyar) secret police are known by the term *Istikhbarat*.[25](#) Some of the security forces, including those of Hekmatyar and Khales, have kidnapped suspected opponents. In some cases private ambulances -- or vehicles painted as such -- have reportedly been used for abductions.[26](#)

Throughout the war, refugees arriving in Pakistan have been subjected to a screening process to determine their party affiliation and to ensure that they were not KHAD informants. Refugees have been required to be affiliated to one of the parties in order to obtain assistance from the Pakistan refugee program.[27](#) From the first major influx of refugees in 1979-80, the Pakistani authorities approved only a limited number of parties to which the refugees could be affiliated. The so-called "middle parties," such as Afghan Mellat,[28](#) were proscribed, as were professional associations of former civil servants from the cities.[29](#) Since the withdrawal of Soviet forces from Afghanistan, refugees entering Pakistan are no longer registered. However, the screening process has continued. Refugees who arrived in Pakistan after the Soviet withdrawal are also considered suspect because they remained inside the country for much longer than most of the other refugees.[30](#)

During the screening process, the refugees are classified as "white," meaning they pose no security threat and are allowed to move about freely; "grey," meaning they are placed under surveillance until one of the parties vouches for them; or "black," signifying they are deemed to pose a security risk and are detained without charge or trial under Section 40 of the 1901 Frontier Crimes Regulation (FCR), a British colonial law which is applicable only in the Tribal Agencies. The number of "black" cases has reportedly declined, but persons continue to be detained on the basis of the classification. The interrogation is conducted by the Joint Interrogation Team (JIT) which is made up of officials from Commissionerate of Afghan Refugees (CAR) and officers of the Special Branch and the Intelligence Branch of the police, and sometimes the ISI when the case is considered high-security. In cases of defecting Afghan army personnel, a representative for the Pakistani army may participate in the interrogation. According to Asia Watch sources, as many as 50 percent of the cases investigated by the JIT are political, and in at least one case that Asia Watch learned of in which the ISI took part, the interrogation included torture.[31](#)

In some cases, especially high security cases, the deputy inspector general of police has reportedly bypassed this process and relied solely on *mujahidin* party leaders to identify suspected KHAD agents or former ranking Afghan government officials. In other cases, refugees who have been classified as "black" have been handed over to one of the parties, most frequently Hekmatyar's Hezb-e Islami, which works closely with Pakistan's intelligence and security forces. Since the beginning of the war, government soldiers who were captured by the guerrilla forces in Pakistan were also handed over to the parties in Pakistan for investigation. Asia Watch was informed that this is less the case now than it was previously, in part because the deputy inspector general of police has been replaced, and in part because the number of "black" cases has declined.[32](#)

Refugees classified as "black" cases have also been detained under the Frontier Crimes Regulation (FCR), may be detained for up to three years, renewable on the order of the political agent (the administrator for the Tribal Agency) for another three years.³³ It is not necessary to provide new evidence or facts to justify the renewal; all that is required is that the political agent state that the reasons for the detention still prevail.³⁴ The agent's decision to detain may not be challenged and is not subject to judicial review.³⁵ The High Court has no jurisdiction in the Tribal Agencies, and there is no right of appeal nor of *habeas corpus* under the FCR.

Although the FCR only applies to persons arrested in the Tribal Agencies, it is also used illegally to detain Afghans who have been arrested in Peshawar or other areas under the provincial authorities and transported to a tribal area where they are jailed by the political agent. According to Asia Watch sources, the FCR provides the means for Pakistani authorities to detain Afghans associated with any political organizations out of favor with the Pakistani government or the ISI.³⁶ Although the FCR provides that the warrants for the arrest must be issued by the political agent and that the detainee must be produced before a magistrate who may then order that the detainee be taken to a Tribal Agency, this procedure is seldom, if ever, followed. A Pakistani attorney who has challenged the legality of the FCR told Asia Watch, "The procedure should be followed when they detain Afghans but in fact it is just kidnapping."³⁷

In December 1989, two Afghan men, **Mohammad Khan** and **Sayyed Amin**,³⁸ were arrested after Pakistani Special Branch police raided their house in Islamabad. Before coming to Pakistan in 1988, Mohammad Khan had held a position in the Kabul police and had links to Hezb-e Islami; Sayyed Amin had held an administrative job in the Afghan army and joined Hezb-e Islami after he reached Pakistan. The two men were detained for 12 days for interrogation, after which the officer in charge reportedly apologized for the arrest, but told them that for formal reasons he would have to hand them over to the CAR (Commissionerate for Afghan Refugees). They were then interrogated by the JIT for another month and five days. On the basis of the interrogation, they were sentenced to three years administrative detention under Section 40 of the FCR and sent to Dera Ismael Khan Jail in February 1990. They have never been informed of the reasons for the arrest.

Afghans living in the Tribal Agencies may also be denied due process under the FCR. In one case, Amin Shah,³⁹ a doctor who had lived in the Khwaja Ali Baba refugee camp (Bushera) and was a member of Hezb-e Islami, was arrested in November 1989 and interrogated by Kurran JIT in Parachinar and declared "black" on the grounds that he was engaged in "anti-*mujahidin*" activities, although he has never been informed of any specific charges. He was then handed over to the authority of the deputy inspector general of police (Special Branch) in Peshawar in early 1990 and has been detained under the FCR since then.

Some Afghan prisoners are also held in Pakistani prisons in the Northwest Frontier Province and in Baluchistan. In some cases, party leaders inform the ISI about persons they believe to be Afghan government military personnel, and the ISI arrests them.⁴⁰ According to Asia Watch sources, a number of Afghan prisoners arrested on the basis of such suspicion are currently detained in Peshawar Central Jail, Dera Ismail Khan Central Jail, Haripur Jail, and Rawalpindi Central Jail. International humanitarian organizations have not had access to these prisoners.

Killings of Rival Resistance Leaders by Elements of the *Mujahidin*

Political killings of *mujahidin* leaders in Pakistan and Afghanistan have occurred throughout the war. Since the Soviet withdrawal, however, these killings appear to have increased. As with other acts of violence alleged to have been committed by one or the other of the resistance parties, these killings cannot be attributed with certainty to any particular party or organization. However, in a number of cases the violence falls into a pattern which implicates certain groups. The Pakistani authorities, however, have failed to investigate any of these killings despite the fact that they have occurred inside Pakistani territory.

The cases listed below represent some of the killings since the Soviet withdrawal.

- On June 11, 1990, **Nasrullah Shariatyar**, a Hezb-e Islami commander in Khanabad District, Kunduz, and a member of the Supreme Jihad Council of Hezb-e Islami, was assassinated in Peshawar. Asia Watch sources believe that the killing may have been the result of infighting within the Hezb-e Islami.

- On March 25, 1990, **Mullah Nasim Akhundzada**, a leading commander of Harakat-e-Inqilab-e Islami, was assassinated along with five other commanders (his bodyguards), in Cherat, 25 kilometers east of Peshawar. One suspect, **Allah Noor** of Helmand, was caught and sent to Harakat-e-Inqilab-e Islami officials in Quetta where he was reportedly executed; another suspect was imprisoned. Akhundzada was a major heroin producer, with some 10,000-15,000 men under his control. Over the previous three or four years, he reportedly sold heroin to Hezb-e Islami forces for processing; before his assassination he had struck an agreement with U.S. officials to cut production in exchange for U.S. A.I.D. funds. Since that agreement, his men had been locked in a bitter feud with Hezb-e Islami forces. In revenge for Akhundzada's murder, **Abdul Haq** of Hezb-e Islami was reportedly imprisoned and tried by Harakat-e-Inqilab Islami forces. According to one source, he was reportedly executed in early June 1990. Other sources claim that his fate remains unknown.

- On September 14, 1989, **Haji Hussain Khel**, a commander with Mojaddidi and a leading member of the Ahmedzai tribe, was assassinated along with his pregnant wife in the Bada Bira camp outside Peshawar.

- On August 9, 1989, **Haji Abdul Latif**, a commander of the National Islamic Front of Afghanistan (Gailani) in Qandahar, died as a result of poisoning. His son reportedly claimed that two of Latif's bodyguards confessed to having been paid by "Soviet-trained Afghan agents" for the murder and were subsequently executed. However, in private his son blamed Hekmatyar for the murder. Latif was considered to be a supporter of ex-king Zahir Shah, and he had recently convened several gatherings of *mujahidin* at which he criticized the interim government and called for elections to be held in areas held by the resistance. During an interview with the BBC shortly before he was killed, Latif also criticized the policy of some of the resistance groups of launching rocket attacks on the cities. According to an Asia Watch source, the ISI had warned him that he would be killed. He reportedly had developed a good relationship with the governor of Qandahar. His alleged assassins were executed within hours of their reported confessions without a full trial or investigation. Since 1988, other important moderate resistance figures from the Qandahar area have been assassinated, including Senator Abdul Razzaq, the Popolzai tribal leader Haji Habib, and two others. Their associates suspect that rival *mujahidin* were responsible.

Killings and Disappearances of Afghan Relief Workers and Intellectuals

Since 1978, the war in Afghanistan has driven some three million refugees into Pakistan, where most live in sprawling camps that are home to the world's largest refugee population. As the resistance parties have competed for international recognition and political power, control of the refugee population has been an important factor in that conflict. With the withdrawal of the Soviet forces from Afghanistan in February 1989, tension among the resistance parties has led to more frequent clashes among rival groups inside Afghanistan and an increase in killings of those aligned with various parties inside.

Refugees aligned with organizations espousing a relatively secular or monarchist position have become a particular target of attack, apparently by members of the extremist Islamic parties. Leading members of **Afghan Mellat** have been assassinated and other members have received death threats in letters and telephone calls. According to Asia Watch sources, the threats against Afghan Mellat increased after February 1989, when Afghan Mellat leaders criticized the Afghan Interim Government as a creation of the Pakistani military. Members of Shola-e Javed and **SAMA** (Sazman-e Azadbakhsh-e Mardom-e Afghanistan, or **Liberation Organization of the People of Afghanistan**) have also been killed and threatened.

Relief workers associated with Western aid organizations have been murdered, have disappeared or have been threatened. Western representatives of those organizations have also been threatened or killed, and the premises of some of the organizations have been vandalized. Afghan intellectuals who have been seen as independent or critical of these extremist Islamic parties have also been murdered, or have received threats. As one prominent Afghan intellectual told Asia Watch, "The only way to protect yourself is silence."[41](#)

Although such attacks have occurred throughout the duration of the conflict, the changed character of the war, and international moves toward a political settlement appear to have exacerbated tensions among the parties, leading to an increase in such attacks. In addition, the influence of Saudi Arabia and the efforts by some of its clients, including **Sayyaf**, **Hekmatyar** and the various **Wahhabi** groups, to enforce stricter adherence to Islamic law has heightened suspicion of Western aid agencies as vehicles for the spread of un-Islamic and, especially, Christian values. Organizations that have employed Afghan women or have attempted to provide health and education assistance to women refugees have been particularly targeted, as have the Afghan women employed by them.

Tribal conflicts and personal grievances may also be a factor in some of the violence. Under such circumstances, it is virtually impossible to attribute responsibility for any of the attacks to a particular political organization or party or its members.

In most cases of murders, kidnappings and other attacks on Afghan refugees, there are no eye-witnesses who can speak without endangering themselves. Asia Watch interviewed a number of refugees who had been threatened because of their knowledge of attacks or because they had tried to carry out investigations themselves. Journalists who have reported these incidents have received death threats or, in one case, have been killed.

The following list of murders, disappearances and threats is far from complete. According to Asia Watch sources, the number of intellectuals, relief workers and other Afghans murdered or disappeared in Pakistan and in areas of Afghanistan controlled by the *mujahidin* during the

war may number in the hundreds. The cases listed below date primarily from the Soviet withdrawal in February 1989 until mid-1990, the time of the Asia Watch mission to Peshawar. However, Asia Watch continues to receive reports of threats, disappearances and murders of Afghans in Pakistan and across the border inside Afghanistan.

- On June 3, 1990, **Farida**,⁴² an employee of the Women's English Language Program of the International Rescue Committee (IRC), received warnings calling on her to cancel a planned trip abroad and demanding that the language program be shut down. Posters appeared accusing foreign aid agencies of encouraging licentious behavior among Afghan women. Three posters threatened those who did not heed the warning with reprisals, including death. Although she reported the incident to the police, authorities at the Pakistani Commissionerate of Afghan Refugees told her that "it could not provide her with police security" and advised her to stay home and refrain from going to the school. Women who had been studying at the school were also pressured to leave.

- On June 2, 1990, **Professor Mohammedan Zaher Khatib** was assassinated at his home in Tahkal-e-Payan, Peshawar. According to reports received by Asia Watch, Khatib was asleep when armed men broke into his home and opened fire on him with Kalashnikovs. Khatib was 44 years old and a graduate of the Faculty of Theology at Kabul University. Khatib was also a professor at Jihad University in Pabbi, east of Peshawar. His father, Maulavi Mohammad Jan, was a religious scholar from Laghman who led Friday prayers.⁴³ He was a leading member of the Jamiat-e Islami.

- In late May or early June 1990, **Reza**,⁴⁴ a 16-year-old boy, disappeared. He was a distinguished student at the International Rescue Committee (IRC) Experimental School in University Town where he had just finished an examination when he was abducted. According to his friends, who witnessed the abduction and reported it to the family, he was stopped on his way home from school by armed men in a black car who asked for him by name and forced him into the car and covered his mouth. When relatives questioned Hezb-e-Islami authorities, they reportedly denied any involvement in the kidnapping. The family were all Khales supporters. When they reported the incident to the Pakistani police, they were told, "You are refugees; you are guests in our country. This isn't our job." Another brother disappeared four years earlier.

- On May 15, 1990, **Malalai**, a nurse working at Dr. Ihsan Khattak's Clinic in Jehangirabad, Peshawar, was abducted along with 12 other Afghans. In July 1990, there were conflicting unconfirmed reports that she was killed shortly afterward or that she was detained in Hekmatyar's prison in the Shamshatoo refugee camp. Hekmatyar has denied the allegation.⁴⁵ Before coming to Pakistan, she reportedly had been a military nurse with the Afghan government and had earlier received a death threat with a bullet in the envelope.

- On the morning of March 27, 1990, **Dr. Saadat Shagiwal**, a 39-year-old physician from Ningrahar and head of the Afghan Aid Association, was shot dead by two or three men in a car who were waiting for him outside his office. The clinics he operated were located in an area in Ningrahar reportedly under the control of Khales. He was also a leading member of Afghan Mellat. According to Asia Watch sources, following an attack on the Afghan Welfare Centre in August 1989, Shagiwal was

threatened in a letter not to go to his office. Despite assurances from the police that an investigation would be carried out and despite the testimony of several eye-witnesses, no investigation has taken place.

· On January 27, 1990, **Abdul Qayyum Rehbar**, who was said to have been a leading member of Shola-e-Jawed and SAMA,[46](#) was shot in front of his brother-in-law's home in Hayatabad, a suburb of Peshawar. His 20-year-old nephew Massiyed was wounded in the attack. Rehbar was reportedly preparing to leave for West Germany and had gone to Hayatabad to visit relatives there before leaving.

· On January 21, 1990 some 15 unidentified armed men broke into the house of **Mrs. Noor Saraj Safi**, the project chief of an IRC income-generating project for women. They ransacked the house and threatened to kill the family. All of the men wore hoods over their faces. Within days, the family decided to leave Pakistan.

· On January 17, 1990, **Hedayatullah Ahmedi**, an employee with the United Nations Office of Coordination for Afghanistan (UNOCA); **Liaqat Ali**, an employee of IRC; two of his brothers, **Abdul Hakim** and another (name unknown); **Mohammad Asif**, an unemployed graduate student; and **Mohammed Ali**, also employed at IRC, all disappeared from their house in Peshawar. Asia Watch sources have stated that witnesses observed three of the men being taken away in a pick-up truck on the evening of January 16. The witnesses also stated that the house was left open and the lights were left on, which seemed to suggest that the occupants expected to return. The motive for the disappearance is not clear; Liaqat Ali was said to have been outspokenly critical of the Peshawar-based *mujahidin* parties; Mohammed Asif's father, Mohammed Latif, was a former governor of an Afghan province, and his brother, Dr. Sultan Madagar, a dentist, is said to have espoused "controversial" political views. According to some sources, several of the men were alleged to have links to Shola-e Javid. All of the men were ethnic Hazaras.[47](#)

· In November 1989, in Wardak Province, two Afghan employees of an American aid organization were imprisoned for one week by members of Hezb-e Islami (Hekmatyar). They were only released after one of the men was able to prove that he was also a member of Hezb-e Islami.

· In October 1989, **Engineer Ataullah**, a former employee of the Ministry of Communications in Kabul who had arrived in Pakistan some months earlier, disappeared after he was taken in for questioning by the ISI. According to an Asia Watch source, he may have been handed over to Hekmatyar's Hezb-e Islami to be killed.

· **Shah Mohammad Bazgar**, an employee of the French relief organizations AFRANE and Solidarity Afghanistan, was killed in October 1989 along with three other relief workers when the car he was traveling in was ambushed near Qandahar.

· **Abdul Fatah Wadud**, an employee of the U.N. World Food Program in Peshawar, who had served five years as a political prisoner in Kabul, disappeared on September 3, 1989, after leaving his office to meet with a member of Hezb-e Islami (Hekmatyar). His relatives believe he was subsequently abducted. A Hezb-e Islami spokesman in Peshawar reportedly told the family that "his release would not be easy." Before he

was employed at WFP, he had worked for the IRC. He was registered with the Harakat-e Inqilab-e Islami party.

· On September 19, 1989, an armed man attempted to shoot the **principal of the Malalai girls** school in Peshawar, an IRC school. A gateman for the school was wounded in the incident. The school had received a number of threats before the attack.

· **Mohammad Zakir**, a field worker for the International Committee of the Red Cross, was murdered in Peshawar on

August 28, 1989. His relatives and friends believe he was killed because of his outspoken criticism of the more

fundamentalist *mujahidin* and because of his membership in Afghan Mellat.

· In July 1989, **Dr. Mohammad Nasim Ludin**, an Afghan refugee physician who had operated several refugee clinics funded by foreign organizations in Peshawar, was shot and killed in front of his home in Peshawar. Two of the men involved in the shooting appeared at the hospital apparently to see if Ludin was still alive. When witnesses identified them, they were arrested. They were released shortly afterward without explanation. Witnesses who identified the men stated that they had links to Khales. Ludin was formerly a professor at the Ningrahar Medical College. In Pakistan, he directed the Afghan Welfare Organization and organized teams of medical workers to go across the border into Afghanistan to provide health services.[48](#)

· **Dr. Farida Ahmadi**, a leading member of the Revolutionary Association of Women of Afghanistan (RAWA), an organization which works for the promotion of women's rights among Afghan opposition groups, was arrested at her home in Quetta, Pakistan, on February 2, 1989, on charges of spying. Ahmadi was the first Afghan woman to travel to the West to testify about torture by KHAD in 1983-84. Although Pakistani police carried out the arrests, Asia Watch believes that they may have been acting under the orders of Afghan resistance leader Gulbuddin Hekmatyar. Arrested with Ahmadi were three of her relatives, identified only as **Javid**, **Hassan** and **Asif**, and two RAWA colleagues, **Abdul Salan** and **Dr. Homayoon**. According to some reports, the detainees may have been ill-treated in custody. The arrests came two days before a scheduled RAWA rally to commemorate the second anniversary of the assassination of the former head of RAWA, **Mina Keshwar Kamal**. Ahmadi was released on bail on March 12, 1989.

· On February 11, 1988, **Syed B. Majrooh** was assassinated in his home in Peshawar by unidentified gunmen. Majrooh was a prominent exiled intellectual and poet who published the *Afghan Information Bulletin* and ran the Afghan Information Centre. Throughout the war, he assisted journalists, scholars and human rights groups, including Helsinki Watch and Asia Watch, in reporting the war and documenting violations. Shortly before his death, Majrooh had published a survey which indicated that 70 percent of the refugees in Pakistan favored the return of ex-King Zahir Shah -- a position bitterly opposed by the "fundamentalist" parties. According to an Asia

Watch source, Majrooh had received threats from Hezb-e Islami one week before he was murdered.

Threats Against Women

Foreign relief programs targeted at women have received threats, usually in the form of letters posted at night. Women working for foreign relief agencies have also received threats. One women's organization received a letter which stated that if its members did not stop attending a "health course," they would be killed. In early September 1990 a *fatwa* (ruling by an Islamic judicial authority) signed by the "*Ulama* Union of Afghanistan,"⁴⁹ prohibited women from dressing in "close-fitted" clothes or clothes "similar [to that of] ... male[s] [or] non-Muslims." Wearing perfume or cosmetics, going out "without her husband's permission," "talking with men who are not her close relatives," "walking with pride," and "walking in the middle of the street" are also prohibited. The *fatwa* also named a number of schools for women in Peshawar, calling them "un-Islamic," and called on "the leaders of *jihad* [holy war] and the AIG to stop women from going to the schools," stating that "women are not allowed to learn modern technology and new science because only men are responsible to feed the family."

Threats to Journalists; Restrictions on Freedom of Speech

In addition to the threats against Afghan intellectuals, *mujahidin* groups have also threatened journalists for publishing unfavorable reports or for attempting to investigate abuses by the parties. One journalist who was investigating the kidnapping and disappearance of an Afghan refugee by one of the parties received a threatening phone call warning him against "showing too much interest in the case ... lest he meet the same fate."⁵⁰

According to Asia Watch sources, many of the parties also attempt to bribe journalists to cover their press conferences and other events by sending them envelopes of money. Journalists also told Asia Watch that they are unable to report on the war itself, out of fear of reprisal by one of the parties. All of the parties operate press offices, some of which have also been attacked.

- On June 27, 1990, **Mansoor Khan**, a Pakistani correspondent for the *Democrat* newspaper in Peshawar, was attacked by unidentified men who beat him and threw acid in his face. He died in the hospital on July 3. The motive for the attack is not clear. However, Mansoor Khan had reported on the abduction of the nurse, Malalai (*see above*), which he linked to Hezb-e Islami in a report published shortly before he was attacked. Other accounts alleged that his reporting on the November 1989 car bomb explosion that killed **Abdullah Azam**, a Palestinian leader of the Muslim Brotherhood, had angered Wahhabi groups in Peshawar. Still other sources suggested that the attack may have had personal motivation. To Asia Watch's knowledge, no one has been charged in the crime.

- An Asia Watch source who had given interviews to the press after the March coup attempt and who had reported on interviews he had conducted among *mujahidin* commanders who were critical of former Defense Minister Tanai, who led the coup attempt, received phone calls shortly after the broadcast from unidentified persons threatening to kill him. Another journalist received similar threats after the coup attempt in which the callers told him, "It would be easy to kill you."

- In February 1989, the English-language publication of Hezb-e Islami, *Resistance*, published the names of 11 writers and journalists in a threatening editorial, castigating them for publishing books and articles critical of the organization.

Attacks on Foreign Relief Agency Personnel

Foreign employees of relief agencies receive periodic warnings from groups accusing them of "undermining Islamic values." Organizations with a Christian basis, such as Shelter Now International, have been singled out for such attacks. However, other foreign and international organizations have also received such warnings. Foreign representatives of relief agencies have also received death threats, and some have been kidnapped and murdered. As with the cases listed above, it is difficult to attribute responsibility for these attacks to a particular group.

- Early in September, 1990, a number of foreign relief organizations, including the UN, received a warning which accused the groups of "using money in attempting to divide the resistance." The letter accused a number of named individuals of being "CIA agents" and "agents of a Zionist conspiracy," and warned them to leave Peshawar.
- On June 22, 1990, a number of foreign aid organizations in Peshawar received a letter signed by a group calling itself "International Afghan *Jihad*" which stated:

Any assistance from UN agencies and Christian NGOs taken into Afghanistan will be considered tools for division of *mujahidin* parties and Afghan people ... we will make your life so miserable that you will be forced to leave Pakistan for good. Our next target will be Tom Yates [the head of the International Rescue Committee].

The letter followed a June 16 attack on the director of Shelter Now International, Dr. Thor Armstrong. Armstrong was accosted while driving in the Hayatabad area outside Peshawar by a group of armed men who ordered him to stop. When he refused, they opened fire, spraying the car with bullets. Neither Armstrong nor his son who was with him was injured. The family left Peshawar the next day. Shelter Now International had been accused of Christian proselytizing. On April 26, the Shelter Now project office in the Nasir Bagh Refugee camp was attacked, and some time later the organization's plant in Ningrahar province was looted.

- On November 1, 1989, John Tarzwell, a Canadian national and office manager for the Christian relief agency SERVE, was kidnapped, reportedly by one of the *mujahidin* parties. There has been no information about his whereabouts since the abduction.

Failure of the Pakistani Authorities to Investigate Abuses

Many of the abuses described above have occurred inside Pakistani territory where Pakistani law applies. While there is credible evidence to link certain groups to some of the attacks on Afghan refugees and relief workers, as well as threats against aid organizations, there has been no effort on the part of Pakistani authorities to investigate these attacks, nor sufficient pressure from any of the foreign patrons of these groups for an end to these crimes and an accountability for past abuses. Since the Soviet invasion of Afghanistan in December 1979,

hundreds of Afghan refugees have been the victims of political violence in Pakistan. One Pakistani police official privately admitted to Asia Watch that he had seen the death list of the Hezb-e Islami (Hekmatyar) party and had visited the prison in Shamshatoo. In some cases, particularly before 1988, Pakistani security personnel effectively authorized these abuses by handing over selected refugees to the parties for detention.⁵¹

Despite the fact that Afghans in Peshawar have filed complaints against members of groups alleged to have participated in acts of violence, and despite credible evidence linking certain parties with some of the attacks, the Pakistani authorities have effectively permitted the parties to act outside the law with respect to the refugee population.

6 In many cases, the abuses occur within Pakistani territory proper; in others, they occur within the Tribal Agencies that border Afghanistan. The population in these areas is related to the ethnic groups inside Afghanistan. These agencies, which were established under British colonial law, are semi-autonomous regions administered directly by a political agent appointed by the federal government who has complete authority for administrative and judicial matters. There are no regular courts in these areas.

7 Three parties reportedly do not maintain prisons inside Pakistan. They are NIFA (Gailani), Jabha-yi-Najat-e-Milli Islami (Mojaddidi), and Harakat-e Inqilab-e Islami (Mohammadi). Jamiat-e Islami reportedly has held prisoners inside Pakistan. The majority of prisoners are held by Sayyaf, Khales and Hekmatyar.

8 During interviews with Afghan refugees and exiles in Pakistan, Asia Watch collected the names of number of persons reportedly held in Shamshatoo; the names cannot be made public because the relatives fear reprisals.

9 Mojaddidi and Gailani also have military camps nearby, but hold no prisoners there.

10 See pp. 114-119.

11 Richard MacKenzie, "'Essential Justice' After a Massacre," *Insight Magazine* (Washington, DC: *Washington Times*), January 22, 1990, p. 30.

12 Interview with Afghan relief worker, Quetta, Pakistan, who witnessed the arrest, July 7, 1990.

13 Interview in Khashki refugee camp, Pakistan, July 5, 1990.

14 An *alim* is a religious scholar recognized as an authority on the *sharia*, or Islami law. The plural of *alim* is *ulama*.

15 Interview with Jamiat-e Islami political spokesperson Engineer Mohammad Es'Haq in Peshawar, June 7, 1990.

16 See pp. 54-55.

17 According to Richard MacKenzie, an American journalist who interviewed Massoud at the time.

18 *Afghan Information Centre, Monthly Bulletin*, Nos. 105-106, December 1989-January 1990, p. 42. The incident is also discussed in an interview with Abdullah Ezam, a member of a commission established by the AIG to investigate the incident, published in *AFGHANews*, Vol. 6, No. 2, January 15, 1990., p. 4.

19 Interview with Jamiat-e Islami political spokesperson Engineer Mohammad Es'Haq in Peshawar, July 7, 1990.

20 Interview with refugees in Munda Camp, July 7, 1990.

21 *See* p. 51.

22 Interview with Afghan relief worker in Quetta, July 4, 1991.

23 Interview in Quetta, July 7, 1990.

24 Interview with Commander Mullah Malang, Quetta July 7, 1990.

25 The name means "information bureau."

26 Interviews with Afghan intellectual, Washington D.C., June 21, 1990; and with Afghan writer, Peshawar, July 10, 1990. Both of these sources, whom Asia Watch believes to be credible, requested to remain anonymous.

27 The screening process gave the parties a veto over whether a refugee would receive assistance. Although in fact refugees who were not members of any party did receive aid, it was much more difficult for them. *See By All Parties to the Conflict*, pp. 89-90.

28 Afghan Mellat is a nationalist organization made up of Pashtun professionals that characterizes itself as social democratic. In the late 1980s, the group began to espouse the values of an Islamic state.

29 Interviews with Western relief agency representatives in Peshawar, February 2, 1989.

30 They are known collectively by the disparaging term, Sakr-bis (Sakr-20), after the rocket that the *mujahidin* have used in rebel attacks on the cities, the implication being that these refugees did not leave until the *mujahidin* began to attack the cities.

31 Interviews with international aid workers in Peshawar, July 3, 1990.

32 Interview with Western relief agency representative and Pakistani attorney in Peshawar, July 13, 1990.

33 Frontier Crimes Regulation Act, 1901; chap. 5(45) and (46)(4).

34 FCR, 1901; chap. 5, (46)(3).

35 International relief representatives in Peshawar told Asia Watch that the decision of the political agent may be reviewed by the provincial commissioner.

36 The FCR is the primary law in effect in the Tribal Agencies, providing both a civil and criminal code for these areas.

37 Interview with Pakistani attorney in Peshawar, July 11, 1990.

38 Not their real names.

39 Not his real name.

40 Interviews with Western relief agency representative and Pakistani attorney in Peshawar, July 11 and July 13, 1990. Interview with Pakistan police official in Peshawar, July 13, 1990.

41 Interview with Afghan intellectual in Peshawar, July 13, 1990.

42 Not her real name.

43 *AFGHANews*, Vol.6, No.12, June 15,1990. (*AFGHANews* is a publication of Jamiat-e Islami).

44 Not his real name.

45 *Frontier Post* (Pakistan), June 8, 1990.

46 According to *AFGHANews*, Vol.6 No.4, Feb 15, 1990, he was a leader of SAMA and had been a professor in West Germany. Rehbar's elder brother, Abdul Majid Kalakani, had been the founder of Shola-e-Jawed and was arrested in 1980 and executed under Babrak Karmal.

47 Ethnic conflict between Hazaras (Shi'a Muslims, who are a minority in Afghanistan) and Pashtuns (Sunni Muslims, who are the majority in Afghanistan) may also be a factor in some political disputes.

48 According to an independent source Asia Watch believes to be credible but who fears to be identified, Dr. Ludin's name was found on a list of Afghan intellectuals marked for execution by Khales' Hezb-e Islami. At least four former faculty members of Kabul University who had worked for years to support the resistance in Peshawar fled to Western countries in July 1989 after being informed that their names were also on the list.

49 The names of the organizations that appear on these letters vary, and it is not possible to identify with certainty which *mujahidin* parties are responsible for the threats.

50 Interview with Afghan journalist in Peshawar, July 2, 1990.

51 Interviews in Peshawar with Western relief agency officials, July 13, 1990.