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Study: Two-Thirds of Boys in Afghan Jails Are Brutalized

By Gareth Porter

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Nearly two of every three male juveniles arrested in Afghanistan are physically abused, according to a study based on interviews with 40 percent of all those now incarcerated in the country's juvenile justice system.

The study, carried out by U.S. defense attorney Kimberly Motley for the international children's rights organization Terre des Hommes, reveals a justice system that subjects juveniles, many of whom are already innocent victims, to torture, forced confessions, and blatant violation of their rights in court.

Motley, who may be the only practicing Western defense attorney in Afghanistan, told IPS that the study shows the need for alternatives to introducing juveniles into what she calls the "injustice system."

The author personally interviewed 250 of the 600 juveniles in jails and rehabilitation centers across the country, including half the 80 girls and 40 percent of the 520 boys, as well as 98 professionals working in the system.

Although only two of the girls interviewed reported being beaten by police, 130 out of the 208 boys under the age of 18 interviewed said they had been beaten. The interviews were carried out by Motley in 28 provinces from September through December 2009.

Those statistics parallel the findings of a study published by the UN Children's Fund and the Afghanistan Independent Human Rights Commission in 2008, which found that 55 percent of boys and 11 percent of girls reported having been beaten upon their arrest.

Virtually all the male juveniles said the police beatings were aimed at forcing them to sign a confession. They said they had signed either while being beaten or threatened with being beaten and that the confessions were then used to convict them.

The testimony of the juveniles themselves on brutalization by police was consistent with Motley's interviews with juvenile-court judges. Forty-four percent of the judges interviewed indicated that juveniles complained routinely about torture and physical abuse by police officers. Another 33 percent refused to answer when asked whether they had heard such complaints.

Many of the boys interviewed by Motley reported that they had been beaten by several police simultaneously. In one case, a 17-year-old said he was "kicked like an animal" by six or seven policemen after his arrest.

One juvenile charged with putting up signs around the city threatening terrorist acts told Motley that he signed a confession only after having been subjected to electric shock and hung from the ceiling by the National Security Police. The torture continued for more than two months, according to the boy.

The prosecutor in the case admitted to Motley that she had not only been aware of the accusations of torture but had seen marks on the boy's body indicating that the confessions had indeed been obtained under torture.

The prosecutor further acknowledged that no witnesses or other evidence had been presented in support of the charges against the boy.

The judge in the case told Motley that when asked in court why the case had not been dismissed as required by Afghan law, the prosecutors admitted that it was because they were afraid of the National Security Police and felt they had no choice.

In addition to the male juveniles who had signed coerced confessions by their thumbprint, 24 percent of all the male and female juveniles interviewed told Motley they had signed confessions prepared by police without realizing it until they had gone to court. In some cases, they were tricked into signing a blank sheet of paper which was then used for the confession.

Almost half the children brought before a court in Afghanistan are also denied the right to speak in their defense, according to Motley's study. Forty-seven percent of those interviewed, including 62 percent of those in the western region, were not allowed to testify on their own behalf.

One of the male juveniles denied the right to testify in court was a boy charged with pederasty, or sexual relations between an adult male and a child. As is often the case, he was the victim of rape, after having been kidnapped by three adults, all of whom were released and never charged.

When the boy tried to explain in court that he was raped, however, he was told by the judge not to speak or even look at her, Motley recounts. The attorney for the child "barely spoke out for him," and he was sentenced to five years in jail.

Motley also found, however, that 71 percent of the judges surveyed expressed the view that, if a juvenile remains silent in court when asked questions by a judge, they must be guilty.

Mohammad Ibrahim Hassan, a human rights activist in Afghanistan for two decades, told IPS the bias against presumption of innocence is deeply imbedded in Afghan culture. "A majority of the people in Afghanistan are against the presumption of innocence," he said in a recent interview in Kabul.

In the Afghan justice system, he observed, "When they arrest somebody, they think you have to expect the worst punishment."

A recent visit to the Kabul juvenile rehabilitation center, on which this reporter was accompanied by Motley, further confirmed the prevalence of brutalization of juvenile males by police.

In one of the center's male dormitory rooms, which was chosen at random, the 10 juveniles present were asked through an interpreter how many had been beaten by police after their arrest.

Half of the boys raised their hands. One recalled having been subjected to electric shock in order to get him to sign a confession. "They put the cables on my toes and fingers," he said, "and they turned on the electricity many times for a few seconds."

He agreed to sign, and the police handed him a piece of paper on which to put his thumbprint.

Describing his treatment at the hands of the police, another boy said, "They would ask us, 'Have you committed this crime?,' and if we said no, they would beat us."