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**QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND
FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD**

**Report on the situation of human rights in Afghanistan submitted
by Mr. Kamal Hossain, Special Rapporteur, in accordance with
Commission on Human Rights resolution 2000/18**

Addendum

1. This addendum to my fifth report has become necessary in order to incorporate information about matters relevant to the human rights situation in Afghanistan as a result of developments which have taken place since the report was finalized in mid-January, when that information was not available. It relates to reports of gross violations of human rights and breaches of international humanitarian law, including summary execution of civilians, alleged to have been committed by both of the warring parties. There have also been significantly increased flows of new refugees into Pakistan and the Islamic Republic of Iran in the last few months and a deepening of the humanitarian crisis.

Summary executions and massacres

2. I received a letter dated 1 February 2001 from the Permanent Mission of the Islamic State of Afghanistan to the United Nations Office at Geneva in which it was reported that Taliban forces, in the course of military offensives in the provinces of Takhar and Kunduz, had engaged in mass killings of innocent civilians around 23 January 2001. It was alleged that the victims were found buried in two mass graves and a list of the names of victims in the villages of Bagh Zakheera, Rustaq and Mamayee was enclosed.

* The annexes are reproduced in the original languages only.

3. By a letter dated 19 February 2001 addressed to the Human Rights Commission, the Taliban authorities reported that following an attack on the town of Bamyan by the opposition forces, crimes and genocide had been committed upon entry into the town by those forces.
4. On 26 February 2001, I wrote letters to the Taliban authorities and the Islamic State of Afghanistan forwarding the reports received containing the above allegations and seeking their comments.
5. The Islamic State, by its letter dated 6 March 2001, denied the allegations regarding the killing of civilians in Bamyan and suggested that I carry out an on-site inquiry into these allegations. In that letter, they also reported that there had been a massacre of several hundred civilians by the Taliban in the Yakawlang district of Bamyan province and suggested that I visit Yakawlang to make inquiries.
6. The Taliban authorities, by their letter dated 19 March 2001, denied the allegations regarding summary executions levelled against them in the letter dated 6 March 2001 from the Permanent Mission of the Islamic State. Copies of the two letters are annexed to the present document, along with copies of other relevant communications.
7. The reports of summary executions and massacres are a source of mounting concern as in recent years the continued conflict and the taking and retaking of particular areas by the warring parties have resulted in massacres involving reprisal killings and summary executions. A recurrent pattern is manifest from the (not exhaustive) list of such occurrences reported over the last four-year period, as follows: Mazar-i-Sharif/Dasht-i-Laili (Sheberghan) in May 1997; Mazar-i-Sharif Airport (Qezelabad) in September 1997; Qaysar in December 1997; Mazar-i-Sharif in August 1998; Kayan valley in August 1998; Bamyan in May 1999; Shamali plains in August 1999; Khwaja Ghar in Takhar province in September 1999; Ghosfandi in Sar-i-Pul province in January 2000; Robatak in Samangan province in May 2000; Taloqan in Takhar province in September 2000; Yakawlang in Bamyan province in January 2001; Khwaja Ghar in Takhar province in January 2001; and Bamyan in February 2001.
8. Widespread concern has been expressed at the massacres and summary executions reportedly carried out by one or other of the warring parties at different sites. On 19 January 2001, the United Nations Secretary-General issued a statement expressing concern about "numerous credible reports" that civilians were deliberately targeted and killed in Yakawlang. The Secretary-General called on the Taliban to take "immediate steps to control their forces", adding that the reports required "prompt investigation" and that those responsible should "be brought to justice".
9. The United Nations High Commissioner for Human Rights, in her statement published on 16 February 2001, called for an international investigation into massacres and other serious abuses committed by warring parties in Afghanistan, including the reported summary execution of over 100 civilians by Taliban forces in Yakawlang district of Bamyan province in January 2001, in the following terms: "In view of the pattern of repeated massive violations of human rights and humanitarian law, I call upon the international community to establish an independent international inquiry into the massacres and other grave human rights violations committed by parties to the armed conflict in Afghanistan."

10. It is now increasingly recognized that the impunity enjoyed by those who have been responsible for ordering and carrying out the massacres and summary executions and the absence of accountability for such gross violations of human rights and grave breaches of humanitarian law has contributed to the repeated occurrence of such violations. There is thus a growing opinion that in order to deter and prevent the occurrence of such atrocities, an effective international initiative is called for not only to document, denounce and then cut the sinews of war (arms supplies, external financial support, linkages with drug warlord) but also to expose and hold to account those responsible for war crimes, breaches of international humanitarian law and gross violations of human rights. International cooperation would be needed to deny impunity and enforce accountability by developing mechanisms to undertake full investigation to gather evidence and to identify those responsible in order that they may be brought to justice.

11. The latest reports of summary executions and massacres provide a challenge and an opportunity to the international community to take the needed initiative. Reports supported by reliable eyewitnesses document some of the summary executions and massacres carried out in January 2001 in Yakawlang. These reports indicate that in the taking and retaking of Yakawlang breaches of humanitarian law were committed by both parties as they violated the neutrality of medical facilities in the district and disregarded the rights of civilians to be treated as non-combatants. Yakawlang was captured by the United Front forces (Hezbe Wahdat and Harakat Islami) on 28 December 2000 but was recaptured by the Taliban in early January 2001. Taliban forces reached the district centre of Nayak in the morning of 8 January 2001. Following the retaking, there were reports of mass arrests followed by summary executions carried out between 8 and 12 January 2001. A number of aid agency personnel and a United Nations staff member were among those killed. The Human Rights Watch report published on 19 February 2001 has identified civilian victims, including a number of aid workers and staff of international humanitarian agencies, hospitals, and local relief and assistance organizations. This report indicates that search parties were organized to round up male civilians in house-to-house searches. Those rounded up were detained and many of them - the total number being estimated at several hundred - were reportedly executed. It is also reported that a number of Hazara elders who came to intercede with the Taliban were killed. Some of the execution sites identified include outside a relief agency in Nayak, outside the district hospital, the ravine behind the mosque in the old bazaar area, outside the prayer hall of Mindayak village and Qala Arbab Hassan. A number of sites of mass graves have also been identified.

12. The report has also identified the commanders of the respective forces in the Yakawlang operations. It is reported that Mullah Shahzad Kandahari, whose name was mentioned in reports relating to the Samangan massacre in May 2000, was one of the Taliban commanders involved in the Yakawlang operation. The presence of other Taliban commanders who are reported to have been in Yakawlang at that time include Mullah Abdul Sattar, Mullah Abdullah Sarhadi, Mullah Abdul Salam 'Rocketi' and Qari Ahmadullah of Ghazni.

13. It is thus clear that there is enough material available to carry out a more thorough investigation and to gather evidence with a view to establishing the exact circumstances in which civilians were detained and executed, as well as to identifying those responsible for such breaches of international humanitarian law. Such an investigation, if undertaken promptly, could reasonably be expected to achieve these objectives. Investigators could, through on-site visits, gather substantial evidence, as they would have access to the graves where the victims are

buried, the execution sites and many eyewitnesses to the events. The Taliban authorities and the Islamic State of Afghanistan would be expected to respect their obligation to cooperate in the carrying out of these investigations. The findings of these investigations would provide a basis for enforcing accountability through appropriate mechanisms at the national and international levels.

Humanitarian crisis: result of drought, displacement and conflict

14. The facts relating to the humanitarian crisis which are contained in my report need to be updated as the crisis has been deepening and the number of persons affected has been steadily increasing. In the six months between September 2000 and March 2001 700,000 Afghans have had to leave their homes because of drought, war, or a combination of the two. They have joined the ranks of those displaced by previous episodes of fighting. Over 1 million Afghans do not have the resources to see them through to the next harvest. In the most critical areas, nutritional indicators show that mortality rates have reached alarming levels. Three consecutive years of severe drought have had a devastating impact on the agriculture and economy of the country. Families are selling their animals, eating their seed and seeing their fruit trees wither and die.

15. Significant new refugee flows into Iran have been reported and some 170,000 have crossed into Pakistan since mid-2000. Of these, some 60,000 are in temporary shelters in the Shamshatoo camp near Peshawar. Personal interviews with some of the new arrivals confirm that what they were fleeing was the combined effect of drought, hunger and conflict. The recurrence of conflict in different areas exposed the civilian population to shelling and aerial bombardment, to massacres and summary executions, and forced conscription. They were thus victims of gross human rights violations and of breaches of international humanitarian law. A substantial part of them are in Jalozei camp near Peshawar where registration by the United Nations was not being allowed, thereby denying them the minimum assistance which was available to the refugees in Shamshatoo. Conditions of the newly arrived in Jalozei are said to be so desperate that it has been described as a living graveyard. The situation of refugees is aggravated by the imposition of a ban on new arrivals by Pakistan which, having hosted the single largest and one of the oldest refugee populations in the world, has argued that it simply cannot cope with new inflows. This has resulted in the suspension by regional authorities of the verification process begun on 25 January 2001 by the Office of the United Nations High Commissioner for Refugees to determine who is most vulnerable and in need of urgent assistance, followed by the Government's decision that all undocumented Afghans would be subject to deportation. Following these decisions, there were reports of the forcible deportation of thousands of Afghans. Many of those who had fled Afghanistan in order to survive in the face of drought, hunger and conflict were members of ethnic minorities and other vulnerable groups. It is necessary to appeal to the authorities concerned to respect internationally agreed-upon principles of refugee protection in respect of the new arrivals from Afghanistan.

16. The urgent need for more humanitarian assistance cannot be overemphasized. The crisis will deepen if more resources are not quickly made available. The Afghanistan Appeal for 2001, which covers just "bare bones" requirements, was for US\$ 229 million; this works out roughly to \$10 per Afghan for the whole year. Traditionally, Afghans receive about half the requested amount; this means roughly \$5 per Afghan. By contrast, the donor response per capita in Angola was \$47.98 and \$139.11 in East Timor in 2000. Near-famine conditions are being reported and

those engaged in the work of humanitarian assistance on the ground are issuing warnings of a severe famine which threatens to lead to further deaths from starvation. Afghanistan is classified among the three hungriest countries in the world. The World Food Programme launched a new emergency appeal on 13 March 2001 for a \$76 million operation to save millions of people in Afghanistan from starvation owing to a long and devastating cycle of drought and civil war. This appeal will target 3.8 million people for one year.

Continuing armed conflict and the human rights deficit

17. Those engaged in armed conflict are devoting, for the destructive purposes of war, resources which could help to save the lives of those who are dying of cold and starvation. Not only does conflict divert life-saving resources but also inflicts suffering on the civilians who bear the brunt of the destruction. The authorities also cannot escape accountability for putting obstacles in the way of the work of humanitarian agencies, including harassment of aid personnel and deliberate denial of access to particular communities. The policy and practices of the Taliban authorities, which exacerbate the discrimination already suffered by Afghan women, continue to be a major concern. Women's mobility, including their ability to undertake paid employment outside the home, continues to be severely restricted.

18. The continuing conflict and its destructive impact on communities and the right to life, and the accumulated and indirect effects of war contribute to a massive human rights deficit. This deficit includes the denial of the right to food, the right to health and the right to education. Nor do Afghans enjoy freedom from fear or freedom of association. The collapse of civil society and the limited ability of Afghans to participate in or influence decision-making have a direct and negative impact on their right to life and other rights essential for livelihood and survival with a modicum of dignity. Women and girls suffer disproportionately in the realization and enjoyment of all their rights and there are few indications that this will improve significantly any time in the near future.