

Afghanistan

The information below is based on [Treatment of Conflict-Related Detainees: Implementation of Afghanistan's National Plan on the Elimination of Torture prepared by UNAMA and OHCHR issued on April 2017](#)

The forms of ill-treatment and torture most commonly described to UNAMA included: severe beatings to the body (including with sticks, plastic pipes and cables), beatings to the soles of the feet, electric shocks (including to the genitals), prolonged suspension by the arms and suffocation (both using plastic bags and through forced immersion in water.) Other reported forms of torture and ill-treatment included the wrenching of testicles, use of cigarette lighters to burn the soles of the feet, prolonged use of stress positions, sleep deprivation, sexual assault and threats of execution.

*Afghan National Police*¹

Between January 2015 and December 2016, 77 of the 172 detainees interviewed who had been held in ANP/ANBP custody (45 per cent) gave credible reports of having been subjected to torture or other forms of ill-treatment whilst in detention.

This represents a 14 per cent increase in the incidence of torture and ill-treatment in ANP custody across the country when compared with the previous observation period and it is a significant and disturbing development.

UNAMA notes with particular concern that, of the 77 individuals who gave credible accounts of having been tortured or ill-treated in ANP custody, 20 of these (26 per cent) were boys under the age of 18, and all 20 of these juveniles state that they were tortured in order to extract confessions.

UNAMA documented the highest levels of abuse by ANP in Kandahar, where a staggering 91 per cent of detainees interviewed gave credible and reliable accounts of being subjected to the most brutal forms of torture and ill-treatment. UNAMA received accounts of detainees in Kandahar having water forcibly pumped into the stomach, having their testicles crushed with clamps, being suffocated to the point of losing consciousness and having electric current applied to their genitals.

Allegations also persist that ANP is responsible for a series of unexplained disappearances and extra-judicial killings of suspected insurgents in Kandahar during the period covered by this report.

UNAMA also documented a significant increase in the abuse of detainees by ANP in Nangarhar, where 12 of the 22 detainees interviewed (54 per cent) gave credible accounts of being subjected to torture or other forms of ill-treatment.

In addition to these findings indicating the systematic use of torture and ill-treatment by ANP in Kandahar and Nangarhar, UNAMA documented reports of violations in 20 other provinces, with particular concerns over the treatment of detainees by ANP in Farah and Herat provinces.

During the reporting period, the internal oversight mechanisms to address complaints of torture and ill-treatment within ANP remained under-developed. As an example, the Sub-Directorate of Human Rights in the Ministry of the Interior could only point to one case of alleged torture or ill-treatment of detainees by ANP which had been referred to the prosecution for further investigation during the period covered by this report, and they were unaware of the outcome of that investigation.²

In April 2017 the Government provided UNAMA with a list of 10 cases relating to incidents that took place between July 2015 and January 2017 where ANP staff members were prosecuted for a range of criminal acts including murder, rape, forced marriage and physical assault. Four of these cases involved allegations of beatings in custody which the

¹ Along with NDS, the Afghan National Police is one of the principal law enforcement authorities in the country, vested with the powers of arrest and detection of crime. Through these powers, ANP has the authority to detect and question individuals suspected of committing crimes under the Penal Code, including crimes committed in relation to the armed conflict and refer those cases to prosecutors for further investigation and prosecution. The Afghan National Border Police (ANBP), part of the Ministry of Interior, is another leading law enforcement entity, charged with policing the territorial borders of Afghanistan, including entrance and exit from the country.

² Letter from Ministry of Interior Sub-Directorate of Human Rights, February 2017 (undated).

Government categorized as „torture“.

The current status of the cases is unclear and the Government has agreed provide information on the outcome of these prosecutions.³

UNAMA is aware of one recent case where two ANP staff members were prosecuted following allegations that they had physically assaulted two boys held in the Juvenile Correction and Rehabilitation Centre in Nili city, Daikundi province. The defendants were acquitted by the primary court and the prosecutor did not appeal the verdict.⁴

Afghan Local Police

Between 1 January 2015 and 31 December 2016, UNAMA interviewed 37 individuals who had been detained⁵ by Afghan Local Police (ALP)⁶ before being handed over to the competent legal authorities. Of those interviewed, 22 (59 per cent) stated that they were severely beaten by ALP either at the time of arrest or in its immediate aftermath. Nineteen of the 22 described ill-treatment that significantly exceeds the use of reasonable force necessary to restrain an individual at the time of arrest and which may also amount to torture. Three of those beaten by ALP at the time of arrest state that ALP administered the beatings in order to obtain a confession.

The incidents took place in 12 provinces, namely: Nangarhar, Baghlan, Kunar, Badakhshan, Balkh, Faryab, Kunduz, Laghman, Paktika, Paktiya, Sar-e-Pul and Takhar.

In April 2017 the Government provided UNAMA with a list of 32 incidents which took place between August 2014 and January 2017 which resulted in ALP staff members being prosecuted for a range of acts including robbery, murder, torture and attempted rape. The Government categorized five of these cases as involving allegations of torture.

The current status of the cases is unclear and the Government has agreed to provide UNAMA with information on the outcome of these prosecutions.⁷

Afghan National Army

Between 1 January 2015 and 31 December 2016, UNAMA interviewed 19 detainees who had been held by the Afghan National Army (ANA) in multiple locations⁸ prior to being transferred to ANP or NDS.⁹ Eight of them gave credible reports of having been subjected to torture or ill-treatment in ANA custody.¹⁰

Additionally, UNAMA interviewed 24 detainees who had been held in the ANA-run prison at the Afghan National Detention Facility in Parwan between January 2015 and December 2016. Given that these detainees are either convicted prisoners or are pre-trial detainees whose investigations have been completed, they are less vulnerable to being tortured or ill-treated for the purposes of obtaining a confession. However, four detainees gave credible accounts that they had been tortured or ill-treated by ANA guards in this facility.

UNAMA also received credible accounts of seemingly arbitrary acts of violence and intimidation carried out by ANA guards – including beatings and dousing detainees with water, raising concern that the detaining authorities at the Afghan National Detention Facility in Parwan used physical violence and intimidation as a means of maintaining order in the facility.

In April 2017 the Government provided UNAMA with a non-exhaustive list of 22 cases dating from February 2013 where

³ UNAMA meeting with representative of Government, 17 April 2017.

⁴ UNAMA meeting with provincial prosecutor, Daikundi, March 2017,

⁵ ALP have the authority to arrest individuals but are required to promptly hand over any suspects to ANP or NDS.

⁶ ALP are locally recruited militia operating under the authority of the Ministry of the Interior.

⁷ UNAMA meeting with representative of Government, 17 April 2017.

⁸ UNAMA documented credible allegations of torture and ill-treatment of detainees in ANA bases in Badghis, Baghlan Farah, Herat, Kabul (3 separate locations) and Kandahar provinces.

⁹ This sample does not include those detainees held in the ANA-Administered Afghan National Detention Facility in Parwan which is dealt with separately in this report.

¹⁰ All the reported incidents of ill-treatment by ANA took place before 1 January 2016 and it should be noted that ANA's own internal reporting and accountability mechanisms have resulted in at least two prosecutions and convictions of ANA personnel for acts amounting to torture during the period covered by this current report

ANA staff members were prosecuted and convicted for a range of serious offences, including extra judicial killing, assault and rape.¹¹

Afghan National Police and Border Police

Treatment of detainees by ANP/ANBP: key provinces of concern ANP Kandahar

ANP Kandahar

Soon after I arrived at Police District 2 they started beating me. I was hung from the ceiling and five ANP beat me. The Head of Police District 2 was present and he also punished me. I was beaten with a cable made of a bunch of electric lines and a hose. They gave me electric shocks to the genitals. I was naked and they threatened me with sexual assault unless I told them I was Taliban. Whilst I was hung from the ceiling they tied a brick to my genitals. Because of this, bleeding started from my penis. I told them they can write whatever they want, but I am not a member of Taliban. I was kept there for ten days and punished continuously for eight days.

-Detainee 384, Kandahar Police District 2, 2016

The information below is based on the [Afghanistan Annual Report on Protection of Civilians in Armed Conflict 2016 issued on February 2017](#)

Rape and Other Forms of Sexual Violence

UNAMA documented four incidents of conflict-related sexual violence against children in 2016, including one incident of rape. Such incidents are likely under-reported as a result of prevailing social norms, such as stigma associated with being a victim of sexual violence that may result in marginalization or exclusion from society.

Two incidents of sexual violence documented by UNAMA involved the use of boys by Afghan Local Police for sexual purposes in Baghlan and Kunduz provinces, including rape and sexual exploitation.¹²

The mission also documented the sexual abuse of a 16-year-old boy on 17 October in Paktya province by ANA Special Forces who forcibly stripped him naked and took photographs of him in front of teachers and students at his school. After objections from pupils and teachers, ANA Special Forces reportedly opened fire in the school premises, seriously injuring another student in the neck, and beat another student unconscious. On 19 October, five ANA personnel involved in the incident were arrested and transferred to the ANA Special Corps Court in Kabul city for prosecution.¹³

On 21 October, a political delegation established by the President's office visited Gardez city to meet with local government officials and shura members to discuss the incident. As a result of the incident, the school closed for three days, temporarily preventing 1,200 students from attending class. According to information received, the Special Corps Court convicted one lieutenant involved in the incident for unlawful use of force and sentenced him to two years' imprisonment and found another soldier guilty of beating and sentenced him to one year of imprisonment.¹⁴ Three soldiers were released due to a lack of evidence. None of the perpetrators was charged with sexual abuse or exploitation of the boy.

In 2016, UNAMA attempted to follow up on allegations of sexual abuse of boys by ANP in Uruzgan province. While it received anecdotal evidence that the practice was ongoing and widespread in the province, the extreme sensitivities involved, particularly the risks to victims, prevented UNAMA from verifying specific incidents in accordance with its methodology.

Throughout 2016, UNAMA continued to support the Afghan Independent Human Rights Commission in its efforts to prevent and criminalize bacha bazi and other forms of sexual abuse.¹⁵ UNAMA urges the Government to criminalize the practice

¹¹ Comments of the Government on UNAMA's report regarding torture and ill-treatment of AGE prisoners (10 April 2017). On file with UNAMA.

¹² For more information, see UNAMA 2016 Mid-Year Report on Protection of Civilians in Armed Conflict, p. 20.

¹³ UNAMA requested information from the National Security Council on efforts to hold the perpetrators accountable on 15 January and to date, has not received a response.

¹⁴ Email correspondence between UNAMA and the Ministry of Defense, dated 22 January 2017.

¹⁵ *Bacha bazi* is a term loosely translated as "boy play" and practiced in some parts of Afghanistan by commanders and other influential men, usually associated with sexual exploitation and abuse of young boys. See National Inquiry on the causes and consequences of *bacha bazi* in Afghanistan, Afghanistan Independent Human Rights Commission, 8 August 2014, accessible at

of *bacha bazi* by endorsing the criminal legislation proposed and drafted by the commission through a presidential decree. UNAMA also supported the commission in its efforts to advocate for a victim-centred approach to *bacha bazi* that includes social care and compensation. Currently, there are very few services and **support** mechanisms for victims of *bacha bazi*, while punitive measures taken to address this issue allegedly fall on the victims, who are often punished and re-victimized by law enforcement and the court system.

The information below is based on the Report of the Secretary-General on children and armed conflict (A/70/836–S/2016/360) issued on 20 April 2016

The United Nations received 11 reports of sexual violence, affecting nine boys and six girls. One incident involving a boy recruited and sexually abused by the Taliban in the northern region was verified. Concerns remain regarding the cultural practice of *bacha-bazi* (“dancing boys”), which involves the sexual exploitation of boys by men in power, including Afghan National Defence and Security Forces commanders.

The information below is based on the Midyear Report 2016 Protection of Civilians in Armed Conflict, United Nations Assistance Mission in Afghanistan issued on July 2016

UNAMA continued to receive allegations of incidents of sexual violence against children in the context of the armed conflict. In the first half of 2016, UNAMA documented two incidents of sexual violence against children yet acknowledges that a combination of cultural issues and stigma associated with being a victim result in significant under-reporting.

In the first half of 2016, UNAMA verified two incidents of ALP using boys for sexual purposes in Baghlan and Kunduz provinces. In one incident, an ALP commander in Kunduz province abducted a 16 year-old boy from his home, brought him to his check-post and kept him in captivity for three days, during which he also raped the boy. In another incident, UNAMA confirmed that an ALP unit used at least one boy as a bodyguard and for sexual exploitation in Baghlan province, with unconfirmed reports of additional boys used by that unit. Sexual abuse of children, including the practice of *bacha bazi*, is a violation of the laws of Afghanistan, international human rights law, and international humanitarian law. The Government of Afghanistan is obliged to prevent sexual exploitation of children, protect them from any kind of exploitation, and ensure accountability for perpetrators and support for survivors. UNAMA urges the Government to enact legislation proposed by the Afghanistan Independent Human Rights Commission (AIHRC) to criminalize *bacha bazi* and other forms of sexual abuse at the earliest opportunity.

The information below is based on the Report of the Secretary-General on conflict-related sexual violence (S/2016/361) issued on 20 April 2016

United Nations remains concerned about boys recruited by armed groups in Afghanistan, who may be at risk of sexual abuse, and by ongoing reports of the practice of *bacha-bazi*, involving “dancing boys”, which may include sexual violence and the enslavement of boys by men in positions of power. In June, the Government launched its first national action plan on the implementation of Security Council resolution 1325 (2000).

The information below is based on the Report of the Secretary-General on children and armed conflict (A/69/926–S/2015/409) issued on 5 June 2015

In nine incidents, eight boys and six girls reportedly were victims of sexual violence. Of these, five cases, affecting four girls and two boys, were verified. Four verified incidents were attributed to the national police, and one incident to a pro-

http://www.aihrc.org.af/home/research_report/3324, last accessed 10 July 2016.

Government militia commander. On a positive note, regarding accountability, a local police member from Laghman Province was sentenced in March to 10 years of imprisonment for sexual assault and attempted rape of a seven-year-old boy.

The information below is based on the Report of the Secretary-General on children and armed conflict in Afghanistan (S/2015/336) issued on 15 May 2015

During the reporting period, the country task force documented 40 reports of sexual violence involving 27 boys and 24 girls, the vast majority of which were attributed to the Afghan National Police and the Afghan Local Police. In some cases, the Government has demonstrated due diligence in the investigation, prosecution and punishment of perpetrators of sexual violence against children. For example, in March 2014, the Afghan National Police arrested a member of the Afghan Local Police for the alleged rape of a 7-year-old boy. The primary court sentenced the perpetrator to 10 years of imprisonment. In June 2014, the appellate court in the same province confirmed the decision of the primary court, but the sentence was reduced to five years of imprisonment by the Supreme Court in November 2014. In a separate incident, in December 2014, two members of the Afghan Local Police abducted and raped a 15-year-old girl in Kapisa province. The perpetrators had been arrested and an investigation was ongoing at the time of reporting.

Boys held in detention on national security-related charges also reported sexual violence or threats of sexual violence upon arrest or during detention by the Afghan National Security Forces, particularly by the Afghan National Police. In 2011, of 76 boys detained on national security-related charges and interviewed by the United Nations, 10 reported sexual violence or threats of sexual violence. In 2013, 15 detained boys also reported having been subject to rape, sexual violence or threats of sexual violence.

Children continued to be victims of sexual violence by armed opposition groups, including the Taliban and the Haqqani Network. In August 2013, a media report alleged that Taliban commanders had committed acts of sexual abuse against young boys. Children detained on national security-related charges reported that boys had been sexually abused by Taliban and Haqqani Network commanders while being trained to carry out suicide attacks. Such reports could not be independently verified by the country task force. However, the United Nations expressed serious concerns over the protection risks for children whose identities have been disclosed during public testimonials of their experiences of sexual violence and over the continued violation of children's right to confidentiality and privacy by the media and State authorities. The country task force has repeatedly expressed these concerns directly to the authorities and urged them to respect the rights of concerned children and provide for adequate protection services.

The United Nations continues to express serious concerns regarding the culture of *bacha bazi* ("dancing boys"), generally associated with sexual exploitation and various forms of sexual violence against boys as young as six years old by men in positions of power. In August 2014, following a national inquiry into its causes and negative consequences, the Afghanistan Independent Human Rights Commission recommended that the culture of impunity surrounding the practice should be urgently addressed.

Causes and Consequences of Bacha Bazi in Afghanistan
Afghanistan Independent Human Rights Commission