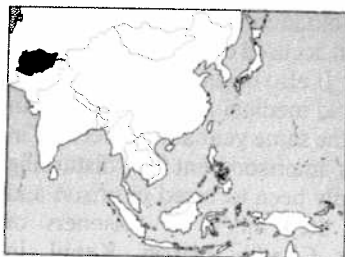


AMNESTY INTERNATIONAL REPORT 1985

COUNTRY	SECTION
DOSSIER	I

This report covers the period
January to December 1984



Afghanistan

Amnesty International continued to be concerned about the imprisonment of prisoners of conscience, the detention of political prisoners without charge or trial and the use of the death penalty. The organization also

continued to receive reports of torture and ill-treatment of prisoners and of extrajudicial executions. Amnesty International was concerned that the few political trials about which it learned appeared to fall short of internationally recognized standards and that some convictions reportedly relied on confessions extracted under duress.

Continued fighting between government forces supported by a Soviet military contingent and various Islamic insurgent groups was accompanied by allegations of human rights violations by both sides. The armed conflict and the continued government refusal to allow international observers access to the country made the collection and verification of information relating to human rights difficult. On 5 October Vitaly Smirnov, the Soviet Ambassador to Pakistan, told representatives of the French press that journalists accompanying rebel groups into Afghanistan would "from now on be eliminated". A French television journalist, Jacques Abouchar, had been captured by Soviet troops in September while making a film with rebel forces. On 20 October Radio Kabul announced that he had been sentenced to 18 years' imprisonment for entering Afghanistan "unlawfully and secretly and for carrying out prohibited activities and collecting information inconsistent with his profession and in collaboration with an exiled armed band". French legal and diplomatic representatives were refused permission to attend his trial, which lasted two hours. Jacques Abouchar was pardoned on 25 October and allowed to return to France.

AMNESTY INTERNATIONAL REPORT 1985

This report covers the period
January to December 1984

196

Amnesty International Report 1985

The Afghan Government observer at the UN Commission on Human Rights stated that if a special rapporteur were appointed as the Commission had recommended on 15 March to "examine the human rights situation in Afghanistan", he or she would not be permitted to enter the country. In October Amnesty International submitted to both the rapporteur and to President Babrak Karmal a summary of its concerns in the country, inviting the President to respond. The organization received no answer to this communication which it later made public.

Amnesty International received information about some political detainees during 1984 but believed these were only a part of the total number held. The organization began investigating the case of Mohammed Nader Wardag, a 29-year-old archivist from Kabul, who was reportedly arrested in May 1983 and accused of being a member of the illegal Afghan Mellat political party. It also began investigating the case of Hamidullah Simab, a 30-year-old medical student arrested in August 1980 and reportedly sentenced the same year at a secret trial in the Sedarat detention centre to 16 years' imprisonment for "disturbing the public order". Both men had allegedly been tortured in prison and Amnesty International believed that they might be prisoners of conscience. Both were held in Pul-e Charkhi prison, Kabul, in December 1984.

Amnesty International continued to call for the unconditional release of prisoners of conscience Professor Hassan Kakar, Dr Osman Rustar, and Shukurullah Kohgadai. They had been sentenced to eight, 10 and seven-year prison terms respectively in 1983, reportedly for participating in a discussion group at Kabul University seeking peaceful solutions to the armed conflict. In addition, Amnesty International adopted as a prisoner of conscience Habiburahman Halah, a professor of journalism at Kabul University also alleged to have been a member of this group. He was arrested in December 1981 near the border with Pakistan and sentenced in 1983 to seven years' imprisonment for attempting to leave the country and for counter-revolutionary offences. Amnesty International was informed that at his trial Habiburahman Halah withdrew an earlier confession on the grounds that it had been extracted under torture.

On 20 December the official *Kabul New Times* announced that the government had declared its support for the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment adopted by the United Nations General Assembly. Despite this, Amnesty International continued to receive persistent reports of torture and ill-treatment of people taken into custody by the *Khedamat-e Atla't Dawlati (Khad)*, State Information Service. The reports asserted that those tortured and ill-treated in custody by *Khad* agents included not only people accused of armed resistance to the

AMNESTY INTERNATIONAL REPORT 1985

This report covers the period
January to December 1984

Amnesty International Report 1985

197

government but also people arrested on suspicion of non-violent political opposition, such as the distribution of illegal *shab nameh* ("night letters" – clandestinely circulated pamphlets criticizing the government). Torture was apparently most often used to extract information or confessions of guilt. Amnesty International received allegations that Soviet advisers attached to *Khad* units were present at detention centres where torture was reported.

On 23 May Kabul Radio announced that nuclear physicist Dr Mohammad Younis Akbari had been condemned to death by a Special Revolutionary Court for engaging in subversion and counter-revolutionary activities on behalf of the People's Republic of China (see *Amnesty International Report 1984*). Dr Akbari allegedly confessed to being a member of *Reha'i*, a Maoist political group, and to receiving money from China. On 25 May Amnesty International appealed for commutation of Dr Akbari's death sentence and asked for details of his trial. It was not known whether he had been executed by the end of 1984.

Amnesty International was concerned about the marked increase in the number of reported death sentences and executions in 1984. In a statement submitted on 29 May to the UN the government said that it was trying to reduce the number of executions and was working towards the abolition of capital punishment. Amnesty International welcomed this statement on 14 August but expressed concern at a recent Kabul Radio announcement that Abdul Kodous Kal and 14 other unnamed people had been sentenced to death for murder and anti-government activities. On several occasions Amnesty International called for the commutation of such sentences and in December launched a collective appeal for the 77 people reported in the official Afghan news media as having been condemned to death. Most of these were sentenced for murder and terrorism. In all, 68 people were officially reported executed during 1984 compared with 12 in 1983.

Amnesty International was concerned that all these death sentences had been handed down by Special Revolutionary Tribunals against whose decisions there was no right of appeal, in violation of Article 14(5) of the International Covenant on Civil and Political Rights, to which Afghanistan is party. In December in a speech to *Khad* investigators, Special Revolutionary Prosecutors and Special Revolutionary Tribunal officials, President Babrak Karmal declared that "false humanity . . . [towards] the counter-revolutionaries" should be avoided. He urged prosecutors to object if the court "unjustifiably determin[ed] a light punishment" and directed the courts to acquit defendants "only in the light of total and clear innocence of the accused". Amnesty International believed that these political directives, the absence of appeals procedures and the reported torture of political suspects during interrogation, could lead to death sentences being imposed arbitrarily. It

AMNESTY INTERNATIONAL REPORT 1985

**This report covers the period
January to December 1984.**

198

Amnesty International Report 1985

submitted all reported cases to the UN Special Rapporteur on Summary or Arbitrary Executions.

As in previous years Amnesty International received reports that Soviet and Afghan Government military units had committed extrajudicial executions but was unable to investigate these allegations in detail. One report received from mutually independent sources concerned the alleged summary execution by Soviet forces in August of several villagers from Bela and surrounding hamlets in Nangarhar province.

Amnesty International was also concerned about reports of executions by armed insurgent groups with effective control of territory. In January the insurgent radio station "Voice of the Islamic Revolution of Afghanistan" (VIRA) announced the trial before an "Islamic revolutionary court" and subsequent execution of two Afghan army officers in Kandahar province. On 4 May insurgent leaders claimed to have executed a captured Soviet general, and other reports alleged that insurgents in the Panjshir Valley had executed some 50 government agents in April. On 15 September VIRA announced the execution of two women accused of being "spies for the infernal *Khad* espionage organization" in Kandahar.