

Special Rapporteur Calls on the Government and the International Community to Make Renewed Efforts to Prevent Unlawful Killings

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“Afghanistan continues to suffer from a large number of avoidable killings of civilians,” according to Philip Alston, United Nations Special Rapporteur on extrajudicial executions. He called on the Government of Afghanistan and the international community to make renewed efforts to prevent unlawful killings. “The fact that there is an armed conflict does not mean that large numbers of such killings can be tolerated.”

Alston, an independent expert appointed by, and reporting to, the UN Human Rights Council, presented a detailed statement with wide-ranging recommendations.

Alston had just completed an official visit, at the invitation of the Government, to evaluate the problem of extrajudicial executions in Afghanistan. He visited Helmand, Kabul, Kandahar, Kunar, Nangarhar, Jowzjan, and Parwan. He met with senior Government officials, members of the diplomatic community, international military commanders, community leaders, elders and other members of civil society, and many victims and witnesses.

“I received a very clear message from most of those with whom I spoke that neither the Government nor the international community are doing all that they could do to protect the right to life of Afghans”, he said. He was also harshly critical of the high level of civilian killing carried out by the Taliban and other anti-government elements.

Alston also reported on many cases in which the police kill but enjoy effective impunity because the justice system fails to hold them to account. “The police are the face of the government. If they serve and protect the people, the government will have legitimacy. If they extort, intimidate, and kill, the government will have no legitimacy,” Alston said.

Alston commented that some observers seemed to believe that stability is more important than human rights, or at least should take precedence. “But the idea that security and stability can be provided by ignoring human rights is a mistake,” he said.

Alston said that the international military forces had made real efforts to respect international human rights and humanitarian law but had, nevertheless, already reportedly killed as many as 200 civilians so far this year, often in joint operations with Afghan security forces.

“For all their efforts to abide by international law, the international forces have so far not succeeded in establishing a system which is both transparent and accountable. The international forces need to rise above the maze of overlapping mandates and multiple national systems of military justice and focus on the larger picture,” Alston said. “When ordinary people make huge efforts to find out who conducted the raid or air strike that killed their loved one, to discover whether an investigation ever took place, or to ascertain whether anyone was prosecuted, they often come away empty handed, frustrated and bitter. This is counter-productive and must end.”

Alston said that all of the international forces present in Afghanistan should respect the principles of accountability and transparency and make sure that any affected person can go to a military base and promptly receive answers to such questions.

He also expressed his concern at the fact that individuals had been killed in raids involving armed international personnel for which none of the relevant military forces had accepted responsibility.

Alston said that the Taliban is responsible for the majority of unlawful killings. They routinely commit suicide attacks and targeted assassinations that violate international law.

“Real pressure must be put on the Taliban to cease these wanton and brutal killings of civilians,” Alston said. “In addition to exposing and condemning these killings this also means that those concerned with human rights should talk directly with the Taliban, and impress upon them the long-term consequences of committing human rights abuses.”

Alston said that he understood the fear that speaking with the Taliban might seem to give it more legitimacy, but he said that this was a mistake. He said that the issue of respect for human rights has nothing to do with issues of high politics and added that in other fact-finding missions he had spoken with armed groups.