

VIOLATIONS OF HUMAN RIGHTS
AND FUNDAMENTAL FREEDOMS
IN
THE DEMOCRATIC REPUBLIC OF AFGHANISTAN

An Amnesty International Report

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INTRODUCTION

This report covers the period of one year after the People's Democratic Party (PDP) government, led by President Noor Mohammad Taraki, came to power through a military takeover, overthrowing the government of Mohammed Daud, who had himself assumed office through a military coup in 1973. Since 27 April 1978, wide ranging political changes have taken place under the new government. Amnesty International believes that the human rights specified in the United Nations Declaration of Human Rights - to which the PDP government has publicly declared its adherence - should be observed by all governments under all circumstances. It has closely followed, for six months, reports it received that serious human rights violations occurred, before it decided to send a delegation to Afghanistan in October 1978. The mission discussed allegations of human rights violations which fall within Amnesty International's mandate concerning the new government as well as previous administrations, notably that of former President Daud (who was killed, with many members of his family, during the 27 April 1978 government takeover).

The Amnesty International delegation, led by Professor Mdataz Soysal, Turkish Constitutional lawyer from Ankara University and recipient of the first UNESCO prize for the teaching of human rights, visited Kabul from 19-24 October 1978. It was the first time an Amnesty International delegation visited Afghanistan, and Amnesty International greatly appreciates the cooperation shown by the government in making arrangements for its delegates to have detailed discussions with Vice Premier and Foreign Minister Hafizullah Amin (who became First Minister on 27 March 1979). Amnesty International notes however that its delegates were not given the opportunity of meeting other government ministers responsible for matters within Amnesty International's mandate; nor were its delegates allowed to see in prison one political prisoner who reportedly had been subjected to torture. All subsequent requests for further information about specific matters remaining of concern to Amnesty International have so far remained unanswered.

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On the basis of the delegates' findings, Amnesty International sent a memorandum reflecting its serious concern about human rights in Afghanistan to President Noor Mohammad Taraki and Vice Premier Hafizullah Amin on 18 December 1978, requesting the government to send its comments by 1 March 1979. The text of this memorandum is attached to this report as Appendix A. Amnesty International had not received any comments by 25 May 1979. Moreover, since its mission took place, it has received further reports about widespread arrests - in some cases involving wives and young children of political leaders - and further reports of torture and disappearances of political prisoners. This information has underlined and increased the concerns expressed in Amnesty International's memorandum. Amnesty International believes that the information presented in this report demonstrates that there is a consistent pattern of gross violations of human rights in Afghanistan.

Amnesty International is aware that violations of human rights within its mandate also occurred under previous regimes, notably that of former President Daud, who had assumed office as President after staging a military coup in 1973. During his presidency, Amnesty International received reports that hundreds of political prisoners, both of conservative religious and of left-wing views, were being held without trial in the city of Kabul alone. Amnesty International had also received several, unconfirmed, reports that torture was being practised particularly during the period of pre-trial interrogation. Several political prisoners, including civilians, had been executed following conviction by summary military tribunals on alleged charges of plotting to overthrow the government. At least one political prisoner, former Prime Minister Muhammad Hashim Maiwandwal, died during that period in Kabul prison under mysterious circumstances (he had been arrested in September 1973 for allegedly staging a "plot against the regime"): During 1977, Amnesty International had on several occasions expressed its deep concern to President Daoud's government about the allegations of torture it had received, and about the application of the death penalty in Afghanistan. Amnesty International had also inquired about the use of military tribunals in cases where the government alleged national security was involved. But Amnesty International did not receive a response from the previous government.

This report relates to political imprisonment, maltreatment and torture, the rights and safety of political prisoners and the right not to be arbitrarily deprived of one's life: issues central to Amnesty International's mandate. Apart from these human rights violations, Amnesty International is aware that frequent allegations of atrocities have been made by both sides involved in the armed conflict between the government and religious opposition groups led by the "Ekhwanis" (Muslim Brotherhood), the Jamiaat-i-Islami and the Hezb-i-Islami; both sides having declared a "jihad" (holy war) against each other. Armed rebellion has been mounted particularly since the autumn of 1978 in various provinces outside Kabul, especially in Kunar, Badakshan, Parwan, Paktia, Nangahar, and, most recently, in Herat. There has been considerable loss of life and atrocities have been committed by both sides involved in the conflict. This report, however, does not deal with allegations of this nature.

THE NATURE OF AMNESTY INTERNATIONAL'S CONCERN

The Democratic Republic of Afghanistan has not ratified the International Covenant on Civil and Political Rights. However, shortly after assuming office, the People's Democratic Party government explicitly declared it would adhere to the Universal Declaration of Human Rights (Kabul Radio report, 9 May 1978). Amnesty International believes that the following rights guaranteed in the Universal Declaration of Human Rights and in the International Covenant on Civil and Political Rights are currently being denied to Afghan citizens:

- Article 3 of the Universal Declaration of Human Rights (and Article 6 of the International Covenant on Civil and Political Rights): the right to life, liberty and security of person
- Article 5 of the Universal Declaration of Human Rights (and Article 7 of the International Covenant on Civil and Political Rights): the right to freedom from torture and other forms of cruel, inhuman and degrading treatment or punishment
- Article 9 of the Universal Declaration of Human Rights (and Article 9 of the International Covenant on Civil and Political Rights): the right to freedom from arbitrary arrest and detention
- Articles 10 and 11 of the Universal Declaration of Human Rights (and Article 14 of the International Covenant on Civil and Political Rights): the right to a fair and public trial with full guarantees for defence.

The International Covenant on Civil and Political Rights furthermore stipulates that the right to life and the prohibition of arbitrary deprivation of life, as well as the freedom from torture, are rights from which no state can derogate even "in times of public emergency which threaten the life of the nation" (Article 4 of the International Covenant on Civil and Political Rights).

Amnesty also believes that the provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners are not being applied, and that its most important provisions relating to the prisoners' contact with the outside world are being totally denied to many political prisoners.

The information presented below is collated from official government sources and publications, the observations of the Amnesty International delegates visiting Kabul (who also met some Afghan citizens who are not members of the government), newspaper reports in the international press and unpublished accounts of journalists and others visiting Afghanistan. Information has also been obtained from other reliable sources with access to first-hand and reliable information about the conditions of political imprisonment in Afghanistan.

Whereas Amnesty International believes that the information in this report regarding violations of human rights within Amnesty International's mandate demonstrates that a consistent pattern of gross violations of human rights exists in Afghanistan, its research has been inhibited by frequent expressions of Afghan citizens that they fear reprisals in submitting information about human rights to international organizations such as Amnesty International. In Kabul, the Amnesty International delegates encountered during their October visit a real and widespread fear of reprisals, reinforced by many reports that political arrests continue to be made during the night when a curfew is still in force from 11 p.m. onwards. They were told on two occasions in Kabul by family members of political prisoners that they had been warned by officials not to disclose to foreigners any information concerning the imprisonment of family members, on pain of repercussions.

In recognition of such expressions of fear of reprisals, Amnesty International feels obliged not to disclose in this communication all available information about the cases of political imprisonment and allegations of torture which it has received. Amnesty International has therefore restricted itself to mentioning in this report only those individuals who have been named in public sources. It has furthermore sought concrete guarantees from the Afghanistan authorities that no retaliation occurs against any person, his relatives or friends, mentioned in this or future reports presented by Amnesty International concerning human rights violations in Afghanistan. Such concrete guarantees could include a public assurance from the government that qualified international organizations, such as the International Committee of the Red Cross, be allowed regular and unhindered access to all political prisoners in Afghanistan, including those mentioned in this and any further reports prepared by Amnesty International. This would be a minimal recognition by the government of its obligations under international human rights standards.

Amnesty International describes below the following matters of concern:

- political imprisonment
- legal provisions and the right to a fair trial
- allegations of maltreatment, torture and "disappearance" of political prisoners
- conditions of political imprisonment

1. POLITICAL IMPRISONMENT

Political imprisonment is widespread and the pattern of arrests includes all groups opposing the policies of the left-wing People's Democratic Party (PDP) government, which has declared an extensive programme of land and agrarian reform, and reforms aimed at rapidly eliminating illiteracy. The government is also reported to have ordered the elimination of debts of farmers to moneylenders and the abolition of the dowry system. Political opposition ranges from the fundamentalist right-wing religious based opposition of the "Ekhwanis" (Muslim Brotherhood) to far left-wing groups including Marxist-Leninist and pro-Chinese opposition factions. Members of all of these groups have been arrested. Persons of moderate conservative, nationalist or left-wing views not shared by the government are also being held, as are also some persons belonging to national minorities. The arrests include members of the PDP government itself: five ministers of the May 1978 new government are now imprisoned, but other party officials have also been arrested. According to a Reuters report of 19 April 1979, at least 1,000 people were arrested in Kabul in late March/early April 1979 immediately following an uprising in the city of Herat. According to this report, "the latest purge ... has taken in a wider range of Afghans, from clerks, officials and teachers, to shopkeepers, taxi drivers and servants".

The majority of the hundreds of most recent political arrests reported in the international press were made among prominent Islamic leaders and their followers, both of the Sunni and the Shiite groups, particularly after the government started implementing its far-reaching programme of educational reforms last autumn, which met with strong opposition among the Islamic religious community. Prominent leaders arrested include Muhammad Ibrahim Mogadeddi and his entire family, Maulana Mohiuddin Bulghi and the Shiite leader Mir Ali Ahmad Waiz. (Le Monde, Paris, 21.3.79; Reuters 19.3.79; Financial Times, London, 22.2.79). President Taraki, in a recent interview in the Kabul Times (3.3.79), has maintained that the government "had not jailed anybody for the sake of being a Shiite". However, the government admitted it has and would arrest any person opposing the government reforms (including persons opposing it on conservative religious grounds) when the President stated:

"Whoever stands against our revolution - whoever he may be - we will put him in jail and will really punish him."
(Kabul Times 3.5.79)

Amnesty International believes this statement confirms that it is government policy to imprison any man, woman or member of a political group which the government considers to be in actual or potential opposition to its policies.

Amnesty International has the names of many former ministers, well-known diplomats, governors, army officials and personnel, scholars, professors, doctors and teachers at Kabul University, particularly in the Faculty of Economics, Medicine, Industrial Administration and the Faculty of Law. Many of them are former officials who have, for several years, ceased to hold official positions; others are professionals who apparently have no connection with current political activities. Thousands of soldiers and officers are reported to have been arrested on suspicion of not being loyal to the government. Students, businessmen, artists, political party workers, civil servants and journalists are also currently imprisoned without trial, in many cases the reason for their imprisonment is not known. The names of these political prisoners cannot be disclosed for fear of reprisals.

Political arrests have, in some cases, been accompanied by the imprisonment of the wives and children - in some cases less than one year old - of political prisoners, such as, for example, the arrest of family members of the Kabul religious leader Mohammed Ibrahim Mogadédi on 18 January 1979. Amnesty International has a list of 42 women and children, currently held in Pule Charchi prison in Kabul, some of them reportedly ill, arrested merely for belonging to the family of a political prisoner. In many cases political prisoners are held without any contact with the outside world, and there is fear that some political prisoners have been killed after arrest, (see later).

The following is an account of several categories of political prisoners currently held:

- a. Political prisoners arrested during or shortly after the April 1978 overthrow of the government.

On 27/28 April 1978 all ministers, many officials of the last government and members of the royal family were arrested.* Vice Premier and Foreign Minister Amin informed the Amnesty International delegates in October 1978 that three ministers (Professor Abdul Qayyum, Minister of Border Affairs, Professor Ghulam Siddiq Muhibbi, Minister of Education, and Dr Abdul Majjid, Minister of State) were being released, together with 72 or 74 women and children, members of the royal family. Their release was subsequently confirmed, but all other men remain imprisoned without trial. Approximately 50 of them are

* King Zahir Shah and members of the royal family were related to President Daud, who came to power after a military coup of July 1973, leading to King Zahir Shah's abdication in August 1973.

members of the royal family, the majority of this group are professionals and artists who have not held official positions, at least two of them over 75 years old.

Also arrested in the days following the April events were many other prominent Afghan citizens who had held official positions several years ago under previous administrations. Prominent among those whose arrests have been published in the press are former Prime Minister and well-known Arab scholar Mohammad Moosa Shafiq, who had already been detained without trial for two years by former President Daud, (he has most probably been executed); former Ambassador to Paris, United Nations delegate and Dari scholar Abdul Rawan Farhadi, (neither of these men has held an official position since 1973); as well as former Prime Minister, former United Nations delegate and, until last year, Ambassador to Pakistan, Nur Ahmad Etemadi.

Members or sympathisers of pro-Chinese, Marxist-Leninist groups who oppose the government and nationalist groups were also arrested during May and June 1978 in particular. Some of them had already been detained without trial under the previous government. Prominent among the hundreds reported to have been arrested in this group are Dr Rahim Mahmoodi, the Editor of Shu'la-i Jawed ("Eternal Flame"), a Marxist-Leninist paper, and Taher Bادهczai, Maulana Baes, and the poet Vasef Bakhtali, all reported to be members of the pro-Chinese Settem-i-Melli ("National Oppression") group. This group is reported to have applied guerilla tactics in the past and claims regional support in the north-eastern province of Badakshan, inhabited by the Tadzhiks, a national minority. (The release of the leaders of the Settem-i-Melli was presumably the demand of the kidnappers of American Ambassador Dubbs on 14 February 1979.) Arrests in this group also include a number of teachers at Kabul University, particularly in the Faculty of Medicine, who are believed to be sympathisers with left-wing groups, many of whose names are known to Amnesty International.

A list of well-known Afghan citizens and officials arrested after the April 1978 events, collated from public sources, is attached to this report as Appendix B.

- b. Political prisoners arrested in connection with the official announcement of the discovery of an alleged conspiracy to overthrow the government in August 1978.

In July 1978 a split occurred between the "Khalq" (People's) and "Parcham" (Flag) factions constituting the People's Democratic Party government. The split was followed by the arrest, in mid-August 1978, of Major General Abdul Qader (Minister of Defence), Sultan Ali Kishmand (Minister of Planning), Lt-Col. Mohammad Rafee (Minister of Public Works), together with the former Chief of the Army, Lt-General Shahpoor Ahmadzai, and the Head of Kabul Hospital, Dr Mir Ali Akbar. They were charged with staging a plot against

the government, together with six leaders of the Parcham group who had been sent as Ambassadors abroad in June 1978. Following the arrest of the five, copies of their alleged confessions were published in the Kabul Times of 23 September 1978. Amnesty International believes that these confessions were extracted under duress.

Some family members of the accused were arrested in late August 1978, and during the months of July and August 1978 several well-known professors and teachers at Kabul University, particularly in the faculties of medicine and economics, were also reliably reported to have been arrested. These events were accompanied by hundreds of arrests, throughout the country, of political workers, alleged to be pro-Parcham, and members of the armed forces reportedly supporting General Qader. In March 1979 the government arrested the remaining prominent Parcham members including Sulaiman Laeq, Minister of Radio and Television, and Nazamuddin Tahzib, Minister of Border Affairs in the PDP government of May 1978. The government had reported earlier that both men were involved in the alleged conspiracy.

c. Political prisoners arrested before April 1978 by previous governments and still held without trial.

Many political prisoners currently held had already been arrested under previous governments, notably during the government of President Daud. A few, political prisoners who were arrested on charges of staging plots to overthrow President Daud's government in 1973, 1974 and 1976, had been tried by military tribunals and the leaders sentenced to death. However, the majority were held without trial: many were arrested for expressing their opposition to the policies of the previous government on orthodox religious grounds, others were arrested for holding left-wing views, and some for belonging to the pro-Chinese Settem-i-Melli. Political prisoners were held for years without trial or charge, and many of them continue to be held by the new government. During its October mission, Amnesty International discussed with the government the continued imprisonment of one of them, former Finance Minister Abdul Malek Abdul Rahimzai, who had been held without trial for more than 21 years since his arrest in 1957.* Vice Premier and Foreign Minister Mr Hafizullah Amin told Amnesty International that the government had no plans to release or to try him. He said that only those political prisoners who "were not against the revolution" would be released: others "would have to serve their term".

In a statement in the Kabul Times of 30 April 1979 the government claimed to have released a total of 14,000 prisoners who had been arrested "under the past oppressive and corrupt regimes". During the last year, Amnesty International has made several inquiries to the Afghanistan government about the

* Amnesty International has received a report, which remains unconfirmed, that he was subsequently released.

nature of these releases. On 8 March 1979 Amnesty International asked Foreign Minister Amin to be informed whether any political prisoners were among the 12,223 prisoners the government said, on 16 December 1978, it had released since assuming office. But no reply has been received, and Amnesty International believes that the latest official figure of 14,000 prisoners released by the new government refers to criminal rather than political prisoners.

Amnesty International remains deeply concerned that prisoners arrested for political reasons under previous regimes, many of whom have already spent many years detained without trial, now face the prospect of indefinite detention without trial. In its memorandum of 18 December 1978, Amnesty International had recommended that the government declare a general amnesty for all political prisoners arrested by previous governments (see Appendix A).

Numbers

It is difficult to make a precise assessment of the numbers of political prisoners currently held in Afghanistan. Political arrests continued to be reported by international observers during recent months, including among groups mentioned in this report, many of whom do not know of the existence of international human rights organizations such as Amnesty International. Detailed and reliable information about individuals arrested for political reasons is particularly hard to obtain outside Kabul.

In a statement of 10 March 1979, published in the Kabul Times on 11 March 1979, President Taraki denied reports by foreign observers that up to 20,000 political prisoners had been arrested by the new government. The real figure, he stated, was 1,356. But there appear to be substantial differences in official statistics on political imprisonment given by the government at any one time. Amnesty International believes the figure to be considerably larger than that given by President Taraki in March.

A report on Kabul Radio, reported in Le Monde (Paris) of 3 May 1979, quoted President Taraki as saying on 30 April 1979 that the government had released 1,300 political prisoners on the occasion of the first anniversary of the revolution, and that 1,000 political prisoners remained in detention, all of them "enemies of the people guilty of anti-revolutionary offences". According to this statement, the official number of political prisoners in Afghanistan prior to the amnesty announcement, i.e. during April 1979, would have been 2,300. But one month earlier, on 10 March 1979, President Taraki had stated the number to be not larger than 1,356. (Amnesty International has so far not received any names of political prisoners included in the 30 April amnesty announcement, and can therefore not confirm that any political prisoners have been released under the government's amnesty announcement.) Government statistics however, confirm reports by several foreign observers that there have been many political arrests during the last six months in particular. At

the time of the mission in October 1978, the Amnesty International delegation was told by the Foreign Minister that there were "approximately 100 political prisoners in Afghanistan". But the April 1979 official statistics confirm that the actual number is in the thousands.

At the time of its October 1978 mission to Afghanistan, Amnesty International estimated that there were at least 4,000 political prisoners in Afghanistan, the official figure of 100 given to Amnesty International at the time apparently not including political prisoners arrested by previous governments, and remaining in detention. Amnesty International estimates that the number of political prisoners held has gone up by several thousand since then. This assessment is made bearing in mind the government's own statistics, which indicate a sharp increase in the number of political arrests, and also considering the many details of further political arrests received by Amnesty International since its mission visited Afghanistan. Reliable international observers estimate there are at least 12,000 political prisoners in Kabul's Pule Charchi prison alone.

Releases

Whereas there has been a continuing pattern of arrests among all opposition groups, Amnesty International notes that some, but few, political prisoners have also been released. This report has mentioned the release of 72 or 74 women and children, members of the royal family, on 19 October 1978, together with three ministers of the previous government. There is also an unconfirmed report that Abdul Malek Abdul Rahimzai, whose long-term imprisonment the Amnesty International delegation discussed with the government, (see page 8), has been released. But all other political prisoners mentioned in this report remain imprisoned without trial, and Amnesty International has not been informed that any of them are among the 1,300 prisoners the government declared it had released under the amnesty it announced on 30 April 1979, (see above). Throughout the year, Amnesty International has made several inquiries at embassies in Ankara, Bonn and London, requesting the government that it be sent names and further details of political prisoners who might have been released by the government over the year, and on 8 March 1979 Amnesty International wrote to Vice Premier and Foreign Minister Amin, asking him whether any political prisoners were among those released by the government. In the absence of any response to these requests from the government, Amnesty International believes that the releases of prisoners announced by the government so far in nearly all cases concern prisoners not held for political reasons.

2. LEGAL PROVISIONS AND THE RIGHT TO A FAIR AND PUBLIC TRIAL

According to Article 1 of Decree No. 3 of the Revolutionary Council of the Democratic Republic of Afghanistan (DRA), the 1977 Constitution was declared to have been abolished on 27 April 1978. (Report on Kabul Radio, 14 May 1978.) Decree No. 3 provides that the powers of the Supreme Court were transferred to the Supreme Judicial Council of the DRA, a body responsible to the Revolutionary Council of the DRA. The Supreme Judicial Council consists of the Minister of Justice and two of his deputies, the President of the Court of Cassation and the Assistant Attorney General, (Article II). Because of its composition and the nature of its responsibility (directly to the government), the Supreme Judicial Council is not a body independent of the government.

Article VII of Revolutionary Decree No. 3 establishes a "Military Revolutionary Court"; the judges of this court are appointed by the Revolutionary Council of the DRA and are also responsible to it. It is difficult, therefore, to consider the court to be an "independent and impartial tribunal" within the meaning of Article 10 of the Universal Declaration of Human Rights. The method of trial of the Military Revolutionary Court shall be "in accordance with the Law of Military Prosecution". It has powers to try political prisoners:-

The Military Revolutionary Court has jurisdiction to try:

"military and civilian persons who commit crimes against the revolution of the 7th Saur 1357 (i.e. the revolution of 27 April 1978), against the interests of the people and national interests and in violation of the internal and foreign security of the DRA, and will be punished according to Penal Law and the Military Penal Law and the Decrees of the Revolutionary Council of the DRA".

Shortly after the revolution, the government announced that former officials associated with the previous regime would be tried by military revolutionary courts for their "provocative actions", but when asked by the Amnesty International delegates Foreign Minister Amin did not confirm that the government had plans to try them for the crimes the government alleged they had committed. However, Amnesty International was informed that General Abdul Qader, Major General Shahpoor Ahmadzai, Dr Mir Ali Akbar, Sultan Ali Kishmand and Mohammad Rafee, arrested in August 1978, would be tried by a Military Revolutionary Court at a time to be announced by the Revolutionary Council, on charges of plotting to overthrow the government. So far, Amnesty International has not yet been able to obtain copies of the military penal law according to which they would be tried.

The Kabul Times of 23 September 1978 had published photostat copies of documents reported to be the confessions of General Qader and his four co-accused in the alleged plot to overthrow the government. Amnesty Inter-

national, during its discussion with Foreign Minister Amin, received an assurance that the five prisoners (whose place of detention the government did not disclose) would be tried in open court and that international observers from organizations like Amnesty International could attend. In its subsequent memorandum to the government (Appendix A) Amnesty International had asked to be informed about the precise charges against these prisoners, as well as the date of their trial. The government has not responded to Amnesty International's query and, in an interview published in the Kabul Times of 3 May 1979, President Taraki is quoted as saying:

"There is no doubt that they will be put on trial and all the necessary documents have been gathered in this regard. But we deliberate this point very carefully so that no innocent is lost or killed. It is possible that their destiny is determined after sometimes. Here whoever has acted against the revolution, we have taken action against him".

As far as Amnesty International is aware, none of the political prisoners arrested after April 1978 has been brought to trial. It is not known under what legal authority, if any, political detainees are being held. Less than a dozen of the thousands of political prisoners held without trial are reported to have been charged. Moreover, Amnesty International is not aware that any of the political prisoners it knows to be detained have had access to any form of legal assistance.

Amnesty International believes that important minimum guarantees provided in the International Covenant on Civil and Political Rights are denied to Afghan citizens, in particular the provisions of the following Articles of the Covenant:

Article 9:

- Section 1 - No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established in law
- Section 2 - Anyone who is arrested shall be informed, at the time of arrest, of the reasons for his arrest and shall be promptly informed of any charges against him
- Section 4 - Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may decide without delay on the lawfulness of his detention and order his release if the detention is unlawful

Article 14:

- Section 3 - In the determination of any criminal charge against him, everyone shall be entitled to the following minimum guarantees, in full equality:

- (a) To be informed promptly and in detail in a language which he understands of the nature and cause of the charge against him;
- (b) To have adequate time and facilities for the preparation of his defence and to communicate with counsel of his choosing
- (c) To be tried without undue delay.

3. ALLEGATIONS OF MALTEMENT, TORTURE AND "DISAPPEARANCE" OF POLITICAL PRISONERS

a. Maltreatment and Torture

Amnesty International has received a substantial number of allegations that political prisoners are being subjected to torture. Fears have been expressed that some prisoners are now paralysed and that others died as a result of torture. The allegations concern in particular:

- members of the "Parcham" (Flag) faction of the PDP government, reported to have been subjected to torture in order to extract "confessions" about their alleged involvement in a conspiracy to stage an attempt to overthrow the government (see page 7)
- members of the Muslim Brotherhood and members of various Islamic opposition groups (including family members of religious leaders)
- members of Maoist opposition groups

Amnesty International has also received allegations that other political prisoners have been tortured. One of the allegations concerns a former ambassador, the other a former minister in the previous administration, who has been seen by several people in Pule Charchi prison, Kabul, in bad physical condition, with blood coming out of his mouth. Both are still detained. Amnesty International has been asked not to disclose the identity of these prisoners, for fear of reprisals.

Amnesty International has received several specific allegations that political prisoners have died as a result of torture. Three of these allegations concern members of the armed forces: Mr Khalil, Commandant of the 59th Artillery Regiment, Mr Hedayetollah, an army commander who was in charge of education at the Defence Ministry, and Mr Hashem, Commandant of the 44th Command. They had been arrested in August 1978 during a purge of the armed forces which followed the discovery of the alleged plot, led by Parcham sympathisers, to overthrow the government.

Alleged methods of torture reported to Amnesty International include severe beatings, whipping, pulling out of prisoners' nails, burning of the hair and sleep deprivation. Some reports also allege that political prisoners

are given electric shocks, allegations made in several reports which Amnesty International has received and also reported in a published account by a foreign anthropologist who was himself detained for one week by Kabul police from 24 November 1978 (Athens News 19.12.78). This source claims to have seen electric torture equipment and also alleges to have seen political prisoners who had been subjected to torture. (One of those named in the report as having been severely beaten on the head was Professor Mohammed Far Nuristani of Kabul University, who is a member of the Nuristani tribe, a national minority of East Afghanistan reported to be involved in a conflict with the government. As far as Amnesty International is aware, Professor Nuristani has not been involved in politics.)

Several reports name the Ministry of the Interior and Kabul prisons as places where torture regularly takes place, and allege their use both by the special police and by members of the armed forces. Amnesty International has the names of two police officials named as having regularly practised torture.

Allegations such as those received by Amnesty International that torture is now widespread have also been made in the international press: Le Monde (Paris) 21.3.79 reports that "several reliable sources confirm that torture is widely practised". A Reuters report (22.2.79) quotes "Western and Asian diplomats as saying that torture in jails is standard practice and there have also been a number of executions".

Amnesty International has not been in a position to authoritatively verify or deny the specific allegations of torture concerning individual prisoners it has received, it being impossible to interview the prisoners as they are all still being held. But before and after its October 1978 mission to Afghanistan, Amnesty International has received information from highly reliable sources that General Abdul Qader, Sultan Ali Kishmand, Lt-Col Mohammad Rafee, Lieutenant General Shahpoor Ahmadzai and Dr Mir Ali Akbar were subjected to severe torture, in order to extract "confessions" about their alleged involvement in a conspiracy to overthrow the government (see page 7). One of them is said to have had treatment in hospital because he was paralysed as a result of torture. President Taraki has denied the allegations that these prisoners had been subjected to torture. He said:

"But there are persons who have confessed without any oppression or physical punishment on charges made against them and there are documented evidences and witnesses and the evidences have been shown to them and at the end their mouths remained open and then they said: Sir please pardon me this time and I would not do it again. But I tell them well if you change yourselves and really think in accordance with the Saur Revolution then we would not have anything to do with you." (Kabul Times 10.3.79)

Seriously concerned about the allegations that the "confessions" of these prisoners had been extracted under torture, Amnesty International asked the Foreign Minister during their visit to Kabul in October 1978 for a personal interview with one of these prisoners, General Abdul Qader, the alleged leader of the plot, reported to have been severely tortured. The request was refused. Amnesty International received an assurance that Mr Qader was "alive and well".

The government's refusal to allow the Amnesty International delegates to meet this prisoner and thus to establish independently whether there is truth in these allegations, gives greater credibility to the many allegations that torture is being practised.

Amnesty International had received reports that torture was also being used under previous governments, notably that of former President Daud. It had on several occasions expressed concern about these allegations to the previous government. Kabul Radio announced in January 1979 a report by Law Minister, Mr Abdul Hakim Sharayee Jauzjani, that 50 mutilated bodies had been found in two camps near Kabul, allegedly victims of torture under the previous government. On 8 March 1979, Amnesty International wrote to the Law Minister asking for a full copy of this report, which it has not yet received, and the details of which, as far as Amnesty International is aware, have not been published.

b. Execution and "Disappearance" of Political Prisoners

This report does not deal with accounts of atrocities, killings and on-the-spot executions committed by both sides involved in the armed conflict between government forces and Islamic groups opposing the government. Amnesty International is here concerned with the treatment of political prisoners who have been arrested for political reasons and have subsequently been in the custody of the government. Amnesty International is particularly concerned about serious allegations that some have been executed without trial and that others have "disappeared after arrest".

There have been recent reports in the international press alleging dozens of executions of political prisoners (see for example Reuters 22.2.79, page 14). A report in the Sunday Telegraph (London) of 4 January 1979 alleges that special military units known as "execution squads" pay regular visits to Kabul prisons. Many political prisoners, in particular former prominent officials, religious leaders, army personnel and members of the Parcham group of the PDP government, are taken away at night and subsequently executed, according to reports received by Amnesty International.

Amnesty International has not been able to assess whether such general reports are true. It wrote on 8 March 1979 to Vice Premier and Foreign Minister Hafizullah Amin, requesting information about these allegations, but no reply has been received. But Amnesty International has the names of

a number of political prisoners - one of them a former Prime Minister - who have been arrested, and who Amnesty International fears are no longer alive. In the absence of official information it is impossible not to take seriously reports that they have been killed in the period after 27 April 1978, and while in the custody of the PDP government.*

Their names are attached to this report as Appendix C.

4. PRISON CONDITIONS

In Kabul, nearly all political prisoners are held in the newly built large prison complex outside the city, Pule Charchi prison. Other political prisoners are held in Kabul's Demazang prison, and in the many provincial jails. Reports in the international press (for example Le Monde 21.3.79) and reports received by Amnesty International which so far remain unconfirmed say that since so many political prisoners have been arrested in recent months, Kabul houses have been converted into prisons.

Shortly after coming to office, on 17 May 1978, the new government announced that it had set up committees to study prison conditions, which would make recommendations to the government. According to a report in the Kabul Times of 25 September 1978, the Council of Ministers has confirmed proposals from the Ministry of the Interior for the improvement of prison conditions and living conditions of prisoners. The proposals have been sent to the Revolutionary Council for approval. But no details are known about the recommendations made to the Revolutionary Council. Discussing conditions of political imprisonment, Amnesty International was assured by Vice Premier and Foreign Minister Amin that "all political prisoners were being treated well". However, Amnesty International is greatly concerned that some of the most important provisions of the United Nations Standard Minimum Rules for the Treatment of Prisoners are not being respected.

Many political prisoners are reportedly being denied all family visits and are not allowed to write or receive letters. Amnesty International knows of many cases in which political prisoners have been denied any contact with their relatives and friends ever since their arrest, in some cases for more than one year. In such cases relatives are only allowed to hand in clean

* Since this report was written, Amnesty International has received dozens more names of Afghan citizens who are alleged to have been executed at Kabul's Pule Charchi jail in late 1978 and 1979. The majority are religious leaders and army personnel; several others are the names of prominent Kabul citizens. Amnesty International is currently investigating these reports of continuing summary executions.

clothes for the prisoner at the jail gate. On 4 May 1979 an incident was reported in the international press to have taken place in front of Pule Charchi prison, Kabul. Women and children, relatives of political prisoners, had gathered at the jail gate and protested to the prison authorities about being denied visits to their imprisoned relatives and about not receiving any news from the prisoners since their arrest. (Frankfurter Allgemeine Zeitung 23 May 1979.) According to reports which remain unconfirmed, several women died in the incident. But so far as Amnesty International is aware, no changes in the conditions of political imprisonment have taken place in spite of such protests. Amnesty International knows of several cases where relatives have been told at the jail gate, when bringing clean clothes for a prisoner, that "this was no longer necessary". This has naturally greatly increased the families' concern for the prisoners' safety, and led to fears that the prisoner is no longer alive.

The Vice Premier and Foreign Minister explained to Amnesty International that in some cases it is the practice in Afghanistan not to allow visits to prisoners "whose cases are under investigation". But there is no time limit for the period in which a prisoner can be so held without any contact with the outside world, nor is there apparently an obligation for the government to notify the family of the place of a prisoner's detention, his illness or his death. The United Nations Standard Minimum Rules for the Treatment of Prisoners clearly establish that the supply of such basic information about the prisoner's condition is a minimal requirement for any prison authority to uphold.

According to Rule 44(1) and (3) of the United Nations Standard Minimum Rules for the Treatment of Prisoners:

- 44(1) Upon the death or serious illness of, or serious injury to a prisoner, or his removal to an institution for the treatment of mental affections, the director shall at once inform the spouse, if the prisoner is married, or the nearest relative and shall in any event inform any other person previously designated by the prisoner.
- (3) Every prisoner shall have the right to inform at once his family of his imprisonment or his transfer to another institution.

First hand accounts of political prisoners, received by Amnesty International, name instances where political prisoners have not been allowed any books, newspapers, reading or writing material, including a pen. Amnesty International also knows that many political prisoners are seriously ill: with diabetes, tuberculosis, heart diseases, stomach ulcers and kidney diseases, and other ailments. Amnesty International has received several reports that such political prisoners are not being allowed prescribed medicines which are brought by relatives.

Amnesty International believes that current practice does not allow political prisoners the most basic rights and facilities laid down in the United Nations Standard Minimum Rules for the Treatment of Prisoners. The following important rights are being denied to many political prisoners:

- Rule 37 Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits.
- Rule 39 Prisoners shall be kept informed regularly of the more important items of news by the reading of newspapers, periodicals or special institutional publications, by hearing wireless transmissions, by lectures or by any similar means as authorized or controlled by the administration.
- Rule 92 An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them subject only to such restrictions and supervision as are necessary in the administration of justice and of the security and good order of the institution.
- Rule 93 For the purpose of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official.

Amnesty International
May 1979

APPENDIX A - MEMORANDUM TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF
AFGHANISTAN

APPENDIX B - WELL KNOWN AFGHAN CITIZENS AND OFFICIALS OF PREVIOUS GOVERN-
MENTS AND THE PEOPLE'S DEMOCRATIC PARTY GOVERNMENT, ARRESTED
AFTER 27 APRIL 1978

APPENDIX C - PERSONS ARRESTED AFTER 27 APRIL 1978 AND REPORTED TO HAVE BEEN
KILLED WHILE IN THE CUSTODY OF THE PDP GOVERNMENT

APPENDIX A - MEMORANDUM TO THE GOVERNMENT OF THE DEMOCRATIC REPUBLIC OF
AFGHANISTAN

Introduction

An Amnesty International delegation, led by Professor Mumtaz Soysal from Turkey, visited Afghanistan from 19-24 October 1978 and had detailed discussions with the Vice Premier and Minister of Foreign Affairs, Mr Hafizullah Amin, on 22 October 1978. Amnesty International very much appreciates the courtesy with which its delegates were received and is grateful to the government for enabling Amnesty International for the first time to send its delegates to Kabul and meet government officials to discuss matters of concern. The previous government, to which Amnesty International had expressed concern about reports of torture of political prisoners and had addressed inquiries about the trial of political prisoners by military tribunals, had not been responsive. At the end of the discussion with the Foreign Minister, it was agreed that Amnesty International would present a memorandum to the government, outlining those matters which continue to cause it concern. The text of this is presented below.

The detailed discussions Amnesty International's delegates had with the Foreign Minister have certainly clarified some outstanding questions - causing great international concern - regarding the lives and personal safety of political prisoners arrested during and after the April overthrow of the former government, led by President Daud. In a press release issued on 7 November 1978, Amnesty International publicly welcomed the announcement, made by the Foreign Minister to the Amnesty International delegation in Kabul that 72 or 74 women and children - members of the former royal family or relatives of officials of the previous administration - had been released together with the then Ministers of Border Affairs, Higher Education and Commerce, and a high government official.

Amnesty International is encouraged by the announcement of these releases, and is still awaiting a full list of all women and children released by the government. The Foreign Minister told Amnesty International that it could obtain such a list from the Ministry of the Interior. Unfortunately the Amnesty International delegates were not given the opportunity of meeting the Ministers of the Interior and Law, as it had requested in its letter to President Taraki of 27 September 1978, and is thus not in a position authoritatively to confirm that all women and children have now been released. Nor has Amnesty International been able to obtain from these ministries full data concerning releases of other political prisoners which have been announced by the government.

However while welcoming the releases of political prisoners which have taken place so far, Amnesty International remains deeply concerned that very many political prisoners still remain detained, the majority of them without trial, and some of them for excessively long periods. Amnesty International reiterates the hope it expressed to the Foreign Minister during its mission, that many more political prisoners will be released in the near future. Amnesty International looks forward to continuing discussing these matters with the government, and it particularly values the assurance given to its delegation by the Foreign Minister that the government would welcome further visits by Amnesty International to Afghanistan.

1. Amnesty International concerns with human rights in Afghanistan

The objects of Amnesty International are outlined in Article 1 of its Statute, which states as follows:

- "Considering that every person has the right freely to hold and to express his convictions and the obligation to extend a like freedom to others, the objects of Amnesty International shall be to secure throughout the world the observance of the provisions of the Universal Declaration of Human Rights, by:
- a) irrespective of political considerations working towards the release of, and providing assistance to persons who in violation of the aforesaid provisions are imprisoned, detained, restricted or otherwise subjected to physical coercion or restriction by reason of their political, religious or other conscientiously held beliefs, or by reason of their ethnic origin, sex, colour or language, provided that they have not used or advocated violence (hereinafter referred to as "Prisoners of Conscience");
 - b) opposing by all appropriate means the detention of any Prisoners of Conscience or any political prisoners without trial within a reasonable time, or any trial procedures relating to such prisoners that do not conform to recognized norms to ensure a fair trial;
 - c) opposing by all appropriate means the imposition and infliction of death penalties and torture or other cruel, inhuman or degrading treatment or punishment of prisoners, or other detained or restricted persons, whether or not they have used or advocated violence."

According to the Foreign Minister the number of political prisoners now held is "around one hundred", a government estimate relating to arrests made after the April take-over. Amnesty International believes that several thousand prisoners are currently held because of their political activities, since a large number of them remain in detention following arrest for political reasons by previous governments. Amnesty International is greatly concerned to note reports - which were confirmed during its mission - that among them are some political prisoners such as Abdul Malek Abdul Rahimzai, held for more than 20 years without trial. They are among the longest term political prisoners held in Asia.

Amnesty International wishes to emphasize that it works for the unconditional release of all those political prisoners who are defined as Prisoners of Conscience in Amnesty International's Statute. Amnesty International also believes that all political prisoners - including those arrested by previous regimes, as well as those arrested by the Afghanistan government in August this year on such charges as "plotting to overthrow the government" - should be treated in accordance with international principles of the rule of law. These principles include that all prisoners, including political prisoners, have the right to be tried, within a reasonable period, by an independent and open court of law, or otherwise to be released. Anyone arrested or detained should be given full access to adequate legal defence. In case of conviction they should have the possibility of appealing to an

independent legal authority. Amnesty International is furthermore concerned that the government take steps to ensure that the life and personal safety of all political prisoners are fully guaranteed; that no torture takes place; and that all political prisoners are treated in accordance with the standards set down in the United Nations Standard Minimum Rules for the Treatment of Prisoners, of which Amnesty International regards those listed below to be of particular importance.

2. Political Prisoners

Amnesty International appreciates the various announcements made by the government since assuming office that it is releasing prisoners. Amnesty International notes the statement made by the Minister of Justice on 2 June 1978, that "the committee set up nearly three weeks ago to go into the pending files has not only succeeded in taking final decisions on 6,179 of these files, but has also given verdicts on 469 new cases". On 12 July 1978, the Kabul Times announced the release of 396 prisoners from Takhar province, Khostloi Woleswali and Ghor province, and a report in the same paper of 18 October 1978 mentions that the files of 1,209 persons "working with various organisations" had been settled. On 29 September, President Taraki himself stated that during the period of office of the new government, 9,000 prisoners had been released, "which constitutes almost two thirds of all the prisoners in the country".

While encouraged by these statements which indicate that the government is now reviewing the cases of prisoners arrested by previous administrations, Amnesty International would be most interested to obtain specific details from the government about the numbers of political prisoners included among those released, and their names. Amnesty International attaches importance to this matter since it has noted with considerable concern reports received prior to its mission to Afghanistan, that political prisoners continued to be arrested, not only in Kabul, but also in the provinces. Reports of political arrests have also reached Amnesty International after its delegation visited Kabul. Political prisoners are reliably reported to have been arrested for allegedly holding rightwing as well as leftwing political views, and Amnesty International believes that at least 4,000 prisoners, if not more, are currently being held for their political beliefs or activities.

After discussing with the Foreign Minister the various groups of political prisoners currently being held, Amnesty International remains concerned about the treatment of the following groups of political prisoners:

- (i) Political prisoners arrested during, or shortly after the April overthrow of the previous government.

These are not only ministers and officials associated with the previous administration who, in many cases, were arrested together with members of their families, including women and children. Amnesty International also

possesses reliable information that many others have been arrested since April, both in Kabul and in the provinces. It appears that they have been arrested because they are holding - or are suspected of holding - rightwing or leftwing political views, different from those of the government. Those arrested include professors and teachers at Kabul University, particularly of Economics, of Medicine and of Political Science. For example, among those reportedly arrested in the month of May is Rahim Mahmoodi, the Editor of a well-known leftwing newspaper, as well as various alleged members of pro-Chinese groups. Also arrested are other well-known citizens, including Abdul Gafur Razaan Farhadi, a former Ambassador who ceased to hold an official position in 1975. Many of these arrests have been reported in the international press.

Amnesty International was told by the Foreign Minister that, as regards the group of political prisoners arrested in connection with their association with the previous regime, all women and children were now being released. Four officials, including three former ministers, were also being released but there were no firm plans for the release or trial of the others. The Minister stated that the people of Afghanistan would not, as yet, accept the release of many of these prisoners, "in view of the crimes that they had committed when holding official positions".

Amnesty International does not question the right of any government to put to trial political prisoners against whom there is substantial evidence that they have committed offences of a criminal nature. However, we believe that among the political prisoners still detained in this group are prisoners held for the only reason that they are suspected of holding certain critical political beliefs, or merely for having served in official positions under the previous administration. Political prisoners have even been arrested merely for belonging to the families of such persons. Such arrests of relatives of political prisoners (and women and children in particular) have caused great concern internationally. Whereas Amnesty International is aware that the practice of arresting family members of political prisoners was not uncommon under previous governments, arbitrary arrests of this nature are considered to be completely unacceptable as violating the principles of the Universal Declaration of Human Rights. Amnesty International believes that the release of remaining relatives of political prisoners, whether male or female, if their arrest has occurred only because of family relations, should be undertaken urgently.

Amnesty International is furthermore concerned to ensure that, in the absence of specific plans for the release or trial of this group of political prisoners, they will not, instead, be held for an indefinite period without trial. In Afghanistan, political prisoners have often been held for very long periods without trial under previous governments and the conditions in which they were held without trial have rightly been criticised by the new government. Considering that, in most cases, there do not appear to be any specific charges against these political prisoners, we now respectfully urge the government to consider the possibility of releasing them, either individually, or by way of a general amnesty. Concerning the difficulties regarding their release at this moment, as mentioned by the Foreign Minister (referred to above), Amnesty International noted with

pleasure that the recent releases of women and children, and of other political prisoners, were warmly welcomed by all those to whom the Amnesty International delegates spoke in Kabul and also by international observers.

- (ii) Political prisoners arrested before April 1978, in connection with opposition to previous governments.

Of this group, the Foreign Minister told Amnesty International that only those who were "not against the principles of the revolution" would be released: others "would have to serve their term". Amnesty International would necessarily regard as Prisoners of Conscience any prisoners held only for the reasons stated by the Foreign Minister, provided they are not imprisoned for involvement in violence. Amnesty International is concerned to note that many political prisoners, details of whom are available to Amnesty International, and who were arrested for expressing their opposition to the policies of previous governments on religious grounds, may now face the prospect of continuing indefinite detention without trial, even after the new government has come to power.

The government itself has drawn attention to the many thousand prisoners arrested under previous administrations, and since held without trial in bad conditions. According to the Kabul Times of 30 July 1978, "The number of prisoners waiting for trial who had been subjected to tortures, unfavourable conditions and anxiety, disease and poverty had reached 32,738". But when Amnesty International discussed with the Foreign Minister the case of one of these prisoners a former minister who had been arrested in 1957 for political reasons, and who after 21 years, is still held in Kabul without trial, Amnesty International was disturbed that the government had no plans for his release, or even to bring him to trial. Amnesty International was also disturbed to learn of the Foreign Minister's reply that "if we had to try this prisoner, we would have to kill him". Leaving aside Amnesty International's unconditional opposition to the death penalty, this statement appears not to take into account the requirements of the principle of law, which, Amnesty International believes, should apply to the treatment of all political prisoners wherever and whenever they are being held.

Amnesty International knows of many instances where radical political changes have occurred, and a new government on assuming office, has announced an amnesty for all political prisoners arrested under previous regimes. Amnesty International urges the government to consider now taking such a step, particularly in view of the fact that, in Afghanistan, such political prisoners have often been held for excessively long periods without having been tried. This situation appears to contravene Article 9 of the Universal Declaration of Human Rights which states:

"No-one shall be subjected to arbitrary arrest, detention or exile".

(iii) Political prisoners arrested in August 1978 and afterwards.

The former Ministers of Defence, Major General Abdul Qader, of Planning, Sultan Ali Kishtmand, and of Public Works, Major Mohammad Rafee; and also the former Chief of Staff, Lieutenant General Shahpoor Ahmadzai, and Head of Kabul Hospital, Mir Ali Akbar, were arrested in August 1978, on allegations that they were plotting to overthrow the government. Alleged confessions by them were published in the Kabul Times. Amnesty International has received reliable reports that a number of relatives of these prisoners have also been arrested at the same time. Fears were expressed to Amnesty International about the personal safety of these prisoners, and even that they were no longer alive.

Amnesty International was very glad to receive an assurance from the Foreign Minister that all these five persons were alive, and were being treated well in imprisonment. Nevertheless, Amnesty International remains concerned about their personal safety, since it was not given an opportunity to meet these prisoners, and therefore was not in a position to verify on the spot serious allegations it had received, from usually reliable sources, that the confessions of at least two of these political prisoners had been elicited under torture. The use of torture has been specifically condemned by the UN General Assembly in Resolution number 3452 (xxx). A public statement, by the government, confirming that these prisoners are alive and well, and are allowed regular visits by their families, would be an important assurance to all those who remain concerned about their health and personal safety. Such a statement would also be an important official declaration of support for the international principles for the protection of human rights laid down in the Universal Declaration. Article 5 of the Universal Declaration of Human Rights states:

"No-one shall be subjected to torture or to cruel or inhuman or degrading treatment or punishment".

Amnesty International was informed that these political prisoners would be tried before a military tribunal, and was glad to receive an assurance from the Foreign Minister that the trial would be open and that, in particular, foreign observers of international organizations, like Amnesty International, could attend the trial proceedings. Amnesty International would appreciate being informed by the government immediately when the date and place of trial of these prisoners is known, and would also appreciate it if the government could provide, as soon as possible, copies of the charges made against all those against whom allegations have been made that they were involved in the plot to overthrow the government.

3. Prison Conditions of Political Prisoners

Amnesty International appreciates the assurance given by the Foreign Minister to its delegation that all political prisoners are being treated well. Amnesty International discussed with the Minister the specific provisions for the treatment of prisoners as laid down in the United

Nations Standard Minimum Rules for the Treatment of Prisoners. Amnesty International inquired specifically about the provisions for family visits, and was informed that prisoners "whose cases were under investigation" could not receive family visits. This practice appears to be in contravention of the provisions of the United Nations Standard Minimum Rules. Amnesty International retains the following concerns:

- (i) While Amnesty International knows that some family visits have taken place, it knows of several instances where no family visits have been allowed at all to political prisoners after their arrest. Some political prisoners, whose cases are known to Amnesty International, have not seen their relatives for long periods, of six months and more.
- (ii) Amnesty International knows of several cases of political imprisonment where family members have not received correspondence from a prisoner for several months; and in some cases have not received word from him/her since the arrest. It is not clear to Amnesty International what rights political prisoners have with regard to writing letters, and receiving correspondence.

These concerns also reflect the great uncertainty among relatives of political prisoners in Afghanistan about the personal safety, and even about the place of detention of political prisoners detained in Afghanistan. Therefore, it is also for humanitarian reasons that Amnesty International appeals to the government to allow political prisoners the rights of regular family visits and correspondence, in line with the provisions of the United Nations Standard Minimum Rules.

The Standard Minimum Rules lay down in Rule 37:

Rule 37. "Prisoners shall be allowed under necessary supervision to communicate with their family and reputable friends at regular intervals, both by correspondence and by receiving visits."

As regards untried prisoners in particular, the rules stipulate as follows:

Rule 92. "An untried prisoner shall be allowed to inform immediately his family of his detention and shall be given all reasonable facilities for communicating with his family and friends, and for receiving visits from them, subject only to such restrictions and supervisions as are necessary in the interests of the administration of justice and of the security and good order of the institution."

Rule 93. "For the purposes of his defence, an untried prisoner shall be allowed to apply for free legal aid where such aid is available, and to receive visits from his legal adviser with a view to his defence and to prepare and hand to him confidential instructions. For these purposes, he shall if he so desires be supplied with writing material. Interviews between the prisoner and his legal adviser may be within sight but not within the hearing of a police or institution official".

We enclose a copy of the United Nations Standard Minimum Rules with this memorandum, as well as a copy of the UN General Assembly Resolution number 3452 (xxx).

APPENDIX B - WELL KNOWN AFGHAN CITIZENS AND OFFICIALS OF PREVIOUS GOVERNMENTS AND THE PEOPLE'S DEMOCRATIC PARTY GOVERNMENT, ARRESTED AFTER 27 APRIL 1978*

Lieutenant General Shahpoor AHMAZAI

Chief of the Army. Arrested on 17 August 1978. The Kabul Times of 23 September has published his alleged confession that he was involved in a conspiracy to overthrow the government. Several members of his family, including diplomats, have also been arrested. The government has informed Amnesty International that General Shahpoor Ahmadzai is to be tried before a Special Military Court, but no trial has taken place so far. There is concern for his health, as he is believed to have been tortured. Held in Pule Charchi prison, Kabul.

Dr Mir Ali AKBAR

Head of Jamhoiriat Hospital, Kabul. Arrested on 17 August 1978 and charged with conspiracy to stage a plot to overthrow the government. The government has informed Amnesty International that he is to be tried by a Special Military Court, but no trial has taken place so far. Dr Akbar is held in Pule Charchi prison, Kabul. There is concern for his health, as he is believed to have been tortured.

Eng. Abdul Tawab ASEFI

Minister of Mines and Industries (1975-1978). Former Governor of Herat province. Arrested late April 1978. Since held without trial in Pule Charchi prison, Kabul.

Eng. Karim ATAIE

Minister of Communications (1975-1978). Former President of Radio Afghanistan 1973. Arrested April 1978 and since held without trial in Pule Charchi prison, Kabul.

Ayub AZIZ

Former Governor of Kandahar. Arrested after April 1978 and held without trial.

* Information compiled from public sources.

Amnesty International has, in addition, names of many academics, professionals and other Afghan citizens arrested after 27 April 1978, whose names have not been published. They are held without charge, and the majority do not appear to be connected with political activities.

B(ii)

Nur Ahmad ETEMADI

Former Prime Minister of Afghanistan and Minister of Foreign Affairs (1967-1971). Former Ambassador to Rome, Moscow and to Islamabad (until April 1978). Afghan delegate to 5th and 13th United Nations General Assembly. Former Director General and Secretary General of the Ministry of Foreign Affairs. Member of Loya Jirga, 1964. Arrested in the days after 27 April 1978, while in Kabul. Since held without trial in Pule Charchi prison, Kabul.

Ghauzuddin FAIQ

Minister of Public Works, (1973-1978). Arrested late April 1978 and since held without trial in Pule Charchi prison, Kabul.

Dr. Abdul Gafar Rawan FARHADI

Former Deputy Minister of Foreign Affairs, 1970, and Director General of Ministry of Foreign Affairs (1964-1978). Former Ambassador to Paris. Former delegate to United Nations General Assembly, and former Afghan delegate to the non-aligned conference. Retired since 1973. Arrested 27 April 1978 and since held without trial in Pule Charchi prison, Kabul.

Abdul HAKIM

Governor of Kabul province (1977-1978). Former Minister of Agriculture and Irrigation (1969-1971). Former Governor of Kunar province (1972-1973), and former Acting President for Agriculture in Helmand Valley Authority. Arrested 30 April 1978 and since held without trial in Pule Charchi prison, Kabul.

Dr. Walid HOQUQI

Well-known jurist. Former Minister of Law (December 1972-1973). Member of the draft commission of the Afghanistan Penal Code. Had previously been under house arrest under former President Daud. Arrested in the summer of 1978 and since held without trial in Pule Charchi prison, Kabul.

Dr. Abdul Samad HUMED

Former Minister of Planning (1967-1969), and Deputy Prime Minister. Reported to have been arrested after 27 April 1978, and held without trial.

Eng. Mohammed KABIR

Former Minister of Public Works (1955-1963). General Adviser of Planning under Daud administration. Arrested in weeks after 27 April 1978, and held without trial in Pule Charchi prison, Kabul.

B(iii)

Ahad KARZAI

Former Deputy National Assembly: arrested after 27 April 1978, and held without trial.

Sultan Ali KISHTMAND

Minister of Planning in the PDP government, since May 1978. Arrested on 23 August 1978, on a charge of conspiracy to stage a plot to overthrow the government and on 23 September the Kabul Times published his alleged confession. The government informed Amnesty International that he is to be tried by a Special Military Court, but no trial has taken place so far. He is held in Pule Charchi prison, Kabul. There is concern for his health as he is believed to have been tortured.

Dr. Sabahuddin KUSHKAKI

Former Minister of Information and Culture (1972-1973). Arrested late April or May 1978 and held without trial in Pule Charchi prison, Kabul.

Sulaiman LAEQ

Well-known Afghan poet, and composer of national anthem of the Democratic Republic of Afghanistan. Until his arrest, Minister of Radio and Television in the PDP government since May 1978. In November 1978, Laeq was officially reported to have requested withdrawal from the membership of the politburo of the central committee of the PDP government, after alleged treason of Parcham leader Babrak Karmal was announced to have been proved in the Kabul Times. He was subsequently arrested in March 1979 and is held without trial in Pule Charchi prison, Kabul. There is concern for his health, as Amnesty International has reliable information that he has been subjected to torture.

Mohammad Ibrahim MOGADEDDI

Widely respected religious leader from Kabul Qala-e-Jawad. Arrested with his entire family, including 42 women and children in Kabul on 18 January 1979. Up to 200 members of the Mogadeddi family, also from Herat, Kandahar, Parman and Loghar have been arrested and are held without trial. There are allegations that 5 male members of the family have been subjected to torture.

Eng. J. Mohammad MOHAMMADI

Minister of Water and Power (1976-1978). Arrested immediately after 27 April 1978, and held without trial.

B(iv)

Prof. Dr. Abdul Rahim NAWIN

Minister of Information and Culture (1973-1978). Former Dean of Faculty of Medicine, and former Rector of Kabul University. Arrested late April 1978 and since held without trial in Pule Charchi prison, Kabul.

Dr Abdullah OMAR

Minister of Public Health, (1975-1978). Arrested in April 1978 and since held without trial in Pule Charchi prison, Kabul.

Abdul Rahman PAZHWAQ

Poet and writer. Afghan representative to the United Nations, 1958. President, 21st General Assembly of the United Nations, 1966. Former Ambassador to Bonn, New Delhi. Author of several publications. Arrested after 27 April 1978, and held without trial in Pule Charchi prison, Kabul.

Major General Abdul QADER

Minister of Defence in the PDP government since May 1978. General Qader played a prominent role in the coup bringing the PDP government to power. He was arrested on 17 August 1978 and on 23 September the Kabul Times published his alleged confession of conspiracy to stage a plot to overthrow the government. The government informed Amnesty International that he is to be tried before a Special Military Court. There is concern for his health, as Amnesty International has reliable information that his "confession" was extracted under torture. The Amnesty International delegation to Kabul was refused permission to meet General Qader in jail.

Maj. Mohammad RAFEE

Minister of Public Works in the PDP government since May 1978. Arrested on 23 August 1978 on a charge of conspiracy to overthrow the government, and on 23 September the Kabul Times published his alleged confession. The government has informed Amnesty International that he is to be tried by a Special Military Court, but no trial has taken place so far. There is concern for his health, as he is believed to have been tortured. He is held in Pule Charchi prison, Kabul.

Mohammed Moosa SHAFIQ

Former Prime Minister of Afghanistan (December 1972-July 1973). Minister of Foreign Affairs (1972-1973). Professor at the College of Law and Political Science, Kabul University. Member of commission for drafting Constitution, 1964. Director of Legislative Department of Ministry of Justice, 1958. Member of Loya Jirga, 1964. Ambassador to Cairo, 1968. Shafiq was arrested in July 1973, immediately after the 1973 coup bringing President Daud to power, and released in October 1975, having been held in detention without trial. He was again arrested in late April 1978 and has since "disappeared". Amnesty International has received unconfirmed reports he has been killed after arrest.

B(v)

Ghulam Mohammed SHERZAD

Approximately 75 years old. Former Minister of Commerce (1957-1963). Former Minister of Mines and Industries (1945-1950). Former Ambassador to Italy and France. Related to the royal family. Not employed since 1973. Arrested late April 1978 and since held without trial in Pule Charchi prison, Kabul.

Abdul Kader SULAIMAN

Retired diplomat, former Chargé d'Affaires in Djakarta. Member of royal family. Arrested late April 1978. Held without trial in Pule Charchi prison, Kabul.

Ahmed Ali SULAIMAN

Former Minister of Court (1953-1963), Minister of Education (1933-1938). Minister of Health (1946-1947). Former Ambassador to London and Paris. Member of royal family. Arrested late April 1978 and since held in detention without trial in Pule Charchi prison, Kabul.

Ali Shah SULAIMAN

Approximately 75 years old. Army General, retired 20 years ago. Member of royal family. Arrested late April 1978; held without trial in Pule Charchi prison, Kabul.

Ghulam Mohammed SULAIMAN

Former Deputy Minister of Foreign Affairs, (1956-1963). Former Ambassador to Czechoslovakia, Pakistan and Turkey. Retired diplomat since 1973. Member of royal family. Arrested late April 1978; held without trial in Pule Charchi prison, Kabul.

Nezamuddin TAHZIB

Until his arrest, Minister of Border Affairs in the PDP government from May 1978. In November 1978 Tahzib was officially reported to have requested withdrawal from the membership of the politburo of the central committee of the PDP government, after alleged treason of Parcham leader Babrak Karmal was announced to have been proved in the Kabul Times. Tahzib was subsequently arrested in March 1979 and is held without trial in Pule Charchi prison, Kabul.

B(vi)

Azizullah WASIFI

Minister of Agriculture (1975-1978). Arrested late April 1978 and since held without trial in Pule Charchi prison, Kabul.

Sultan Aziz ZEKERIA

Former Governor of Kandahar. Arrested after 27 April 1978, and held without trial.

Prof. Abdul Hakim ZIAYI

Chief Justice and Head of the Supreme Court (until 1973). Dean of Faculty of Law and Economics, Kabul University. Former Minister of Planning, (1966-1967), and Deputy Minister of Education (1964-1966). Reportedly arrested in Kabul, September 1978, but current detention not confirmed.

APPENDIX C - PERSONS ARRESTED AFTER 27 APRIL 1978 AND REPORTED TO HAVE BEEN
KILLED WHILE IN THE CUSTODY OF THE PDP GOVERNMENT

Wahid ABDULLAH

Minister of Foreign Affairs from 1977-1978 in the government of President Daud. Reportedly executed without charge or trial on 30 April 1978, three days after the overthrow of President Daud's government, for refusing to sign a statement in support of the new regime. He was reportedly executed in the Ministry of Defence.

Mohammed AKBAR

Head of former President Daud's office. Arrested in April 1978 and imprisoned in Pule Charchi prison, Kabul, but taken away from there three months later. There has been no news since then. Amnesty International has received reports that he has been killed.

Badruddin BAES

Leader of the left-wing Settem-i-Melli (see page 7). His release was presumably the demand of the kidnapers of US Ambassador Dubbs in February 1979. The government has denied he has been arrested or that it knows of his whereabouts. However, Amnesty International has been reliably informed he was arrested in the summer of 1978. There are unconfirmed reports that he was killed after arrest.

Mahmud FARANI

Well-known writer, journalist and literary critic. Worked in the Ministry of Information under previous administrations. Reported to have been arrested around July 1978 and reportedly shot immediately after arrest.

Salauddin GHAZI

First cousin of former President Daud. Arrested in April 1978 and taken to Pule Charchi prison, Kabul. Taken away from prison in August 1978 and there has been no news of him since. It is feared he has been killed.

Sahib JAN

Commander of former President Daud's bodyguard. Reportedly executed in the month after the April 1978 coup.

Baz Mohammed MANGAL and his son Majeed MANGAL

Counsellor of former President Daud. Taken to Pule Charchi prison, and taken away from there in August 1978. There has been no news of them since then. It is feared they have been killed.

C(ii)

Rahim PANGSHERI

King's counsel. Reported to have been killed after arrest.

Wajeeh Ullah SAMEEYEE

Minister of Justice from 1977-1978 under former President Daoud. Arrested in April 1978 and taken to Pale Charchi prison, Kabul. Taken away from there after three months. There has been no news since then. Amnesty International has received reports he has been killed.

Mohammed Nicos SHAFIQ

Former Minister of Foreign Affairs (1971-1973) and former Prime Minister of Afghanistan (1972-1973), (see page 7, see also Appendix B). Imprisoned on 17 July 1973 immediately after the coup bringing President Daoud to power, was released in 1976. He was arrested again in late April 1978. It is feared he has been executed in the months after the April 1978 government takeover.