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**AFGHANISTAN:
Reports of Torture and Long-term Detention Without Trial**

Reports of prolonged incommunicado detention of political prisoners in interrogation centres and prison blocks operated by the Ministry of State Security in Afghanistan are of serious concern to Amnesty International. Hundreds of prisoners have reportedly been held without charge or trial for up to nine years in the centres, including the segregated Blocks 1 and 2 of Pul-e-Charkhi Prison near Kabul, and are denied access to legal counsel and family visits. Amnesty International has received reports that political prisoners in these centres are subject to systematic torture and ill-treatment, and that they are held under conditions that fail to meet the UN Standard Minimum Rules for the Treatment of Prisoners.

Pul-e-Charkhi Prison comprises several blocks. Blocks 1 and 2 are reserved for unsentenced prisoners and are operated by the Ministry of sentenced prisoners and are run by the Ministry of the Interior.

State Security. Other blocks hold

1. Background

Soviet troops completed their withdrawal from Afghanistan on 15 February 1989 as was required by the Geneva agreement of 14 April 1988 signed by Afghanistan, the USSR, Pakistan and the USA. The internal armed conflict, however, has continued. The government headed by President Najibullah and supported by the USSR has maintained effective control over the capital, Kabul, and other major cities while the armed opposition groups - the Mujahideen - supported by the USA and Pakistan, effectively control one provincial capital and many rural areas.

On 6 March 1990 the government of President Najibullah survived an attempted coup led by the then Defence Minister, Shahnawaz Tanai, who subsequently fled to Pakistan and formed an alliance with a Mujahideen group, the Hezb-e Islami led by Gulbuddin Hekmatyar. Dozens of people are reported to have been extrajudicially executed following the coup attempt, and hundreds arrested.

The restrictions imposed by the Afghan government on outside communication with detainees and the continued war in Afghanistan have made the collection and verification of information relating to Amnesty International's concerns difficult. Amnesty International has, however, received reports from former political detainees living as refugees in Pakistan, and has interviewed former political prisoners in their countries of asylum in Europe. Independent accounts, including information provided by former government officials, has also been used to verify technical details.

According to the information Amnesty International has received, individuals suspected of involvement in armed opposition or non-violent anti-government activity are held in isolation cells during an initial period of interrogation which may last several months. Detainees are reportedly subjected to routine torture during this period. After the interrogation period, prisoners are transferred to detention centres run by the Ministry of State Security, where they may be kept indefinitely without charge or trial, denied family visits and outside correspondence. Some political prisoners have already been held under such conditions for several years, and Amnesty International believes that the interrogation and detention procedures of the Ministry of State Security constitutes, in effect, an independent system of official punishment that does not regularly or inevitably lead to trial or detention within the normal judicial system.

This document deals with reports of prolonged detention, without charge or trial, of political prisoners, including possible prisoners of conscience, in interrogation centres and other places of detention controlled by the Ministry of State Security.

2. The Riasat Interrogation Centres

The KHAD (Khedamat-e Etela'ate Dawlati) or the State Information Service was established in 1980 under the direction of Dr Najibullah, now president. Interrogation centres were set up throughout the country known as KHAD centres. Since 1986 when the KHAD was upgraded,

becoming the Ministry of State Security, these centres have been officially called *Riasats* (Directorates). The public, however, still commonly refers to them as KHAD centres.

There are currently over a dozen Riasat interrogation centres in Kabul, with an unknown number in provincial cities. Torture reportedly takes place in all of these centres, but information received by Amnesty International suggests that five interrogation centres have been particularly responsible for the systematic use of torture in recent years:

Riasat-e-Panj, Directorate No 5, located near Darul-Aman Palace in Kabul, comprises two departments, one responsible for the elimination of anti-government groups inside Afghanistan, the other carrying out the same function outside the country.

Riasat-e-Panj is reported to have been particularly involved in the arrest and torture of people suspected of involvement in coup attempts. The personnel of *Riasat-e-Panj* is reportedly responsible for dozens of extrajudicial executions following the coup attempt on 6 March 1990. Among those executed were four generals - Asif Shour, Kabir Kawyani, Japar Sar Tir and Mohammad Pirooz - who were reportedly arrested on the day of the coup at the Rishkhor army base in Kabul, allegedly on the direct order of the head of *Riasat-e-Panj*. Witnesses report that the four generals were dragged to a room by the personnel of *Riasat-e-Panj*. "Shots were fired and the generals were killed in that room".

Riasat-e-Haft, Directorate No 7, located in the Shashdarak area north of Kabul, carries out responsibilities similar to that of *Riasat-e-Panj*.

Prisoners are initially taken to isolation cells which they may share with one or two other detainees. Once the interrogation is over, they are reportedly transferred to an underground area in the same building where they may be kept for several months before they are transferred to Pul-e-Charkhi Prison.

A former examining magistrate, who was authorized to visit the *Riasat-e-Haft* interrogation centre between 1982 and 1990, told Amnesty International that he had witnessed many instances of torture during his visits. He stated that prisoners had been subjected to extended periods of sleep deprivation, had received electric shocks with a telephone apparatus and had been badly beaten. "I witnessed evidence of torture on the prisoner's bodies last year and even this year [1990]".

Another witness, a former security officer, told Amnesty International that torture is routinely and systematically practiced in *Riasat-e-Haft*.

"The most notorious of all interrogation centres is *Riasat-e-Haft* in Shashdarak. Anyone taken there has to confess. The KHAD personnel pride and boast in having uncovered many plots against the State, so they have an open hand in using torture. This will include electric shocks, beating, forcing the prisoner to sit down and stand up continuously for hours, lying the prisoner on the bed with a KHAD agent walking up and down his stomach to force him to talk, preventing the prisoner from going to sleep, keeping the prisoner standing for long hours in the extremes of either cold or hot weather, pulling out the prisoner's hair or beard or moustache ..."

This witness also described an incident in 1989 in which a prisoner's children were reportedly fetched and tortured in front of him in order to extract his "confession" to

alleged anti-state activity. Testimonies received by Amnesty International from former prisoners of conscience confirm the use of this practice in earlier years.

Riasat-e-Char, Directorate No 4, reportedly specializes in uncovering anti-state activity within educational institutions. This *Riasat* is reportedly responsible for the arrest and imprisonment of school teachers, university lecturers, students or other persons working in an educational institution.

Riasat-e-Awal, Directorate No 1, comprises two branches, in Bibi Mahroo, in the north-east quarter of Kabul, and in Wazir Akbar Khan, near the city centre. This *Riasat* is reportedly responsible for the surveillance, arrest and imprisonment of ordinary citizens of Kabul suspected of anti-government activity. Its responsibilities therefore overlap with those of the other *Riasats*.

Riasat-e-Umoomi, the General Directorate, is based in a large building complex in central Kabul known as Sedarat, which also houses the headquarters of the Ministry of State Security and the Special Court of National Security. It reportedly is responsible for the interrogation of high ranking government officials and other prominent persons suspected of anti-government activity. Former government officials allegedly involved in the coup attempt of 6 March 1990 were reportedly taken to *Riasat-e-Umoomi* during the first two days after the attempted coup. Among these were Ghulam Dastgir Panjsheri and Saleh Mohammad Zeray, who are believed to have been transferred, with others, to Block 1 of Pul-e-Charkhi prison after their initial period of interrogation in *Riasat-e-Umoomi*.

The personnel of these five *Riasats* are reported to bypass even the limited safeguards on detention and interrogation contained in Afghanistan law.

Afghan law apparently places detention and interrogation under the supervision of an examining magistrate and requires that political arrests by security personnel should take place in the presence of representatives of the army and police. According to a former examining magistrate, these regulations are routinely ignored by the security personnel of the *Riasats*. "Rather than informing the army and the police about an intended arrest, they simply sign for these two organs themselves."

The law further stipulates a 72-hour limit to an initial period of detention, after which the detainee is required to be seen by an examining magistrate, either for a decision on the case or an extension of the detention period, which cannot exceed one month. Reports indicate that this law is also routinely ignored in practice.

Detention conditions in the interrogation centres are reported to be well below the UN Standard Minimum Rules for the Treatment of Prisoners. Detainees are kept under interrogation for several months. Separation of detainees from others co-accused is strictly enforced. Cells are reportedly never cleaned, there is poor ventilation, and prisoners suffer infection from skin diseases due to lack of proper sanitation. Access to toilets is limited to two or three visits a day, with these reportedly limited to three minutes.

As family visits are not allowed, it can be several weeks before a family can establish the whereabouts of a prisoner. One means of discovering if a missing person is in detention is to

bring money and clothes to security personnel for the prisoner. These are accepted, with a receipt signed by the prisoner, unless the prisoner has been or is soon to be executed.

3. Blocks 1 and 2 of Pul-e-Charkhi

After their initial period of interrogation in the *Riasats*, some political prisoners are sent for trial by the Special Court of National Security. Defendants in these trials have no right to defence counsel or to adequate judicial redress. Other political prisoners are sent, without any form of legal trial, to permanent detention facilities independently operated by the Ministry of State Security within regular prison institutions.

In Kabul such unsentenced prisoners are sent to Blocks 1 and 2 of Pul-e-Charkhi Prison. Detainees in these two blocks are kept in complete isolation from the outside world and from other prison blocks for an indefinite period which may last several years. A former prisoner of conscience, released in 1987 after five years' detention in Blocks 1 and 2, knew of dozens of prisoners kept there without charge or trial for as long as nine years.

An Afghan politician who was arrested immediately after the military coup of 27 December 1979 spent about eight years in Blocks 1 and 2 of Pul-e-Charkhi until his release in 1988. For the first five years he was held without charge or trial and had no family visits. In 1985 he was taken before a special revolutionary court (renamed in 1988 as the Special Court of National Security) and was sentenced to 16 years' imprisonment on charges of anti-state activity. Three years later he was released as a result of a general amnesty for political prisoners. In his country of asylum he gave Amnesty International the following account of medical facilities in Blocks 1 and 2 of Pul-e-Charkhi:

"Medical care was practically non-existent in Blocks 1 and 2. There was a prison hospital but patients would not be taken there, unless they were seriously ill. The KHAD official would use a prisoner's illness as a means of punishment. Sometimes the patient would get to the hospital too late. A friend of mine who had a minor heart condition died soon after he was taken to the hospital."

Block 1 is understood to have three floors, each holding 160 prisoners in 4-person and 12-person cells. The whole block can therefore hold 480 prisoners. It is said to be reserved for former cabinet ministers from previous governments and other prominent political detainees. Foreign prisoners and prisoners sentenced to death are also reportedly held in Block 1. It is reported that prisoners have some, limited, access to fresh air, but no family visits or outside correspondence. Books, radio sets, newspapers and stationery are not permitted. Prisoners in Block 1 are permitted to receive small amounts of money or clothing from their families once every two weeks.

Block 2 is also said to have three floors, each of these with 4-person and 40-person cells to hold a total of 288 prisoners. The whole block therefore has a capacity for 864 prisoners. Reportedly, Block 2 is allocated solely to untried political prisoners, or those awaiting trial. Prisoners in Block 2 are believed to remain under interrogation even after several months in the *Riasats*. The authorities therefore prevent any communication between them and other prisoners. Consequently, prisoners in Block 2 are reportedly denied any access to fresh air. Like Block 1 prisoners they are not permitted family visits although they may receive money and clean clothes from their families.

According to official sources, the total number of persons held for interrogation by the Ministry of State Security as of mid-1990 was 1,247, including 726 held in detention centres in Kabul. Official sources also indicate that an additional 574 prisoners were held in Blocks 1 and 2 of Pul-e-Charkhi. These included 26 prisoners under interrogation, 319 awaiting trial or sentencing, and 229 persons described as convicted prisoners held for an "administrative period".

Amnesty International does not have a precise estimate of the total number of political detainees held without charge or trial in interrogation and detention centres run by the Ministry of State Security. Accounts given to Amnesty International by former inmates and officials, however, suggest that the actual number of political prisoners held in Blocks 1 and 2 alone may exceed 1000.

4. International Standards

Torture and ill-treatment of prisoners are prohibited by international human rights standards. Article 7 of the International Covenant on Civil and Political Rights (ICCPR), to which Afghanistan acceded in 1983 states that "No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment". No derogation from this article may be made under any circumstances.

Article 2.1 of the UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which was ratified by Afghanistan on 1 April 1987, requires each State Party to "take effective legislative, administrative, judicial or other measures to prevent acts of torture in any territory under its jurisdiction". It also provides that "no exceptional circumstances whatsoever, whether a state of war or a threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture."

In Amnesty International's experience torture or other ill-treatment is most likely to occur during the first hours or days of detention. It is therefore vital that there be prompt and regular access after arrest by a medical officer, by the detainees' family and by a lawyer.

Article 1 of the Basic Principle on the Role of Lawyers (BPRL), adopted by consensus on 7 September 1990 by the UN Congress on the Prevention of Crime and the Treatment of Offenders, states that "All persons are entitled to call upon the assistance of a lawyer of their choice to protect and establish their rights and to defend them in all stages of criminal proceedings". Article 7 of the BPRL states that "Governments shall further ensure that all persons arrested or detained, with or without criminal charge, shall have prompt access to a lawyer, and in any case not later than forty-eight hours from the time of arrest or detention."

The UN Standard Minimum Rules for the Treatment of Prisoners provide *inter alia* that accommodation for prisoners should meet all requirements of health, that sanitary installations should be adequate, and that prisoners should be able to inform their family immediately of their imprisonment or transfer to another institution and to receive regular family visits. Amnesty International believes that these and other requirements of the Standard Minimum Rules have not been fully applied to conditions of detention in the interrogation and detention centres under the responsibility of the Ministry of State Security.

The Afghan government has reportedly kept prisoners in these detention centres in complete isolation from the outside world, allowing no independent inspection of the centres by

recognized international humanitarian organizations. Although the International Committee of the Red Cross (ICRC) received an agreement in principle, in December 1987, from the Ministries of Foreign Affairs, Interior, and State Security authorizing ICRC visits to people detained in Afghan prisons, this permission did not extend to prisoners held without sentence or those detained in interrogation centres.

The first ICRC visit took place in March 1988 in Pul-e-Charkhi prison in Kabul, to sentenced detainees under the jurisdiction of both the Ministry of the Interior (Blocks 3 and 4), and the Ministry of State Security (Blocks 1 and 2). Despite repeated requests, however, ICRC delegates have not been permitted to visit detainees held in interrogation centres such as *Riasat-e-Umoomi* and *Riasat-e-Haft*, or unsentenced prisoners held in detention centres such as Blocks 1 and 2 of Pul-e-Charkhi. According to the ICRC's published documents, "...their plight is of particular concern."

Amnesty International is concerned that the interrogation and long-term detention facilities operated by the Ministry of State Security constitutes an independent system of official punishment that functions outside the judicial protections apparently provided by Afghan law and the requirements of international law. Persons detained within this system are reportedly subject to the systematic use of torture. These political prisoners may be held indefinitely without charge or trial, and may have no prospect of ever having access to normal judicial proceedings. They are held under conditions that fail to meet a wide range of basic international standards.

5. Amnesty International Recommendations

Amnesty International calls upon the Afghan Government:

1. To ensure that no-one is held in secret or unacknowledged detention, and that all detainees are brought before a judicial authority promptly after being taken into custody.
2. To ensure that all detainees have prompt and regular access to relatives, lawyers and doctors.
3. To authorize full and regular inspection of all places of detention, including *Riasats* and Blocks 1 and 2 of Pul-e-Charkhi, by independent international humanitarian organizations.
4. To inform clearly and publicly all officials involved in the custody, interrogation and treatment of prisoners that torture, which is a criminal act, will not be tolerated.
5. To bring all prisoners awaiting trial before a court that conforms to minimum international standards for a fair trial.