

Professor Philip Alston, United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions

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UNAMA: Good morning, ladies and gentlemen, my name is Aleem Siddique from UNAMA Spokesperson's Office. We are joined this morning by the United Nations Special Rapporteur on extrajudicial, summary or arbitrary executions, Professor Philip Alston from New York University.

At the request of the Government of Afghanistan, Professor Alston has spent the last twelve days looking at the situation in this regard. I must stress that Professor Alston is independent from UNAMA, reporting directly to the UN Human Rights Council in Geneva.

A copy of Professor Alston's preliminary findings is available in a short report on the side table with a press release. UNAMA will be studying this report carefully in the coming days and weeks before passing comment on any of the findings.

I will now hand over to Professor Alston, who will make a few remarks after which we will be happy to take your questions.

Special Rapporteur:

It is a great pleasure to be here. As Aleem said, I am not a UN official, I am an independent expert. My task in Afghanistan is to speak to as many people as possible, evaluate the situation and then report to the United Nations Human Rights Council. What happens to my report from here on depends entirely on the response of the Government, the international community and other actors, and my hope is that the report would be the basis for serious discussions on some of the human rights issues that need to be addressed.

I have enjoyed remarkable cooperation from all people I have met. I have met with a wide range of senior Ministers in the Government, the Chief Justice and the Head of the National Directorate of Security. I have met with military commanders in various places: Kandahar, Helmand, Bagram and here in Kabul, and I have had many meetings with civil society, elders and others.

I should say, just as a preliminary note, that the statement available to you in English, Dari and Pashto, is very detailed and I would urge you to read that. The comments I will make now will be relatively brief, so that we will have time for questions.

My focus is on extrajudicial executions or what might be called unlawful killings. The principal actors whose conduct I have been examining include the Government, particularly the police, the international military forces and the anti-government elements, including the Taliban. The bottom line of my report is that there are many killings which are avoidable.

I have summarized my findings with the following statement: police killings must cease; widespread impunity within the legal system for killings must be rejected; the killings of women and girls must end; the international military forces must ensure real accountability for their actions; and the United Nations itself must give greater prominence to human rights in its activities.

In terms of the international military forces, it has been reported that as many as 200 civilians have been killed in the first four months of this year, often in joint operations with Afghan security forces.

But my principal concern is not with statistics. The real issue is the question of accountability. I have met with a number of senior military officials and it is clear to me that the international forces are going to very considerable lengths to investigate particular cases and to activate their respective national mechanisms. The problem however is that the result is a maze of competing procedures, national arrangements and so on, which is essentially impenetrable, not just to the average Afghan who has lost someone who has been killed, but also to someone like me who is a professional expert in the field.

When I asked for the number of reported civilian casualties over the past year or so I was told that those figures are either not available in Afghanistan – which I was told by several senior military people -- or that they are secret and cannot be provided to me. When I asked for the results of certain cases, to ascertain whether those involved have been punished, I was told that no such information is available here in Afghanistan and that perhaps I should read the newspapers of the countries concerned.

At the very least, what the international forces have on their hands is a public relations disaster. They have not taken the steps necessary at the political level to ensure a degree of transparency and accountability in relation to the casualties. This is a very major political issue, because the support of both the people in Afghanistan and the international community is dependent upon a sense that the international forces are doing what they think the people of Afghanistan should be doing – being held to account.

Finally, these issues of accountability are exacerbated by the operation of forces within this country that are not accountable to any military but appear to be controlled by foreign intelligence services.

My report then looks at the problem of killings by the police, the need for major improvements in the way in which the police are trained, equipped and monitored, and at the need to overcome the impunity which police generally enjoy after they have been accused of killing civilians.

My report contains a number of quite specific recommendations in relation to the development of the police training and accountability, and I propose not to go into more detail on that now, but will certainly take questions.

My report looks particularly at the situation of women. I do it through the lens of killings and my findings are: first: women have almost no effective access to the legal system; second: they themselves are often targeted, particularly by the anti-government elements, for a range of reasons; third: destitution and despair generally await a woman whose husband, son or father has been killed. The society, the Government, does not systematically provide compensation and other forms of assistance; fourth: the problem of so-called honour killings. These are very prevalent; statistics are not available, but many people to whom I spoke told me of a great many cases. This is a disaster for Afghan society. There is nothing more dishonourable than murder, and to do it in the name of honour is a travesty.

My statement calls for a moratorium on the death penalty. The reason is simple: the judicial process is not of a sufficient standard to ensure that any of those executed have been afforded due process. They would thus be executed in violation of international law.

My statement looks at the problem of corruption, particularly in relation to the judicial process, but not only. I recommend the establishment of a truly independent anti-corruption commission, which has powers of investigation and prosecution. Without such an initiative, the many commissions and reports on this subject will amount to very little.

Lastly, my report looks at killings by the Taliban and other anti-government elements. The estimate is that in the past four months alone, over 300 people – civilians -- have been killed. To the extent that those targeted are legitimate military targets, the Taliban is not violating international law. The disaster, however, is that a huge proportion, probably 95 per cent, probably more, of those killed are innocent Afghan civilians.

My last comment is that whenever I undertake a visit to a country, I systematically seek to speak to representatives of the opposition forces, the armed opposition, however it is described. I have done that in relation to countries like Sri Lanka and the Philippines, and I believe it would have been very helpful had I been able to speak to representatives of the Taliban. Opportunities to do that were presented to me, but the message conveyed by the Government and other actors was loud and clear: there can be no discussion with the Taliban about human rights issues. I consider this to be a mistake. I consider that every actor who has a significant impact on human rights should be the object of discussions, and I think it would be appropriate for the human rights actors in this country to seek to engage the Taliban on human rights performance. I reject the claim that such discussions legitimize the Taliban. The Taliban exist, they are engaged in widespread killings; we have an obligation not to stand on formalities, but to seek to diminish civilian casualties and killings.

UNAMA: Thank you very much, Professor Alston. We are open for questions now. Can I ask you to introduce your name and media organization, and can we have one question at a time please.

QUESTIONS AND ANSWERS:

All India Radio: You have said when you asked about civilian casualties in the last months you were told that information is not available or it is secret. But your report speaks of 200 civilian casualties by the international forces and 300 by the Taliban. How did you arrive at these figures?

Special Rapporteur: My comments were directed at the official information available from the international military forces, but the estimates reflected in my report come from a wide range of other sources which are published, including the United Nations.

Tamadon TV [translated from Dari]: Your report does not contain any new information, and the figures and statistics released -- we already know them, and those responsible have already been identified as well, but how about the correct statistics on civilians killed over the past few years? Secondly, what about a practical solution to diminish civilian casualties? Have you talked with the international forces or the Taliban to find any solution to this problem?

Special Rapporteur: You know I haven't talked to the Taliban for the reasons I have explained. You know I have talked to the international military forces. My report contains a significant number of recommendations. Let me add: the reason for trying to enhance the accountability of the international military forces is precisely to facilitate both a public and a private debate on the issue of civilian casualties.

The Economist: I wanted to ask you about the role of foreign intelligence services, and also, in relation to that, the suggestion in your report that Afghan militia units are involved in some of these operations?

Special Rapporteur: I have spoken with a large number of people in relation to the operation of foreign intelligence units. I don't want to name them, but I can say they are at the most senior levels of most of the relevant places. It is clear that there are certain units operating in certain provinces; the names are well known to those involved, and these forces operate with what appears to be impunity. When the international military forces at whatever level are asked what they know about them, the answer sometimes is -- I know nothing-- and sometimes -- it is interesting, I must inquire into it -- but usually -- yes, it's a problem, I wish we could do something.

Tolo TV [translated from Dari]: As you said, civilians are killed in operations conducted by domestic and international forces, as well as by the Taliban. How do you see the continuation of such a trend?

Special Rapporteur: I am not a military or security expert, I cannot predict. The premise of my report is that all of these groups could reduce killings if they wanted to, without affecting their military viability.

Follow up from Tolo TV [translated from Dari]: My question concerns the impact of such a trend on people and their trust in the international or domestic forces?

Special Rapporteur: That's a good point. My assumption is that all sides are competing to win the trust of the Afghan people. To the extent that they engage in what I would call gratuitous civilian killings, they are going to lose any chance of winning the support they are seeking. And that applies really to all parties. My report for example focuses on the key role of the police and it says that in many provinces, the only face of the government is the police. If they are corrupt and thugs, the people will think the government is terrible. If they are efficient and do what they should do in terms of providing security the people see the benefits of a functioning government.

Ariana TV [translated from Dari]: You said that civilians are killed, but who is the most responsible party? Is it the domestic forces, international forces or the Taliban responsible for these killings? You said you could not talk with the Taliban for a range of reasons. If given the chance, are you ready to talk with them?

Special Rapporteur: First, I know this is not what you want to hear, but the numbers are not the key and there is no competition here. If the international military forces are killing ten more people than they need to, it is a tragedy, and if the Taliban are killing a thousand more people than they need to, it is a tragedy, and they must do what they can, do what they are obligated to do, to eliminate those civilian casualties. In terms of the Taliban, I have said I was ready to speak with them and I would have wished to do so.

AP: Could you please expand a little on the question of international intelligence services, what they are supposed to be doing and how that works. Secondly, were you physically prevented from seeing Taliban, and if so, by whom?

Special Rapporteur: I am afraid I cannot say much more. I was not physically prevented. The message as I said was loud and clear. In relation to the foreign intelligence services, I have not been here long enough to have conducted the sort of detailed investigation that you and I would have liked, but I have ascertained the essential facts that I described.

Killid [translated from Dari]: My question concerns the time it took you to prepare the report and how certain you are that your recommendations will be

considered by the parties?

Special Rapporteur: I spent a lot of time in preparation for this mission. I have no doubt read thousands of pages; I have met with every senior minister I requested to meet with; I met with all senior military people that I wanted to meet; I can think of very few people I was not able to speak with. As I said at the beginning, the impact of these recommendations is up to you. In other words, I have no power. I have only the power of persuasion. I will report the international community, to the United Nations, etc. If my recommendations are useful, they will be taken up, either by the Government, the international community or by civil society. If they are not useful, they will get what they deserve, they will be ignored. I think they are useful.

The Independent: How would you characterize the attitude of the Afghan Government and the international military forces in terms of prioritizing human rights and trying to cut down on civilian casualties?

Special Rapporteur: The most important thing to remember is that none of these groups is a single entity. If you talk about the Government of Afghanistan, it consists of a diverse range of viewpoints and perspectives. Some people within the Government are acutely aware of importance of human rights; others are focused almost entirely on other issues, whether it is security or something else. I have argued in my statement that there will be no real security without proper attention to the human rights dimensions. I think the same pretty much applies to the international community. It is not specific to Afghanistan and it is not new. Unfortunately, I am a professor, so the brief historical lecture that I will give is that until Kofi Annan became United Nations Secretary-General, there were a series of Secretaries-General who believed that human rights just got in way of the really important issues. So my task is to convince the Government and the international community that human rights actually contribute and are an important part of what they are trying to do in terms of security, development and other agendas.

Pajhwok [translated from Dari]: My question is concerned with the imprisonment of certain people by the coalition forces for four or five months. In your report you do not allude to such a fact. Is it because you do not have access to such information or you were not allowed to ask about it?

Special Rapporteur: I am sorry; I can only give you a very unsatisfactory answer to that. My mandate is to focus on extrajudicial executions. That requires me to at the structures of government and so on, but it does not permit me to look at torture, detention, and a whole range of other very important issues.

CLOSING REMARKS:

Professor Alston: I want to say first of all that I am deeply grateful to UNAMA for having facilitated my visit. They are not responsible for the comments I have made. I very much hope this initial statement and my final report, which will take a few months to get through the various UN, Afghan Government and other processes, will make a contribution.