

# ***Wikileaks, Housing Rights and Afghanistan***

***Documenting Gross Housing and Land Rights Violations as War Crimes***



**HOUSING AND LAND RIGHTS NETWORK**

Habitat International Coalition





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*Wikileaks, Housing Rights and Afghanistan: Documenting Gross Housing and Land Rights Violations as War Crimes*

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## ***Documenting Gross Housing and Land Rights Violations as War crimes***

A great number of civil society organizations and news agency are following the suffering, deaths and daily struggles of the people in Afghanistan. In many instances, the stories involve gross human rights violations committed by the conflict parties (NATO and U.S. forces, Taliban militants and Afghan troops, warlords and public officials). Their actions are the source of much-reported civilian casualties in the armed conflict or military operations between and among the conflict parties. Targeting civilians and using them as human shields constitute war crimes, but demolishing homes and properties, forced evictions, encroachment on lands, and displacement of population also can constitute a war crime and/or crime against humanity in this context.

The recent *Wikileaks* revelation, *Afghan War Diary, 2004–2010*,<sup>1</sup> featuring tens of thousands of additional records to the body of evidence of such acts, has triggered a new level of scrutiny and a chance at far greater documentary resources to determine the facts and intents behind the violations. While by no means a comprehensive review of housing and land rights violations throughout the NATO invasion and occupation period, this report offers a glimpse at available information to shed light on the recorded events and developments affecting housing and land rights in Afghanistan. HIC-HLRN hopes that this information will help guide researchers and reporters in the field to incorporate a housing and land rights perspective in their findings and to facilitate further inquiry.

The large majority of the documentation reviewed here records civilian casualties dating from 2001. In general, and with a few exceptions, few documents and little of the reporting on Afghanistan's invasion and occupation experience have focused on the land and housing rights violations. For the relevant investigative organizations no accurate statistics exist to chart such a phenomenon. However, the present report seeks to gather currently available documentation related to housing and land rights violations to provide an overview of actions and omissions by all parts of the conflict in Afghanistan.

A legacy of the ten years of civil war during the 1980s is that many military garrisons and facilities are located in urban areas where the Soviet-backed government had placed them, since they could be better protected there from attacks by the rural mujahideen. Successor Afghan governments inherited these emplacements. To suggest that the Taliban used "human shields" is more revealing of the historical amnesia of those making such claims, than of Taliban deeds. However, Taliban forces undoubtedly have committed crimes with the subject of this inquiry. Antiaircraft emplacements have been placed close by ministries, garrisons, communications facilities and other public installations. A heavy bombing onslaught, therefore, would result in substantial numbers of civilian casualties simply by virtue of proximity to "military targets," a reality exacerbated by the admitted occasional poor targeting,

human error, equipment malfunction, and the irresponsible use of out-dated Soviet maps.

Over the past nine years of the U.S. and NATO forces invasion, each year appears worse than the previous, as the combatants on all sides have demonstrated a lack of sufficient concern, effort and/or capacity to spare and protect the lives and property of Afghan people.

In 2007, Afghanistan's Independent Human Rights Commission (AIHRC) issued a valuable report on violations of international humanitarian law in Afghanistan from the perspective of economic, social and cultural rights.<sup>2</sup> That report provides a kind of typology of violations observed, as well as shows the systematic and gross violations arising from primarily striking civilians, their homes, shelters and properties with attacks in pursuit of acclaimed military objectives. At least three of the four factors that AIHRC identified could consist of gross housing and land rights violations as war crimes.

**Suicide-bomb and mine attacks:** A factor that causes egregious violations is the phenomenon of suicide bombing by individuals on military or official targets. These usually are carried out by antigovernment militants, most often in densely populated areas, or in the vicinity of popular gathering spot. Added to this category of deliberate and seemingly random hazard to the public are the equally unpredictable explosions of landmines on roadways and other locations of logistic importance. Such arbitrary attacks are difficult to avoid with any certainty, and have induced the displacement of persons from their homes near presumed attack-prone areas and even compelled Afghans to take refuge outside the country to escape such attacks:

**Aerial bombing:** The international forces' air operations have involved bombings that are responsible for the second level and frequency of egregious violations. Each instance of NATO forces' aerial bombing of civil homes, shelters, civilians and shelter seekers has caused excessive loss of life and is the primary factor in demolishing civilian houses and properties.

**Military raids:** The factor of military raids involves the abusive, destructive and culturally offensive practices used during raids on homes. AIHR has reported regular complaints of raids by international and Afghan national army involving abusive conduct toward residents, as well as damage and destruction civilian property. In some cases, such actions may rise also to the category of "cruel treatment and torture" under article 3 of the Geneva Conventions. These raids victimize civilians by illegal killing, beating, denial of medical treatment for sick and injured persons and culturally offensive conduct, especially in the treatment of women.

**Extrajudicial execution:** Finally, fatal attacks directed against individual civilians forms a fourth factor of abuses, including extrajudicial execution. The perpetrators are primarily armed antigovernment forces seeking revenge, or setting an example for others collaborating with the Afghan government or international forces. The particular targets have been truck drivers on NATO supply lines, construction laborers or other

laboring service providers, whose work is seen assist international forces, have been hanged or beheaded. The effect of this time of action is not directly linked to housing and land rights violations; however, in certain cases, too, extrajudicial killings have been carried out through the targeting of homes, including targets prohibited from attack under international humanitarian law (IHL)

### **Other Categories for Case-based Documentation**

We add to these the observed violations arising, in part, from the war and occupation, but which also form a context longer in historical roots and evolution, and with consequences likely enduring beyond the end of military operations. These are namely property dispossession and land grabbing as a function of official corruption and/or disputes of a tribal or social nature. Regardless of the motive driving those violations, they deliver dire consequences for the housing and land rights of their victims and those affected. Added to that persistent situation is the perpetuated state of impoverishment and the consequent state of homelessness for many Afghans.

These conditions and offenses are well reported and are found in the general media, including research from the development and academic communities. To the extent that these are known and predictable outcomes of the invasion and ongoing occupation of Afghanistan they also may constitute actions and/omissions that constitute persecution or other inhumane acts.<sup>3</sup> (See definition of crimes below.)

At the core of **development-induced displacement** is the loss of land and home. Displaced communities are forced to move out when their habitat is acquired or significantly affected by the project. The project-affected persons are fully or partially deprived of their livelihood without being physically displaced. Loss of land and/or home to project developers leads to insecurity and instability, to a denial of education, a sense of uprootedness and eventually desperate migration to cities.<sup>4</sup>

On 6 September 2007, BBC News published a report that the “land mafia” in Afghanistan had stolen 5,000 km<sup>2</sup> of land in that year. The report quoted the Afghan urban development minister as saying that land is being appropriated illegally by powerful individuals at a rate of two km<sup>2</sup> (0.8 miles<sup>2</sup>) a day.<sup>5</sup>

### **War, Occupation, Poverty and Displacement**

#### *Poverty and lack of access to housing*

Over nine million Afghans are estimated to be living in absolute poverty, and a further 37% live only slightly above the poverty line, despite an injection of some \$35 billion during 2002–09.<sup>6</sup> A UN OHCHR representative in Kabul recently observed that “Poverty actually kills more Afghans than those who die as a direct result of the armed conflict.” She concluded that “Poverty is neither accidental, nor inevitable; it is both a cause and a consequence of a massive human rights deficit.”<sup>7</sup>

Meanwhile, 70% of Afghans reportedly perceive poverty and unemployment as the major cause of conflict in their country.<sup>8</sup> For example, a long-standing conflict emerged in June 2008 between Hazara farmers in the central highlands and a Pashtun group of Kuchi pastoralists, displacing 7,000 families to Kabul and the central highlands.<sup>9</sup>

Reportedly, 43% of affected individuals have had property destroyed, 71% of this damage occurring by Taliban, and 25% of individuals had land destroyed, while, 47% of individuals reported that someone in their family had property destroyed. Moreover, one in three individuals (34%) reported having been robbed at some point, while 55% individuals stated that one of their family had been robbed. Land and properties have become targets for bombing and rocket attacks, which some sources have attributed to larger patterns of violence deliberately targeting civilians, including robbery and theft.<sup>10</sup>

When homes are destroyed, civilians must either find large sums of money to rebuild, or they become refugees or internally displaced persons (IDPs). CIVIC, a civil organization operating in the country, has documented interviews with homeless victims of airstrikes. One testimony came from a family in Herat whose house was destroyed in an airstrike that also killed the father:

The house was completely destroyed and burned....After the incident, we lost everything: our two cows were killed, the motorbike was blown up, and our six turkeys were killed. We were only able to bring out half of two carpets. Then, after the incident, we moved to our aunt's house in another village in Herat province. When we came to [our] aunt's house, there was just one small room. We started from zero. Then we decided to move back to near where we lived before, where we had some land. And we were living in two small shops – in metal containers. We were living like this for six months. Life was tough.<sup>11</sup>

The widespread destruction of property and the illegal occupation of homes during years of conflict have created a severe shortage of adequate housing in Afghanistan, specifically for returnees and IDPs. The influx of returnees and the increasing number of foreign organization offices and guest houses reportedly have contributed to the affordable housing shortage. The former add to the demand for affordable housing, and the latter drive rental costs upward.<sup>12</sup> The combined food and shelter insecurity leaves untold numbers of Afghans extremely vulnerable to threats of all kinds. The situation has led to at least one UN spokesperson to conclude that “Poverty actually kills more Afghans than those who die as a direct result of the armed conflict.” She concluded that “Poverty is neither accidental, nor inevitable; it is both a cause and a consequence of a massive human rights deficit.”<sup>13</sup>

### *Homelessness and landlessness*

Homelessness is a chronic, if not endemic phenomenon in Afghanistan preceding and coinciding with the U.S.-led 2001 invasion and subsequent occupation. Over two decades of conflict have left severe destruction in its wake, with houses, public buildings, sanitation and other infrastructure in ruins all over the country.

Over two decades of conflict have left severe destruction of houses, public buildings, sanitation and other infrastructure all over the country. In addition to the decline in living conditions, many consequently became homeless. Meanwhile, urban areas have seen dramatic population growth from the combined factors of returning refugees from among the nearly 2 million Afghans outside of the country,<sup>14</sup> more-recent internally displaced persons who cannot return to



their areas of origin, and an influx from rural areas of Afghans seeking better economic opportunities and living conditions in general.

By early 2010, Afghanistan had some 320,000 IDPs.<sup>15</sup> Another 100,000 civilians have fled war in 2010 and, at the end of that year, displacements continued, especially in conflict-ridden Qandahar and Helmand districts.<sup>16</sup> Thousands are unreached by humanitarian assistance due to obstacles posed by the grave insecurity.<sup>17</sup>

While homelessness is a reality for many, urban areas have witnessed a dramatic growth in population due to the return of refugees and the presence of internally displaced persons who are unable to return to their areas of origin. Rural Afghans hoping for better livelihoods have flocked in the capital. According to official estimates, around 65,000–70,000 houses have been destroyed in Kabul alone, while the population has grown twofold since September 2001.<sup>18</sup>

The pattern of international assistance to Afghanistan has involved a growing dependence on food aid and externally funded housing. However, government contributions to housing in Kabul have been slow, due to a policy preference to deter migration of more destitute Afghans to the capital.<sup>19</sup>

With the start of 2010, the land-grabbing process has increased markedly. That has coincided with the crisis in food security and distribution, and 40% of Afghan do not have enough food all of time.<sup>20</sup> Both agriculture and food distribution are caught up in the cycle of Afghan dependence on opium cultivation, extortion and corruption in aid



and transport operations at every level, and manipulation by national and local power brokers.

### **Documenting Effects on Women's Housing and Land Rights**

Women have suffered greatly, indeed disproportionately from the destruction, homelessness and the culture of violence and lawlessness created by decades of war and current occupation. Among the 2 million returnees, the vast majority are women and children, including many widows. According to AIHRC, one of the most-frequent kinds of human rights complaints received concerns female returnees who have found their houses taken over by military commanders who refuse to leave the refugee properties that they have looted. Few options are available to women tenure-rights holders.



Photo: [IRIN](#)

War widows and female-headed households often have no place to go. Many women find themselves forced to remarry or live with male relatives, in order to ensure some form of shelter for themselves and their children. AIHRC has also documented many cases of women who have inherited land, but have been forced to marry commanders, as part of the warlords' unrelenting efforts to hoard land and other property.

Through his 2003 meeting with the women's Shura Council in Qandahar, the UN Special Rapporteur on adequate housing reported numerous obstacles faced by women relating to the right to adequate housing, such as: difficulties to claim inheritance; increased speculation on housing and land; forced marriages of widows to keep land and property within the paternal family; and the denial of access to courts. Those testimonies also reported cases of Afghan women whose husbands, owing to drug addiction, could no longer ensure the income of the family and, therefore, were evicted on several occasions. Dependent women have little recourse in such situations, and they may become destitute with the entire family, including their dependent children.

Despite its wide social consequences, domestic violence in Afghanistan is considered a private matter, the Special rapporteur observed "a failure on the part of authorities, as well as the public, to acknowledge, address and adequately tackle violence against women by their spouses, or other family members within the home."<sup>21</sup> In Kabul, a number of nongovernmental organizations have started to create women's shelters with the support of AIHRC. Those facilities are intended for women victims of violence, and provide health care, food and shelter, as well as certain vocational training and literacy courses.

## Definition of Crimes

HLRN promotes monitoring and documentation of housing and land rights realization and their violation, especially the gross violations referred to in this report. To assist this task, a locally appropriate typology of such violations in the Afghanistan context is useful for organizing the documentation process. All processes toward compiling a record of such violations should be designed, directed, executed and maintained, in order to gather sufficient evidence that enables the pursuit of remedy, including reparations.<sup>22</sup> All stages of such a remedial process will benefit from clarity on the array of violations currently codified as crimes.

International criminal law provides norms that address gross violations and grave breaches that have direct relevance to housing and land rights. The Rome Statute on the International Criminal Court, in Article 7, defines crimes against humanity to include, among others:

- (d) Deportation or forcible transfer of population;...
- (h) Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender as defined in paragraph 3, or other grounds that are universally recognized as impermissible under international law, in connection with any act referred to in this paragraph or any crime within the jurisdiction of the Court;...
- (k) Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health.

For the purpose of the Rome Statute—and specific to the scope of this inquiry—“war crimes” include, among others categories, grave breaches of the Geneva Conventions of 12 August 1949, namely, any of the following acts against persons or property protected under the provisions of the relevant Geneva Convention:<sup>23</sup>

- (iii) Wilfully causing great suffering, or serious injury to body or health;
- (iv) Extensive destruction and appropriation of property, not justified by military necessity and carried out unlawfully and wantonly;...
- (vii) Unlawful deportation or transfer or unlawful confinement;...
- (b) Other serious violations of the laws and customs applicable in international armed conflict, within the established framework of international law, namely, any of the following acts:
  - ...(ii) Intentionally directing attacks against civilian objects, that is, objects which are not military objectives;...
  - (iv) Intentionally launching an attack in the knowledge that such attack will cause incidental loss of life or injury to civilians or damage to civilian objects or widespread, long-term and severe damage to the natural environment which would be clearly excessive in relation to the concrete and direct overall military advantage anticipated;
  - (v) Attacking or bombarding, by whatever means, towns, villages, dwellings or buildings which are undefended and which are not military objectives;...

(viii) The transfer, directly or indirectly, by the Occupying Power of parts of its own civilian population into the territory it occupies, or the deportation or transfer of all or parts of the population of the occupied territory within or outside this territory;...

(xiii) Destroying or seizing the enemy's property unless such destruction or seizure be imperatively demanded by the necessities of war;...

(xvi) Pillaging a town or place, even when taken by assault;...

(v) Pillaging a town or place, even when taken by assault;...

(viii) Ordering the displacement of the civilian population for reasons related to the conflict, unless the security of the civilians involved or imperative military reasons so demand;...

(xii) Destroying or seizing the property of an adversary unless such destruction or seizure be imperatively demanded by the necessities of the conflict;...

As indicated by this record and the sources that inform it, policy makers and commanders' have ample access to knowledge of the consequences of their actions and omissions, as well as their legal implications.<sup>24</sup>

### **Reporting Housing and Land Rights Violations as Crimes**

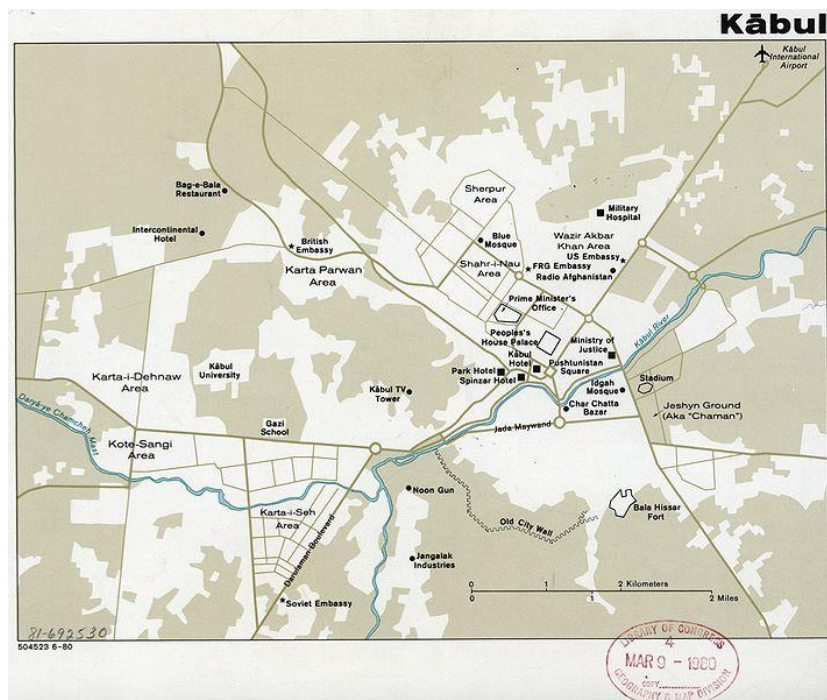
The reporting of gross violations of housing and land rights and related practices by the various warring parties and "strongmen" operating in the country increased with complaints submitted to the Commission during 2003–07 from the expropriation of state and private lands increased from 8% to 40%. The most common cases of related violations involved acts of destruction of residential houses and the expropriation of private property headed by people who hold positions of power inside or outside the government.<sup>25</sup>

AIHRC published a report on human rights situation in Afghanistan over 2006–07, concluding that the right to property was the most-frequently violated right during the period.<sup>26</sup> The violation of women's rights took second place. The Commission recorded more than 244 cases of violations of the right to property and referred to the administrative corruption and lack of application of law as factors in those abuses.

During his 2003 mission to Afghanistan, the UN Special Rapporteur on adequate housing received documentation from AIHR and other sources, and heard corroborating testimonies of similar gross violations of housing and land rights. In addition, he received information about human rights defenders or other persons protesting against house demolitions and evictions who had been intimidated and threatened with imprisonment, torture and various forms of persecution.<sup>27</sup>

Reports from AIHRC's Regional and Provincial Offices indicate that the most frequently violated rights during 2009 were to due process of law (268 instances), right to personal integrity (180), right to property (148), and right to liberty and security of person.<sup>28</sup> The destruction of Afghan civilians' property is more pervasive than civilian death and injuries, due to the ongoing armed conflict. These losses of properties leave the affected families homeless and destitute.<sup>29</sup>

UN Special Rapporteur on extrajudicial, summary or arbitrary execution also conducted country missions in Afghanistan during the period between 2004–July 2010. In his report in 2008, the Special Rapporteur observed a lack of accountability, in particular in cases of night raids, and that practice formed a serious point of concern. He clarified that the international military forces must ensure real accountability for their actions, and the United Nations should give greater prominence to the role of human rights in its activities.<sup>30</sup>



On 25 July 2010, *Wikileaks* released more than 90,000 previously secret U.S military reports covering the war in Afghanistan. The website did not classify abuses according to human rights typology, so searching through such a treasure-trove of documents and reports would require sorting cases such that demolishing homes, forced evictions, displacement, civilian property damage are documented in order to ensure accountability and reparations. Some leaked reports and documents identify housing and land rights violations committed by insurgent groups and Afghani warlords. However, many documents relate directly to violations by NATO and U.S troops.

### Summary of Illustrative Cases:

The follow reported cases, arising from various sources, report grave breaches and crimes that also involve gross violations of housing and land rights of the people of Afghanistan. The emerging pattern affirms the categories that AIHRC presented in its 2007 report. These cases, documented by various parties, are organized in those corresponding subheadings.

### Suicide Attacks:

Before and after the AIHRC's 2007 report, suicide attacks have continued randomly. Some examples follow:

On 15 December 2009, a suicide car comb outside the Heetal Hotel, popular with Westerners in an upmarket district of Kabul, left four people dead. All the victims were reported to be civilians. Around 20 other people were also wounded.

The blast damaged numerous properties in the Wazir Akbar Khan District, which is home to government officials, international organizations and diplomatic residences. Security sources believed that Ahmad Zia Massoud, the former vice president, may have been the target of the attack. His home was one of those damaged.

The wreckage of the bomber's car was left in flames outside the gate of the fortified hotel. Windows were blown out of many houses and parts of a roof of one house had collapsed.<sup>31</sup>

In another incident, on Saturday morning, 8 January 2010, a suicide bomber blew up a stolen police car packed with explosives in the Chahar Dara District, one of the most-volatile regions in the north. The blast injuring at least 14 people near an army checkpoint in northern Afghanistan. Muhbūbullah Sayyidi, the spokesman for the governor of Kunduz Province, said that the force of the blast destroyed several nearby homes. The explosion killed only the suicide bomber, but injured five Afghan soldiers and nine civilians. Several of the civilians were in their homes at the time of the blast, according to the spokesman.<sup>32</sup>

A suicide attack took place in central Kabul on 18 January 2010, when Taliban gunmen simultaneously attacked the presidential palace and several government buildings. The assailants also targeted a shopping complex and a cinema elsewhere in the city. Twelve people died in the attacks, including the Taliban perpetrators, with dozens reported wounded. According to a statement on a Taliban website, the nearby Serena Hotel and government buildings were the intended targets of that attack.<sup>33</sup>

These attacks form part of the pattern of attacks on nonmilitary and densely populated locations, especially in Kabul City. Such suicide attacks, admittedly carried out by the Taliban, constitute breaches of the customary international law of war, as well as Protocol II to the Fourth Geneva Convention relative to Civilian Persons in Time of War of 12 August 1949 (the Civilians Convention).

To date, 163 countries have ratified the Protocol II applying IHL to non-international conflicts, and Afghanistan joined both Protocols I and II on 10 November 2009.<sup>34</sup> However, other regional actors such as the United States, Israel, Iran, Morocco, Pakistan and Iraq remain notable exceptions. However, the United States, Iran, Morocco and Pakistan signed the Protocol on 12 December 1977 with the ostensible intention, but lack of political will to ratify it. Nonetheless, several of the articles contained in both Protocols I and II are recognized as rules of customary international law valid for all states, whether or not they have ratified them.<sup>35</sup>

The humanitarian prohibitions apply also to the Taliban operating in Afghanistan, particularly those protecting civilians and civilian objects from attack, including Articles 1, 10, 11, 16, 17, 18, 19, 20, 21 of the Civilians Convention, and Articles 9, 10, 11 and 18 of its Protocol II. Accordingly, the AIHRC has documented these incidents, condemned such attacks and called upon the Government of Afghanistan to investigate them and render immediate assistance to those affected.<sup>36</sup>

## **Extrajudicial Killing**

One element of the Afghan war logs revealed by *Wikileaks* that should fuel debate is the information they provide about the United States' Task Force 373. Despite Pentagon efforts to keep Task Force 373 operations throughout the war in Afghanistan under strict secrecy, documentation now indicates that this unit of elite soldiers, which includes members of the Navy Seals and the Delta Force, has committed grave breaches. Task Force 373 (TF 373) takes direct orders from the Pentagon in Washington and, thus, operates outside of the normal chain of command of NATO's International Security Assistance Force (ISAF).

The existence of this special force is no secret; however, high-ranking U.S. military officials have refused to discuss the unit's controversial mission, which is to "deactivate" top Taliban and terrorists by either killing or capturing them. TF 373 operates on the basis of a classified list of enemies called "Joint Prioritized Effects Lists" (JPEL), which the coalition troops compile. In the nearly 92,000 logs leaked, 84 pertain to JPEL-related actions and combine to provide current information about how the secretive force has resulted in deaths not only of Taliban fighters, but of Afghan civilians in their homes.

One report logged on 17 June 2007 includes a warning that the operation must be "kept protected," and that details of the mission should not be provided to any other countries, including U.S. partners in the Afghanistan multilateral forces.

Its mission was to kill prominent al-Qa'ida functionary Abu Laith al-Libi. After staking out a Qur'anic school where al-Libi was believed to be located, a 5-rocket TF 393 attack killed seven children.<sup>37</sup>

## **Aerial Bombing**

Little moral distinction separates some aerial bombardments from targeted killing, particularly if the bombing target is a targeted individual, or community. During 2007–08,<sup>38</sup> U.S. and NATO airstrikes resulted in high numbers of civilian casualties across Afghanistan. The report mentioned that the effects of airstrikes go far beyond the immediate loss of lives and properties, and always are followed by the displacement of the civilian population. One operation on 17 July 2008, in Zerkoh, left 49 civilians killed and two houses damaged by missiles. The attack also displaced 1,600.<sup>39</sup>

In another airstrike on 24 August 2008, at Azizabad, NATO forces killed 91 people, 57% of whom positively identified as civilians: 59 children, 16 women, and three elderly men. Their missiles destroyed 13 houses.

On Monday, 29 October, *Times of India*, citing Reuters, reported from Kabul that

a US bomb flattened a flimsy mud-brick home in Kabul on Sunday, blowing apart seven children as they ate breakfast with their father. The blast shattered a neighbour's house killing another two

children...the houses were in a residential area called Qalaye Khatir near a hill where the hard-line Taliban militia had placed an anti-aircraft gun.<sup>40</sup>

The Afghan town of Charikar, 60 kms north of Kabul, has been the recipient of many US bombs and missiles. On Saturday, 17 November 2001, U.S. bombs killed two entire families—one of 16 members, and the other 14—together in the same house.<sup>41</sup>

A U.S. officer aboard the aircraft carrier *U.S.S. Carl Vinson*, described the use of 2,000 lb cluster bombs dropped by B-52 bombers: "A 2,000 lb. bomb, no matter where you drop it, is a significant, emotional event for anyone within a square mile."<sup>42</sup>

U.S. planes had circled over Tarin Kot, in Uruzgan, early in the evening of 19 October 2001, then returned after everyone had gone to bed, dropping bombs on the residential area, instead of on the Taliban base two miles away.<sup>43</sup> The bombing flattened mud houses and destroyed entire families. An initial bombing killed twenty and, as some of the villagers were pulling their neighbors out of the rubble, more bombs fell, and ten more people died. An affected villager explained: "We pulled the baby out, the others were buried in the rubble. Children were decapitated. There were bodies with no legs. We could do nothing. We just fled."<sup>44</sup>

On 21 October 2001, U.S. planes apparently targeting a long-abandoned Taliban military base and released bombs on the Kabul residential area of Khair Khana, killing eight members of one family who had just sat down to breakfast.<sup>45</sup>

A day later, on 22 October, U.S. planes dropped BLU-97 cluster bombs, produced by Aerojet/Honeywell, on the village of Shakar Qala, near Herat. That assault destroyed or badly damaged 20 of the village's 45 houses. The attackers missed the Taliban encampments located 500-700 yards away and killed 14 people immediately. A 15<sup>th</sup> civilian died after picking up the parachute attached to one of the 202 bomblets dispersed by the BLU-97.<sup>46</sup>

On 7 November 2001, heavy U.S. bombers obliterated the village of Khan Aqa in Kapisa Province, 34 miles north of Kabul, as part of the new carpet-bombing phase of the air war in the plains north of Kabul.<sup>47</sup>

When U.S. warplanes strafed [with AC-130 gunships] the farming village of Chowkar-Karez, 25 miles north of Qandahar on 22-23 October, killing at least 93 civilians, a Pentagon official said, "the people there are dead because we wanted them dead." They presumably sympathized with the Taliban.<sup>48</sup> When asked about the Chowkar Karez incident, U.S. Secretary of Defense Donald Rumsfeld replied, "I cannot deal with that particular village."



U.S



Airstrikes destroyed several in Jabar village, Nijrab District, North of Kabul on 5 February and 5 March 2007. Photos: [The WE Archives](#)

Other analogous cases in 2001 included:

- **11 October** - the farming village of 450 persons of Karam, west of Jalalabad in Nangarhar province is repeatedly bombed, 45 of the 60 mud houses destroyed, killing at least 160 civilians.<sup>49</sup> Ms. Tur Bakai, who survived the attack, but all of whose children died in the attack, said, her voice barely audible, "I was asleep. I heard the prayers and suddenly it started. I didn't know what it was. I was so scared...";<sup>50</sup>
- **18 October** – the central marketplace, Sarai Shamali, in the Madad district of Qandahar is bombed, killing 47 civilians<sup>51</sup>;
- **21 October** – a cluster bomb falls on the military hospital and mosque in Herat, killing possibly 100 though I have recorded only 11<sup>52</sup>;
- **23 October** – in the early A.M., low-flying AC-130 gunships repeatedly strafed the agricultural villages of Bori Chokar and Chowkar-Karez [Chakoor Kariz], 25 miles north of Qandahar, killing 93 civilians<sup>53</sup>;
- **10 November** – bombs hit the villages neighboring Shah Aqa, in the poppy-growing Khakrez District, 70 kilometers northwest of Qandahar, resulting in some 125–300 civilian casualties<sup>54</sup>;
- **18 November** – carpet-bombing by B-52's of frontline village near Khanabad, province of Kunduz, kills at least 100 civilians.<sup>55</sup>

The AIHRC reported the continuing pattern allied attacks on villages and residences. In its 2007 report, AIHRC recounts the incident in Nijrab District of Kapisa Province, whereby international and national forces initiated air and artillery attacks against a residential compound in Jabar village, and dropped a large bomb on the presumed residence of a man whom local community residents reported was the target of the attack for suspected Taliban links. A U.S. military spokesperson claimed that it targeted two men accused of insurgent activities, who had been seen firing their weapons against a nearby military base.



On 4 March 2007, international and national military forces shelled Jabar village at around 20:45 and dropped a large-caliber bomb on the residential compound at around 21:30, completely destroying the house and killing all those present. The deceased were all members of the suspect's family, including a grandfather of about 90 years, 75-year-old grandmother and three women, two of whom were pregnant, and four children five years of age and younger.

Approximately 30 minutes later, in another air attack, more joint forces dropped ordnance on an adjacent compound and injured five more people. All those interviewed claimed that no shelling or rocketing from the village took place. However, AIHRC refers to reports of insurgents firing one rocket from the nearby Kawalana Pozza Mountain. The AIHRC's documentation of local accounts and evidence taken acknowledged contradictory information as to whether the apparently targeted suspect was really engaged in insurgent activities, and as to whether he was actually present in Jabar village on the day of the attack.

The AIHRC annual report also concluded:

It is clear though that, even if the accusations against him [the suspected insurgent] were accurate, he was of very limited importance and the military advantage of his possible elimination cannot justify the collateral killing of nine innocent civilians. The attack was thus carried out with excessive force and constitutes a violation of international humanitarian law.<sup>56</sup>

### **Military Raids**

Military raids frequently lead to violations of residents inside their homes. One such case recorded by AIHRC took place on the night of 4 January 2007 at 20:00, when international and Afghan army personnel conducted a raid of a housing compound in Qandahar's Loya Wala District. Without identifying themselves, the raiders forced their entry into the compound by blowing up the front gate with an explosive device. Witnesses reported that between 30 and 40 armed Afghan men accompanied by two armed U.S. personnel then entered the compound. In one case of two brothers and their families in a shared house, one a UN staff member and the other an officer of AIHRC, the invaders hooded and bound the brothers' hands behind their back with plastic ties, despite the subjects repeatedly identifying themselves and their employers in English and Pashto. The army troops then "booby-trapped" one of the brothers by connecting the ties on his hands to an explosive charge used for blowing open the doors. The all-male soldiers separated men and women and took the women of the household to another room. During the raid the assailants subjected families to abusive and culturally insensitive treatment and caused extensive destruction to private property, including destruction of a computer and the apparent theft of some US\$600 cash.

The invading soldiers eventually freed the brothers after finding their identification papers, and told them to report to a nearby international military base to receive compensation for the damages. Pursuing their complaint, the U.S. officers in charge

offered no apology and only a token \$100 in compensation, which the victims rejected as insufficient. Thereupon, the U.S. official present left the room, while the remaining Afghan forces proceeded to threaten the victims further, saying that they would be “beaten and thrown into Guantanamo” if they pursued their complaint further.<sup>57</sup>

A later investigation revealed that the raid was led by U.S. paramilitary operators not under the NATO/ISAF command, or even the American armed forces. Numerous efforts to resolve the issue directly with the U.S. Embassy resulted in empty promises of an investigation and swift action, but resulted in no redress of any kind.<sup>58</sup>



A U.S. Marine breaks down the door of a house during an operation in the town of Marjah in the Nad Ali District of Helmand Province, 16 February 2010. (Photo: Reuters)

On 4 March 2007, AIHRS launched an investigation of the violations by U.S. forces of the Geneva Conventions through the use of indiscriminate and excessive force against civilians.<sup>59</sup> This followed an incident where a vehicle-borne improvised explosive device (VBIED) struck a convoy of U.S. Marine Corps Special Forces vehicles, traveling on the road from Torkham to Jalalabad in Nangarhar Province. Thereafter, U.S. forces fired at vehicles at several different locations along the next 16 kilometers of the road, without any distinction between civilians and combatants as targets, according to reports. In total, the incident left at least 12 people killed and 35 injured, with soldiers shooting also several women and children. The investigation turned up no evidence found of any persons in vehicles or otherwise firing on the foreign forces around the VBIED site, or posing a threat to the U.S. convoy. The investigators found only civilians in the area.

Available documentation addresses the destruction of civilian property, particularly by U.S. forces and Afghani police. *Wikileaks* documents reveal that, on 8 January 2009, U.S. forces recorded a case in which conflicting parties in Afghanistan targeted civilian houses during their fighting, in flagrant violation of international humanitarian law:

*Date* 2009-01-08 05:38:00  
*Type* Friendly Action  
*Category* IDF Interdiction  
*Tracking Number* 20090108053842SXD7315964804  
*Title* (FRIENDLY ACTION) IDF INTERDICTION RPT (Mortar) TF SPADER : 0 INJ/DAM  
*Summary* ISAF # 01-0311  
\*\*\*IMMINENT THREAT\*\*\*  
0520z KOP fires 120mm on XD 73159 64804. AROS.  
TARGET REASON/DESC: ICOM CHATTER 153.513/0500z/42S XD 73159 64804  
0.49KM X 0.27KM AZ 108/U1- YES, THERE WAS A BIG BOMB DROPPED IN SOME

OF THOSE HOUSES. WE ARE TRYING TO TO CONTACT THEM, BUT THERE IS NO ANSWER. AS SOON AS I GET SOME INFORMATION, I WILL LET YOU KNOW/RR.  
[10:35] THIS IS V6 - THE REDRIDGE HIT WAS 800M NORTH OF A VILLAGE IN AN HISTORIC ENEMY OBSERVATION POINT FOR ATTACKS ON THE KOP/ OP1 / AND RESTREPO PATROLS IN THE MOUNTAINS NW OF RESTREPO AND THE KOP. THE FREQUENCY IS A COMMONLY USED AAF FREQUENCY USED TO COORDINATE/ FACILITATE/ PLAN ATTACKS ON CF/ANA IN THE KORENGAL.  
[10:36] THE GRID WAS OUTSIDE OF .1% PI RANGE FOR THE CLOSEST BUILDING - PSSOFF CONFIRMED. V9 OBSERVED ALL ROUNDS SAFE  
EVENT CLOSED  
120mm:HEX14  
Region RC EAST  
AttackOn FRIEND  
Reporting Unit A SIGACTS MANAGER  
UnitName TF SPADER  
TypeOfUnit CF  
MGRS 42SXD7315964804  
Latitude 34.91091919  
Longitude 70.89542389  
OriginatorGroup A SIGACTS MANAGER  
UpdatedByGroup J3 ORSA  
Affiliation FRIEND  
DColor BLUE  
Classification SECRET<sup>60</sup>

In May 2010, the Revolutionary Association of the Women of Afghanistan (RAWA) documented a case in which about one thousand acres of land were illegally grabbed in four provinces in Afghanistan by some of powerful men.<sup>61</sup> In the same month, RAWA reported that more than 600 families were displaced from their villages, flee the massive counterinsurgency “Operation Mushtarak,” involving thousands of Afghan and foreign troops. An official of Afghan Red Crescent society accused the forging troops had targeting civilian houses and failing to protect civilians, while the Taliban militant allegedly attacked troops from civilian houses. The counterinsurgency forces claimed that the operation to clear the area of Taliban forces enabled “thousands of families to return to their homes.”<sup>62</sup>

On 16 November 2010, on *The New York Times* reported that “NATO is Razing Bobby-Trapped Afghan Homes.” The article reviewed some examples of U.S. troops deliberately destroying Afghan homes in Qandahar and some districts in south Afghanistan. The report including an interview with Arghandab District Governor Shah Muhammed Ahmadi, who asserted that U.S. troops has demolished 120–30 houses in his district. The article reported “that the Americans have been systematically destroying hundreds of them, according to local Afghan authorities...” and that “American troops are using an impressive array of tools not only to demolish homes, but also to eliminate tree lines where insurgents could hide, blow up outbuildings, flatten agricultural walls,

and carve new 'military roads,' because existing ones are so heavily mined, according to journalists embedded in the area recently."<sup>63</sup>

One of the most fearsome tools of the U.S. forces is the MICLIC, the M58 Mine-clearing Line Charge, a chain of explosives tied to a rocket that, upon impact destroys everything in a 30-foot-wide-by-325 feet-long (9.144 x 99.06 m) swath. The Himars missile system, a pod of 13-foot rockets carrying 200-pound warheads, also has been used frequently for demolition work."<sup>64</sup>

### **Land Disputes and Land Grabs**

Among the notorious cases of housing and land rights violations that Special Rapporteur Kothari reported was one that involved forced evictions under the command of the Kabul chief of police in Shurpur village, near Wazir Akbar Khan, in Kabul city. The Mayor of Kabul, who authorized the destruction, was quoted as saying: "Since these families are poor and disadvantaged and cannot build luxury houses, their properties should be distributed for rich people." Residents were not even given time to remove their belongings and some residents received injuries while in their homes when the destruction began.

In his preliminary findings, the Special Rapporteur on adequate housing called for appropriate measures to be taken against ministers and other public officials known to be responsible for violations, as well as the Kabul Chief of Police. On 17 September 2003, in light of the events above, President Hamed Karzai issued Presidential Order No. 3861, establishing an Independent Investigative Commission to address the forced eviction and destruction of houses in the Shirpur area and to look into reports of illegal and unfair distribution in Kabul. In a future phase, the Commission is to be authorized to assess the situation also in other parts of the country. In addition, according to the information received, the Kabul Chief of Police was dismissed as a result of his involvement in the forced evictions in Shirpur village. Shirpur was army land until 2003 when Marshal Fahim Khan, then defense minister, parcelled it out to relatives, ex-ministers and former militia commanders for a nominal price.<sup>65</sup>

Dispatches produced by Wikileaks in the *Afghan War Diary* give witness to cases of internally displaced Afghans caught up in a land dispute. The following excerpt reports a case of IDP housing destruction on a large scale. (Text as in original.)

We received an UNDSS Daily Security SITREP (101006, ER-1191-10/06) that stated 400 IDP houses were destroyed in a land dispute in the Sheykh Mesri Township. We brought Uspad Ghafoir from the Provincial Council with us to investigate. The elders stated that members of a nearby village in the Surkh Rod district claimed the land was theirs and knocked over 200 two-foot tall walls that outlined where future houses would be built. They claimed that 300 armed villagers came in last night at 2200L (1730Z) for the attack. Upon further questioning, they reduced the number of weapons involved but also stated the police responded and were unable to capture any of the intruders. Uspad Ghafoir requested three elders come to the Provincial Council tomorrow to meet with him, the Chief Prosecutor, the Director of Refugees, and the Surkh Rod sub-governor to address the land dispute. We will continue to

monitor but want the Afghans to solve the problem. The elders seemed pleased that the Provincial Council had taken a personal interest in their problem.

Region RC EAST  
AttackOn NEUTRAL  
Complex Attack FALSE  
Reporting Unit -  
UnitName -  
TypeOfUnit None Selected  
MGRS 42SXC3524893950  
Latitude 34.27793121  
Longitude 70.46929169  
OriginatorGroup UNKNOWN  
UpdatedByGroup UNKNOWN  
Affiliation NEUTRAL  
DColor GREEN  
Classification SECRET<sup>66</sup>

Another entry in the Wikileaks Afghan *War Diary* reports a land dispute arising from long-term displacement from the war-torn country, where the returning IDPs came home to encounter a new and local land dispute adding to layers of conflict in the country. (Following text as in original.)

The Nasir tribe, originally from Zabul Province, returned to Afghanistan after 25 years in a refugee camp in Pakistan. Unfortunately, the Shamulzai tribe in Zabul had claimed the Nasir lands while the Nasirs were in Pakistan. The Nasir tribe received little to no Zabul GOA support to resolve the land dispute and the Nasirs ended up in Terwa district in Paktika after several squirmishes with the Shamulzais. They are approximately 2000 people. There is concern that they are unprepared for winter. The Paktika Provincial Government is trying to determine how they can help with shelter, food and firewood. However, the GOA has done little to assess the needs of the tribe nor have they actually gone to see them. The Director of Refugees and ASP director have both sent information to UNAMA in Gardez but report that UNAMA does not appear to be interested in helping. The Director of refugees reports that the GOA is looking into moving the tribe to Jalalabad in hopes that jobs will be available for them there, there is quite frankly nothing for them in Terwa. The Governor and I met with the Nasir elders in Sharan yesterday. They simply requested HA and were not able to specify amount or specific needs. Surprisingly, the elders were all wearing nice cloths, gold watches, and were certainly not lacking food. It is not clear what the GOA intends to do about the situation. I am concerned that if no one helps the Nasirs it will be seen negatively on the Paktika GOA or will result in the Nasirs helping the enemy. The elders even mentioned returning to Pakistan which would result in a GOA failure, although it is doubtful Pakistan would allow their return. The PRT intends to assess the situation of the tribe and coordinate with UNAMA on potential problem resolution.

Region RC EAST  
AttackOn NEUTRAL

ComplexAttack	FALSE
ReportingUnit	-
UnitName	-
TypeOfUnit	None Selected
MGRS	42SVA7574393351
Latitude	32.477108
Longitude	68.74184418
OriginatorGroup	UNKNOWN
UpdatedByGroup	UNKNOWN
Affiliation	NEUTRAL
DColor	GREEN
Classification	SECRET <sup>67</sup>



In Samangan Province thousands of acres of land have been illegally grabbed.  
(Photo: Luke Powell)

### Other Gross Violations

In Jalalabad, as part of Afghan government efforts to repossess state land, 95 houses along the Jalalabad Canal, near Joy Haft neighborhood, were destroyed at the end of July 2003, allegedly without any advance notice to the residents. Among those dispossessed and evicted were IDPs and returnees holding United Nations High Commissioner for Refugees (UNHCR) Voluntary Repatriation Forms. According to local authorities, the forced eviction was part of their implementation of Presidential Decree No. 362 of April 2003 to end the illegal occupation of government properties. At the same time, the President's Office affirmed that no decree or other presidential order had been issued authorizing the demolition of the houses along the Jalalabad Canal, but that the evictions were more likely a result of a decision of the provincial governor or the local *shura* (council).<sup>68</sup>

Another example brought to the attention of the Special Rapporteur on adequate housing was the June–October 2003 demolition of houses and the forced eviction of an estimated 200–250 households in Sar-e-Pul city, in the northwestern part of Sar-e-Pul Province. The premise for that eviction reportedly was the construction of a road and to allow the extension of electricity in the city. The residents reportedly were given 5 to 15 days’ advance notice and no compensation, nor has any alternative housing been arranged for those affected. Reportedly, the residents were threatened with imprisonment, and even execution, if they resisted the demolitions. The orders are attributed to a local commander, Haji Payendah, with the help of the mayor allegedly appointed by him, based on a letter from the Ministry of Urban Development and with the supposed approval of the Ministry of Water and Electricity to make way for new power lines.

As of early 2004, the project was suspended for lack of funds to complete the work. In the meantime, some affected residents have moved back to a few of the houses that were only partially demolished. Other displaced households have sought shelter with relatives, rented houses or left the area entirely. These cases typically result in inadequate housing conditions, displacement, additional financial burdens and loss of livelihoods.

Other aspects of housing and land rights violations in the context of the war in Afghanistan involve security firms in Afghanistan contracted to work for international forces or the Afghan army. Contracted private security personnel have been implicated in numerous crimes, including kidnapping, armed robbery and murder amid general confusion over the identities and mandates of such forces.<sup>69</sup> For example the U.S.-based security firm *Blackwater* and its activity in Afghanistan, in Jun 2008 the State Department awarded *Blackwater* (renamed as *XE Services*) a \$120 million contract to provide security at its regional offices in Afghanistan, while, in June 2010, the U.S. Central Intelligence Agency renewed the firm’s \$100 million security contract for its station in Kabul.<sup>70</sup>

RAWA, published news entitled “private security firms involved in mercenary activity,” discussing the plethora of private security companies operating in conflict zones and engaging in new forms of mercenary activity. It pointed out that the states employing their services might be held responsible for violations of internationally recognized human rights committed by the personnel of such companies. Despite various reports on the mercenary activities and criminal behavior of security firms in the country, including patterns of house demolitions involving private security firms on other countries,<sup>71</sup> little documentary information has emerged in the international press about their activities and violations affecting housing and land rights in Afghanistan.<sup>72</sup>

## **Conclusion**

Within the typology of violations provided by the Afghan Independent Human Rights Commission, a member of the Habitat International Coalition’s global Housing and Land Rights Network, we are able to benefit from a locally relevant framework within which to

explore the nature of housing and land rights violations in the context of conflict, occupation and war. In the foregoing array of causes and effects, it is clear that, in the Afghan case, a long history of violence implicates a variety of perpetrators, both foreign and domestic. In some cases, gross violations are carried out by a combination of both. The responsibility for those offenses is laid out in the norms of human rights law and IHL.

Thanks to the documentation efforts of AIHRC and other nongovernmental organizations, important evidence has been gathered to document such gross violations having the gravity of war crimes and/or crimes against.

Clearly critical, investigative journalists have contributed to the record and analysis that shed light on such gross violations and crimes. The establishment of accountability also is served by those who go well beyond the official story. Such diligence is needed to avoid the hazard described by one commentator, who writes about a:

...shameful dependence on, and uncritical acceptance of Pentagon handouts, instead of substantial, critical coverage of the ground situation in Afghanistan. The US corporate media seems to be muting any talk of civilian casualties first by framing any such news with "Taliban claims that...." And then happily putting the matter to rest with a Pentagon spokesman...<sup>73</sup>

With reference to earlier U.S. aerial bombings in Sudan and Afghanistan, another observer points out a common double standard in the record:

When people decry civilian deaths caused by the U.S. government, they're aiding propaganda efforts. In sharp contrast, when civilian deaths are caused by bombers who hate America, the perpetrators are evil and those deaths are tragedies.

When they put bombs in cars and kill people, they're uncivilized killers. When we put bombs on missiles and kill people, we're upholding civilized values. When they kill, they're terrorists. When we kill, we're striking against terror.<sup>74</sup>

On 5 July 2009, the U.S. Army's 5<sup>th</sup> Stryker Brigade, 2<sup>nd</sup> Infantry Division arrived in Qandahar Province, equipped with 350 Stryker combat vehicles, for a year-long tour of duty.<sup>75</sup> Within a year the Brigade earned its appellation as "the kill team" amid reports that those U.S. troops were operating death squads.<sup>76</sup> Reports of the troops' routine substance abuse and brutality toward local Afghans that led to at least four premeditated murders of innocent civilians, the ritual mutilation of corpses, collection of severed anatomical "trophies" taking celebratory-and-indicting photographs alongside the corpse of victims, particularly between January and May 2010. It emerged in the trial of the first of five suspects in a U.S. military tribunal that the 5<sup>th</sup> Stryker Brigade also used guns and grenades to make it appear they were under attack, in order to justify killing civilians.<sup>77</sup>

These dramatic cases, with their grizzly photographic evidence, may be temporarily shocking for the international audience. However, a wider pattern of abuses, attacking people in their homes and shelters, incremental and *en masse* displacement, variously creating homelessness and destroying livelihoods and lives are among the litany of



gross violations of human rights in the Afghanistan context that may constitute war crimes and crimes against humanity. The perpetrators are numerous and equally diverse, as this brief inventory attests.

The present report reflects one step in the process of monitoring and documenting housing and land rights violations in Afghanistan committed by U.S., NATO, Taliban private security firms, war lords, police and other forces. In this review, HLRN seeks to shed light on the issue and encourage greater attention to the need for prosecution of such offenses. Most important and not dependent on such prosecution are the victims', affected persons', households' and communities' rights to reparation as defined in law. HLRN welcomes the contributions of all concerned parties toward that end for the Afghan people and all other civilians around the world caught up in the crimes of conflict, occupation and war.

## Endnotes

- <sup>1</sup> “Afghan War Diary, 2004–2010,” release date 25 July 2010, at mirror site: [http://mirror.wikileaks.info/wiki/Afghan\\_War\\_Diary\\_2004-2010/](http://mirror.wikileaks.info/wiki/Afghan_War_Diary_2004-2010/).
- <sup>2</sup> Violations of international humanitarian law in Afghanistan Practices of Concern and Example Cases. [http://www.aihrc.org.af/IHL\\_practices\\_and\\_examples\\_final\\_Coalition\\_Vioalatioin.pdf](http://www.aihrc.org.af/IHL_practices_and_examples_final_Coalition_Vioalatioin.pdf)
- <sup>3</sup> Defined as “means the intentional and severe deprivation of fundamental rights contrary to international law by reason of the identity of the group or collectivity,” as provided in The Rome Statute on the International Criminal Court, Article 7(2)(g).
- <sup>4</sup> Report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to nondiscrimination in this context, Miloon Kothari, E/CN.4/2004/48, 2 November 2004, p. 13, para. 27; see also E/CN.4/2004/48/Add.2, 4 March 2004, para. 70.
- <sup>5</sup> Stephanie Irvine, “Powerful ‘grab Afghanistan land’, *BBC News* (6 September 2007), at: [http://news.bbc.co.uk/2/hi/south\\_asia/6981035.stm](http://news.bbc.co.uk/2/hi/south_asia/6981035.stm).
- <sup>6</sup> OHCHR, “Rights Dimensions of Poverty,” March 2010, at: [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Poverty%20Report%2030%20March%202010\\_English.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Poverty%20Report%2030%20March%202010_English.pdf).
- <sup>7</sup> Norah Niland, OHCHR spokesperson, “Human rights abuses exacerbating poverty in Afghanistan, UN report finds,” *UN News Centre* (30 March 2010), at: <http://www.un.org/apps/news/story.asp?Cr=afghan&Cr1=&NewsID=34239>; and Press conference on poverty in Afghanistan, press conference, 20 March 2010. See also UN OHCHR, “Human Rights Dimension of Poverty in Afghanistan,” March 2010, at: [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Poverty%20Report%2030%20March%202010\\_English.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Poverty%20Report%2030%20March%202010_English.pdf).
- <sup>8</sup> OXFAM et al, “The Cost of War Afghan Experiences of Conflict, 1978–2009,” November 2009, p. 46, at: <http://www.oxfam.org/sites/www.oxfam.org/files/afghanistan-the-cost-of-war.pdf>.
- <sup>9</sup> Declan Walsh, “How anti-corruption chief once sold heroin in Las Vegas,” *The Guardian* (28 August 2007), at: <http://www.guardian.co.uk/world/2007/aug/28/afghanistan.drugstrade>.
- <sup>10</sup> For further information, see Oxfam, “The Cost of War: Afghan experiences of conflict from 1978-2009,” (November 2009), <http://www.oxfam.org/sites/www.oxfam.org/files/afghanistan-the-cost-of-war.pdf>.
- <sup>11</sup> *Ibid.*, p. 22.
- <sup>12</sup> Sadiquallah Sadat, an estate agent in Kabul, “US military offices and UN and international aid agencies are the main players in the rental houses markets.” See *Ibid.*
- <sup>13</sup> Norah Niland, OHCHR spokesperson, “Human rights abuses exacerbating poverty in Afghanistan, UN report finds,” *UN News Centre* (30 March 2010), at: <http://www.un.org/apps/news/story.asp?Cr=afghan&Cr1=&NewsID=34239>; and Press conference on poverty in Afghanistan, press conference, 20 March 2010. See also UN OHCHR, “Human Rights Dimension of Poverty in Afghanistan,” March 2010, at: [http://unama.unmissions.org/Portals/UNAMA/human%20rights/Poverty%20Report%2030%20March%202010\\_English.pdf](http://unama.unmissions.org/Portals/UNAMA/human%20rights/Poverty%20Report%2030%20March%202010_English.pdf).
- <sup>14</sup> United Nations High Commissioner for Refugees (UNHCR) reported 1,905,804 Afghan refugees originating from Afghanistan at the beginning of 2010. See UNHCR, “2009 Global Trends: Refugees, Asylum-seekers, Returnees, Internally Displaced and Stateless Persons” (2010), <http://www.unhcr.org/4c11f0be9.html>
- <sup>15</sup> UNHCHR, “Afghanistan IDP Populations Statistical Analysis” (as of 31 March 2010), [http://www.internal-displacement.org/8025708F004CE90B/\(httpDocuments\)/D8F2FDF7890C4D07C1257707002C3C62/\\$file/IDP\\_Populations\\_03\\_10\\_National\\_Analysis\\_External\\_1.pdf](http://www.internal-displacement.org/8025708F004CE90B/(httpDocuments)/D8F2FDF7890C4D07C1257707002C3C62/$file/IDP_Populations_03_10_National_Analysis_External_1.pdf).
- <sup>16</sup> “AFGHANISTAN: Little relief for growing number of conflict IDPs,” *IRIN News* (21 October 2010), <http://www.irinnews.org/Report.aspx?ReportID=90768>.
- <sup>17</sup> “AFGHANISTAN: Call for help for IDPs, deportees in Helmand,” *Irin News* (10 January 2011), at: <http://www.irinnews.org/Report.aspx?ReportID=91592>.
- <sup>18</sup> Yousuf Pashtum the Afghan Minister of Housing and Urban Development, cited in “Afghanistan: Focus on Kabul Housing Shortage,” UN-OCHA Integrated Regional Information Network, 22 May 2003, at: <http://www.irinnews.org/report.aspx?reportid=20127>.
- <sup>19</sup> According to Lilith Lankatilleke, UN Habitat, cited in “Afghanistan: Focus on Kabul Housing Shortage,” *IRIN*; op. cit.
- <sup>20</sup> According to U.S. Department of Defense sources, cited in Anthony Cordesman, Adam Masner, “Afghanistan: Food and Conflict in 2010,” Center for Strategic and International Studies, April 2010, p. 2, at: [http://csis.org/files/publication/100426\\_AfghanAg-Water.pdf](http://csis.org/files/publication/100426_AfghanAg-Water.pdf).
- <sup>21</sup> E/CN.4/2004/48/Add.2
- <sup>22</sup> As defined in “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” A/60/147, 21 March 2006.

- <sup>23</sup> As provided in Rome Statute, Article 8(a).
- <sup>24</sup> The latest Congressional Research Service reports on security and governance in Afghanistan are informative; however, they omit the human-security dimension of poverty, homelessness and domestic violence. See, for example:
- Kenneth Katzman, “Afghanistan: Post-Taliban Governance, Security, and U.S. Policy,” Congressional Research Service, 17 September 2010, <http://www.fas.org/sqp/crs/row/RL30588.pdf>. Others reports by CRS include:
  - [Afghanistan: Post-Taliban Governance, Security, and U.S. Policy](#), 17 September 2010;
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  - [Emerging Trends in the Security Architecture in Asia: Bilateral and Multilateral Ties Among the United States, Japan, Australia, and India](#), 7 January 2008;
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  - Christopher M. Blanchard, [Afghanistan: Narcotics and U.S. Policy](#), 12 August 2009;
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## HOUSING AND LAND RIGHTS NETWORK (HLRN)

More than a billion people are ill housed, or have no shelter; tens of millions are forced from their homes and land due to war, discrimination, development projects, social-service reductions, economic liberalization and privatization policies. They all need our solidarity.

Habitat International Coalition (HIC) is an independent, international, nonprofit movement with hundreds of Members specialized in various aspects of human settlements. Its Members include NGOs, CBOs, social movements, academic and research centers, professional associations and like-minded individuals from over 100 countries in both North and South, all dedicated to reciprocal cooperation toward realizing the human right to adequate housing for all. HIC's programmatic activities are managed through thematic structures:

- Women and Habitat Network (HIC-WAHN)
- Housing and Land Rights Network (HIC-HLRN)
- Habitat and Sustainable Environment Network (HIC-HSEN)
- Social Production of Habitat Working Group
- Working Group on Housing Finance and Resource Mobilization

### Housing and Land Rights Network (HLRN) objectives:

HLRN members share with HIC general a set of objectives that bind and shape HLRN's commitment to communities struggling to secure housing and improve their habitat conditions. HLRN advocates the recognition, defense and full implementation of every human's right everywhere to a secure place to live in peace and dignity by:

- Defending the human rights of the homeless, poor and inadequately housed;
- Promoting public awareness about human-settlement problems and needs globally;
- Upholding legal protection of the human right to housing as a first step to support communities pursuing housing solutions, including social production and other practical means to realize the right;
- Cooperating with various UN human rights bodies to develop and monitor standards of the human right to adequate housing, as well as clarify states' obligations to respect, protect, promote and fulfill the right;
- Providing a common platform for communities across the Network to formulate and share problem-solving strategies through social movements and progressive NGOs in the field of human settlements; and
- Advocating on their behalf in international forums.

To attain these objectives, HLRN member services include:

- Building local, regional and international member cooperation to form effective housing rights campaigns;
- Human resource development, human rights education and training;
- Enhancing self-representation skills and opportunities;
- Action research and publication;
- Exchanging and disseminating member experiences, best practices and strategies;
- Support for lobby efforts toward policy reform;
- Developing tools and techniques for professional monitoring of housing rights;
- Urgent actions against forced eviction and other violations.

**For more information, log onto HIC-HLRN websites at:**

[www.hlrn.org](http://www.hlrn.org) and [www.hic-mena.org](http://www.hic-mena.org)

**Housing and Land Rights Network**



**HABITAT INTERNATIONAL COALITION**