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The Taliban May No Longer Control Afghanistan, but Their Persecution of Religious Minorities Will Forever Remain a Stain on Global History

In the years following the Soviet withdrawal in 1989, religious minorities and women in Afghanistan experienced violence and discrimination as armed groups struggled for territorial control. The parties that had fought the Soviet-backed government divided up the country while battling with each other to control the capital, Kabul. The United Front forces, a coalition of mainly Tajik, Uzbek, and ethnic Hazaral parties, were part of this conflict with the Taliban, an ultraconservative Islamic movement that came to power in 1996 and at one time controlled 90% of the country.¹

Due to the absence of a constitution and the ongoing civil war, freedom of religion is determined primarily by the unofficial and unwritten policies of the Taliban. Therefore, freedom of religion is restricted severely. Afghanistan is divided between the Sunni Muslims, who make up 84% of the population, and Shi'a Muslims, who make up 15%.² The Taliban reflect great religious intolerance by its continuous persecution of the Hazaras ethnic group, which is Shi'a Muslim.³ The Taliban are Sunni Muslims and followers of a strict conservative sect that considers the Shi'a to be infidels.

The Taliban enforced its strict interpretation of Islamic law, and, according to reports, public executions, floggings, and amputations took place weekly against those who violated the law.⁴ The Taliban established Islamic courts to judge criminal cases and resolve disputes. The courts dealt with all complaints, relying on the Taliban's interpretation of Islamic law and punishments, as well as

¹ See *2000 Annual Report on International Religious Freedom: Afghanistan*, at http://www.state.gov/www/globalhuman_rights/irf/irf_rpt/irf_afghanis.html (last visited Sept. 5, 2000).

² See *Afghanistan: Religious Composition of the Population*, at <http://www.hri.ca/partnersforob/e/instruments/asia/Afghanistan.htm> (last visited Dec. 3, 2001).

³ The Taliban view Shi'a Muslims as its main religious opponent, as there are no Jews and Christians residing in Afghanistan. There is a very small community of Hindus that is found in extremely small numbers. See *2000 Annual Report*, *supra* note 1 (explaining the religious breakdown of Afghanistan).

⁴ See *Religious Bullies: Iraq, Afghanistan*, at <http://www.cbsnews.com/story/0,1597,230644-412,00.shtml> (September 5, 2000).

tribal customs. According to the Taliban, the “worst offenders” were subjected to public executions, which took place before crowds of up to 30,000 persons at Kabul Stadium.⁵

The Taliban has violated various prongs of humanitarian law embodied in the Fourth Geneva Convention, which protects the rights of civilian persons during conflict, as well as the Universal Declaration of Human Rights. Pursuant to the convention, the parties to a conflict must distinguish between civilians and combatants and direct their operations only against military targets.⁶ Furthermore, the civilians are protected against murder, torture, pillage, reprisals, indiscriminate destruction of property, and being taken hostage.⁷ Their family rights, religious convictions and practices are to be respected.⁸ Additionally, the Taliban has violated Article 18 of the Universal Declaration of Human Rights, which provides for the freedom to practice religion.⁹

TALIBAN MASSACRES OF HAZARAS

Since they took control of Kabul in 1996, the Taliban has committed numerous human rights violations, particularly against the Hazaras. In September 1997, the Taliban massacred 70 Hazara civilians in Quzelabad.¹⁰ In August of 1998, the Taliban carried out a systematic execution of 2,000 Hazara civilians because of their ethnic and religious identity. The Taliban failed to distinguish between combatants and noncombatants.

The massacre began when Taliban troops entered the northern Afghanistan city of Mazar-i Sharif and shot at “anything that moved” in what witnesses described as a “killing frenzy.”¹¹ In the days that followed, the troops conducted house-to-house searches, arresting and executing Hazara men and boys. Eyewitnesses re-

⁵ See 2000 Annual Report, *supra* note 1 (explaining Taliban’s judicial system).

⁶ See Convention (No. IV) Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

⁷ *Id.*

⁸ *Id.*

⁹ See Universal Declaration of Human Rights, Dec. 10, 1948, art. 18.

¹⁰ See 2000 Annual Report, *supra* note 1 (describing one of Taliban’s massacres).

¹¹ See Human Rights Watch, *The Massacre in Mazar-i-Sharif: A Human Rights Watch Short Report*, Vol. 10, No. 7(C), November 1998; See also *Survivors ‘Describe killing Frenzy,’* at <http://www.hrw.org/press98/nov/afgh1102.htm> (November 1, 1998).

ported that troops demanded they recite Sunni prayers to prove they were not Hazara.¹² Hundreds of Hazara men and boys were executed to prevent any attempts to mount resistance to the Taliban in the future. Taliban troops also engaged in aerial bombardments and rocket attacks on panicked citizens fleeing southward out of the city, toward the Alborz Mountains. Women and girls in Mazar-i Sharif, were raped and abducted during the Taliban takeover of the city. In the absence of a full-scale investigation, there is no way to know precisely how many Shi'a Muslims were killed in the weeks following the fall of Mazar-i Sharif to the Taliban. In May 2000, Taliban forces conducted a mass execution of civilian detainees near the Robatak Pass, which lies along the road connecting the towns of Tashkurgan and Pul-i Khumri. Thirty-one bodies were found at one site to the northwest of the pass.¹³ Twenty-six of the dead were positively identified as Shi'a Hazara civilians.¹⁴ Of the latter, all had been unlawfully detained for four months and some had been tortured before they were killed.

The massacre in Yakaolang district began on January 8, 2001 and continued for four days. In the course of conducting search operations following the recapture of the district from two Hazara-based parties in the United Front, the Taliban detained about 300 civilian adult males, including staff members of local humanitarian organizations. The men were herded to assembly points in the center of the district and several outlying areas, and then shot by firing squad in public view. The killings were intended as a collective punishment for local residents whom the Taliban suspected of cooperating with United Front forces, and served to deter the local population from doing so in the future.

In June 2001, over a two-day period, the Taliban troops burned over 4,000 houses, shops, and public buildings in central and eastern Yakaolang, including a medical clinic, twelve mosques and prayer halls, and the main madrassa, or Islamic seminary.¹⁵ As the Taliban troops retreated, they continued to burn villages and to detain and kill civilians. Some civilians were killed while trying to escape, and a number of detainees were held for a period of forced labor.

¹² *Id.*

¹³ See Human Rights Watch, *The Massacre of Hazaras in Afghanistan*, A Human Rights Watch Short Report, Vol. 13, No. 1(C), February 2001.

¹⁴ *Id.*

¹⁵ *Id.*

Furthermore, in 2001, a number of villages around the town of Khwajaghar in Takhar province changed hands several times between the Northern Alliance and the Taliban. After Northern Alliance forces had taken control of the area, they discovered mass graves of civilians who had apparently been shot with their hands bound. Human rights investigators reported that at least thirty-four ethnic Uzbek civilians had been summarily executed and that forty-five others had been detained and were unaccounted for.¹⁶

To the north of Bamiyan, in Zari district, Balkh province, similar reprisals were carried out by Taliban forces against ethnic Uzbek Shi'a civilians in late May 2001. While most civilians fled to the hills, many of those who remained or who returned were reported to have been killed by Taliban forces reoccupying the district. There were also reports of executions, looting, and the large-scale burning of villages by Taliban forces between late June and mid-October 2001.

TALIBAN OR NAZIS

In September 1999, the Taliban issued decrees that forbade non-Muslims from building places of worship, forbade non-Muslims from criticizing Muslims, ordered non-Muslims to identify their houses by placing a yellow cloth on their rooftops, forbade non-Muslims from living in the same residence as Muslims, and required that non-Muslim women wear a yellow dress with a special mark so that Muslims could keep their distance.¹⁷

In May 2001, the Taliban issued a decree that required Hindus to wear a yellow piece of cloth on their shirt pockets, saying it will shield them from religious police enforcing Islamic law.¹⁸ The main purpose for the measure, according to the Taliban, was to keep Hindus from being stopped by religious police,¹⁹ under the control

¹⁶ *Id.*

¹⁷ See 2000 Annual Report, *supra* note 1 (illustrating decrees issued by the Taliban).

¹⁸ Hindus in Afghanistan have not been the target of persecution and have generally been allowed to practice their religion freely. However, over decades of war, the number of Hindus has dwindled from a high of about 50,000 during the 1970s to an estimated 500 at present time. See *Taliban: Hindu Labels Not Discrimination*, at <http://www.cbsnews.com/now/story/0,1597,273119-412,00.shtml> (May 23, 2001).

¹⁹ The Taliban relies on religious police force under the control of the Ministry for the Promotion of Virtue and Prevention of Vice to enforce rules regarding

of the Ministry for the Promotion of Virtue and Prevention of Vice, and to prevent Muslims from claiming they are Hindu when violating religious laws.

In a move that carries echoes of Nazi Germany, where Jews were forced to wear the Star of David, the hardline Taliban wanted minorities to wear distinctive clothing to identify themselves. Much like Goering's Gestapo, the Taliban's religious police seek out and punish Muslims who are not praying five times a day, as required in Islam. In 2001 the police from the Ministry for the Prevention of Vice and Promotion of Virtue raided an Italian-funded emergency hospital in Kabul, beating several staff members and forcing the hospital to suspend operations because male and female staff allegedly mixed in the dining area and operating wards.²⁰ Taliban authorities have also blocked the delivery of humanitarian aid to large parts of the Hazarajat region, which is populated mainly by Shi'a Muslims.

Mohammed Wali, who heads the Taliban's Ministry for Promotion of Virtue and Prevention of Vice said that the distinctive clothing "was in accordance with Islamic precedents and was meant to protect religious minorities."²¹ However, the distinctive clothing will leave the Hindu minority vulnerable to harassment and intimidation. In effect, Afghan Hindus are being forced to wear a badge of second-class citizenship.

Human Rights Watch said requiring Afghan Hindus to wear distinguishing marks is likely to have a stigmatizing effect and does not have an apparent protective function.²² Afghans, who expect to have dealings with officials already carry identification cards issued by the Interior Ministry that indicate their religion.²³ Moreover, the identity of local Hindus is well-known in the communities

appearance, dress, employment, access to medical care, behavior, religious practice, and freedom of expression. Persons found to be in violation of the edicts are subject to punishment on the spot, which may include beatings and/or detention. See *2000 Annual Report*, *supra* note 1.

²⁰ See *Afghanistan: Taliban ID Policy Creates Second-Class Citizens*, at <http://www.hrw.org/press/2001/05/afghan-0524.htm> (May 24, 2001).

²¹ See *Religious Discrimination Measures on the Anvil in Afghanistan*, at http://www.earthtimes.org/may/humanrightsreligiousmay24_01.htm (accessed November 26, 2001).

²² See *Afghanistan: Taliban ID Policy*, *supra* note 20 (illustrating the uselessness of wearing distinguishing identification).

²³ *Id.*

where they live.²⁴ The Taliban's move to publicly identify Hindus is also likely to hasten their exodus from Afghanistan. The Hindu population has already been reduced by at least one-half through emigration in recent years.²⁵ This practice by the Taliban is inhumane and falls under extreme bigotry and religion persecution.

TALIBAN DESTROYS BUDDHA

In the long history of Afghanistan, the Taliban will go down as Islamic iconoclasts who inflicted cultural destruction that exceeded the onslaught of even infamous conquerors like Genghis Khan. In March 2001, the Taliban shocked the world by demolishing two famous carvings of Buddha in the name of Islamic purity, despite international appeals not to destroy revered symbols of another ancient religion. The Colossal Buddhas of Bamiyan, Afghanistan's most famous historic treasures, were nearly 2,000 years old and were located in Bamiyan, a small town lying at the very heart of Hindu Kush valley.²⁶

It was in the era inaugurated by Kinishka, who was a patron of Buddhism, that the colossal statues were carved into cliffs overlooking Bamiyan. The smaller of the statues, towering 125 feet, may date from the third century, while the giant statue that rose 175 feet was built years later.²⁷ A narrow stairwell carved into the sandstone mountain wound its way up the side of the 125-foot Buddha. The stairs led to dusty rooms, their walls decorated with empty niches where smaller statues once stood.

In the past, the valley resonated with Buddhist activity. The statues were painted and yellow-robed monks lived in the caves that dot the cliff face. Stupas and monasteries were scattered across the landscape. The Taliban had methodically obliterated the paintings that devout Buddhist monks had made in the caves.²⁸ Using artillery and explosives, the Islamic movement that is determined to destroy all images of animate objects, on grounds they are pagan idols, took 20 days to turn two gigantic statues of the Buddha at Bamiyan into rubble. Spent artillery shells, lined up like sentries,

²⁴ *Id.*

²⁵ *Id.*

²⁶ See *Reduced to Ruble*, at <http://www.cbsnews.com/story/0,1597,281532-412,00.shtml> (March 26, 2001).

²⁷ *Id.*

²⁸ *Id.*

stood at the base of the mountain alcove where the tallest statue once soared 170 feet. The Buddha's outline and piles of rubble were all that remained.

CONCLUSION

The Taliban have committed serious violations of international humanitarian law.²⁹ The United Nations has failed to systematically monitor and document abuses in Afghanistan. The reprehensible policies of the Taliban have exacerbated the suffering of the people of Afghanistan who were already besieged by a devastating drought and the continued fighting in the region. Had it not been for September 11th, the dangerous regime of the Taliban would have gone unnoticed. The United Nations needs to develop a task force to monitor persecution of religious minorities around the world, so that future "Taliban" can be prevented.

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²⁹ See Convention, *supra* note 6. See also, Declaration, *supra* note 8.

